A Political Sociology of Eviction Practices in the Scottish Social Rented Housing Sector

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Abstract

Based on in-depth semi-structured interview data from 35 housing professionals, this study examines the question; why do social landlords evict their tenants. Drawing on the work of Pierre Bourdieu this study argues that by examining the *relationship* between objective and subjective positions, the false antinomy of structure/agency can be dissolved, providing a more heuristic understanding of eviction practices in the social rented housing sector. This relationship is captured in what Bourdieu (2000) calls '*objectivity of the second order*', that is, the collective conventions, the shared norms and values, and the categories of perception which agents apply to the world. The argument put forward here is that, in order to understand evictions practices in their 'totality', it is necessary to move beyond social physics and social phenomenology by constructing, as the object of study, the relation between the two. Using Boltanski and Thevenot's (1991) '*economy of worth'* model, (itself a form of frame analysis), it is possible to capture an important aspect of this 'objectivity of the second order', via the frames through which housing professionals derive meaning from their work, providing access to an otherwise elusive aspect of qualitative enquiry. This research contributes new insights and analysis in the field of housing studies by adopting a comprehensively theoretical approach, which has not been applied to understanding evictions practices, thereby adding to existing knowledge. It also provides a detailed political sociology of why, despite the apparent contradictions, social landlords evict their tenants.

Acknowledgements

"*It is only in a social context that subjectivism and objectivism, spiritualism and materialism, activity and passivity, cease to be antinomies, and thus cease to exist as such antinomies*" (Marx 1844, quoted in Bottomore and Rubel 1961: 87).

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1. Theory and Method - A general introduction

"Practice has a logic which is not that of the logician" (Bourdieu 1990: 86)

Introduction

This study provides a political sociology of eviction practices within the social housing sector in Scotland. The main focus of this study centres on the key question, 'why do social landlords evict their tenants?'

The immediate problems facing the researcher are: how to conduct such a study, in what context can the study take place, and how can the object of study itself be constructed? For me, these questions were informed by the fact that I had almost 10 years of experience as a practitioner, in the field of housing advice and advocacy.   As a Housing Aid Worker for Shelter in Scotland, a core part of my job was to prevent evictions, a role which involved a number of tasks at varying levels, with clients seeking legal advice and often advocacy depending on what stage the procedure was at. During my time at Shelter, the entire eviction process appeared confusing, in that none of it seemed to *make sense*. Firstly, almost all evictions appeared to contain an economic contradiction in so far as the estimated cost to pursue an action to its logical conclusion considerably outweighed the arrears in rent, which were rarely if ever recovered after the eviction had taken place.[1] There also seemed to be two contradictory regimes of governance, one prioritising the collection of rent

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[1] Scottish Council for Single Homeless estimated that an eviction cost a social landlord between £12,000 and £23,000 http://www.scsh.co.uk/information/briefings/07%20Tenancy%20Failure%20Briefing.pdf Crisis estimated that an eviction would cost around £15,000 but in cases where there were vulnerable members of the household and criminal justice costs were factored in the figure was as high as £83,000 http://www.crisis.org.uk/policywatch/bkpage/files/howmanyhowmuch_full.pdf

(income maximisation) and the other focusing on the prevention of homelessness (expenditure minimisation). But the issue was not simply a narrow economic one; evictions are also a highly emotive subject. To a certain extent, homelessness charities, like Shelter, gain not only public support, but the symbolic rewards which accompany it, for the very reason that there resides within a set of collective conventions[2], a level of sympathy for those threatened with eviction, particularly if there are children involved.

Making the transition from practitioner to academic[3] allowed me to acknowledge the severe limitations placed upon the social agent by their very 'being-in-the-world'. This perspective suggests that, in order to understand 'certain aspects' of the social world, it is necessary to remove one's self from the immediacy of the *partial view* and to see the problem in its widest context, that is to say, to see the world, as far as possible, in its totality.

This poses a question of limits. Where does the object of study begin and where does it end? If one were to think about the things which influence, say, housing policy, can we know anything about it if we do not step out of the immediacy of our being-in-the-world, adopting a more critically reflexive position that at least acknowledges its own limitations? When constructing the object of study I was acutely aware that many of the methods used within the housing studies community limited the possibilities of knowledge by narrowing the focus of study, in an attempt to be more nuanced and to present a more sophisticated analysis in relation to existing (or at least widely acknowledged) problems. Indeed it is my contention that eviction practices cannot be examined separately from the wider reality within which they exist; a contention which is central to the theoretical and methodological underpinning of this study. This requires that an historicisation of the macro processes, that is, the changing political and economic conditions which have moulded and shaped housing

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[2] The details of these collective conventions will be elaborated on below.

[3] I left Shelter to take a teaching fellow post at the University of Stirling's Housing Policy and Practice Unit.

policy, be combined with an understanding of the micro processes which have shaped practice in the field of housing services.

Thus, a study which takes as its object the relationship between the micro and the macro, that is, the relationship between the person's own experience of the world and the external world within which it arises, not only requires an approach which dissolves the distinction between the subjective and the objective, but one which also removes the distinction between theory and method. This last point will be elaborated upon in the Methodology chapter, Chapter Three, but for now, it will have to suffice to say that the approach this study has adopted, involves combining both theory and method throughout. The 'exposition' at the beginning of each chapter highlights the theoretical and methodological context upon which an understanding of the object of study can be inducted. The overall approach to this study involves the development of an historicised account of housing, a theory of the legal and policy context, and an analysis of 35 in-depth semi-structured interviews with housing professionals.

Chapter Two develops a political history of social housing, examining its assumed role and function as well as how these have changed over time, in accordance with the changes in the overall balance of political and economic power. The importance of this process of historicisation, whose original advocates included Marx and Durkheim, was further developed by Bourdieu who, 'starting from the postulate that social action, social structure, and social knowledge are all equally the product of the work of history' (Wacquant in Susen and Turner 2011: 97) placed it at the centre of what is arguably his theory/method nexus.

Chapter Three provides a detailed account of the methodology employed in this study, beginning by elaborating the arguments outlined above, namely that the relationship between objectivity of the first and second orders provides the study's focus, adopting a 'total social science' (Bourdieu and Wacquant 1992) approach to understanding current eviction practices. It is within this methodology chapter that a detailed account of Boltanski and Thevenot's

(1991) '*economy of worth*' model is outlined. As a form of pragmatic sociology, this model seeks to capture the collective conventions demanded by the process of justification when the critical moment of challenge or disagreement is entered into. The method overtly seeks out such questioning and criticisms in order to make the collective conventions more visible. Chapter Four examines the legal context of the study offering a theoretical analysis of the 'official discourse' on the current policy and practice framework for evictions. Chapter Five presents the findings in a way that tries, as far as possible, to tell the institutional story as it presented itself through the 35 interviews, by letting the data speak for itself. Legal and policy considerations which have not been addressed in Chapter Four will be included in this chapter as accompaniments to the excerpts from interview data. Chapter Six begins with an examination of the details of the institutional story, in order to capture the *second order of objectivity* which constitutes the *shared norms and values*, highlighted by the common forms of justification and criticism as well as the *collective conventions* which are employed to structure them. Chapter Seven is a reflexive chapter which also examines the two-fold truth of the work of the housing professional. Chapter Eight concludes by explaining how history, objectified in both bodies and things, has influenced not only housing policy regarding evictions but also housing practices, such as those employed in rent arrears management, with evictions being an integral part of this institutional arrangement.

This work, in essence, is a detailed political sociology of eviction practices within Scotland's social housing sector. A political sociology was deemed the most useful approach as it accounts for the macro (history objectified in things) and the micro (history objectified in both minds and bodies) which interact, creating the collective conventions, the shared norms and values as well as the categories of perception through which people structure their individual and collective realities. Although the interview data which informs this study was collated in Scotland, the principles which undergird this analysis are relevant in a much wider national and international context. The secondary data contained in the sections which provide an historicisation of present categories of perception is international in scope. This research makes an important

contribution to housing studies by presenting original empirical data which, through an examination of the justification regimes which are employed by housing officers in relation to their own experience of the evictions process, adds to our understanding of practice. It also makes a contribution to sociological theory, by further developing an approach which can be applied more widely to housing research, as well a range of other related disciplines.

Perhaps more significantly, this study highlights the importance of understanding the different 'worlds' within which agents live and work, particularly in relation to understanding the true political nature of the problems which present themselves, rather than the 'superficial' issues which arise from the classification struggles between fields (i.e. the academic field and the bureaucratic field) and which are ratified by sociologists when they are taken on as 'sociological' problems, rather than effects of the classification struggles over the very definition of what sociological 'problems' should be (Bourdieu 1990, 1991, 1994, 2000, 2005).

Why I chose to use Bourdieu

I set out at the beginning of the study using a broadly Marxist approach. I achieved this by drawing not only on Marx directly but also on the work of Harvey (2010, 2013, 2014) and Althusser's (2014) account of the *Reproduction of Capitalism*, a posthumously published book in which his famous chapter on the Ideological State Apparatus (published in 1971) was originally situated. Although some of the theoretical and analytical productions which arose from this line of enquiry have been included in the study itself, I was required to move beyond a narrow economistic analysis, which focused on the primacy of economic capital, and look instead for a theoretical framework which encompassed both cultural and symbolic capital. Marxian theory, although highly relevant and extremely valuable for understanding the hidden dimensions of power, proved to be unsuitable for unpicking and unravelling some of the more symbolic dimensions of the problem of evictions.

I moved on to Foucault, whose (mostly later) theoretical and philosophical work I had become familiar with through the growing body of literature relating to

research in the field of housing. The governmentality approach has been used extensively by housing researchers such as Flint (2002, 2003, 2004, 2006a, 2006b, 2009), and McKee (2007, 2009a, 2009b, 2009c and with Cooper 2008) to great effect, producing a valuable collection of insights into the ways in which power may tend to shape the collective subjectivities which produce governable subjects. However, as I found, and as Wacquant (2012) highlights, the Foucauldian inspired governmentality approach, contrary to the narrow Marxist perspective, proved to be too wide to effectively account for the centres of power from which housing policy and practice emanated.   Indeed the Foucauldian inspired research agenda, promoted by governmentality scholars is 'overly broad, and promiscuous, overpopulated with proliferating institutions all seemingly infected by the neoliberal virus, and veers toward critical solipsism… it is a malleable and mutable political rationality that mates with many kinds of regimes and insinuates itself in all spheres of life, with no firm outside ground on which to stand to oppose it (Wacquant 2012: 68).

It was the apparent shortcomings of these two very influential schools of thought which lead me towards Bourdieu. Initially, reading Bourdieu was a daunting prospect, as not coming from a sociological background, I found his concepts (even the simplified and basic notions) difficult to understand and largely confusing. However as I persevered with Bourdieu I began to see why he is regarded by many as one of the most influential thinkers of the 20th century.   Bourdieu's legacy stretches much further than the mere vista I can paint here. However, in explaining why I chose Bourdieu over the myriad of other potential options I highlight here three significant reasons which, to my mind, made Bourdieu the perfect choice for examining the multiple dimensions behind the answer to the question, 'why do landlords evict their tenants?'

Firstly, to say that I am using a Bourdieusian approach is perhaps misleading insofar as Bourdieu himself, actively sought to synthesis the strongest elements of the theoretical work of a very wide and eclectic group of sociologists, ethnomethodologists, phenomenologists, members of the Frankfurt School, and medieval thinkers such as Pascal and Machiavelli and even to some extent psychoanalysts such as Freud and Lacan among others (Peters 2011).   As

Wacquant (Bourdieu and Wacquant 1992) points out, Bourdieu melded the strongest aspects of Durkheim and Weber with Marx, but was also strongly influenced by other major philosophers such as Spinoza, Kant, and Hegel. Indeed Wittgenstein and Austen were credited, by Bourdieu himself (1991 and Bourdieu and Wacquant 1992) for helping to shape his work on language and symbolic power (Bourdieu 1990, 1991, 1998, 2000).

Secondly, Bourdieu is the only thinker, to my mind, who successfully dissolves the false antinomy between structure and agency. Bourdieu, keen to eradicate the false dichotomy between objective and subjective, which has continued to plague social scientific enquiry, devised a set of thinking tools which include the notions of habitus (history objectified in minds and bodies) and fields (history objectified in things, such as institutions and laws). It is by looking at the interaction between habitus and field, that Bourdieu was able to capture the dialectical relation between the subjectivity of agents and the objectivity of their surroundings.

Thirdly, Bourdieu's concept of the 'bureaucratic field' was invaluable for understanding the practices of housing professionals as well as the many laws and policies which are relevant to the field of housing as well as the wider field of political power. This fostered a move away from the rather vague and unspecific notions of power which were prevalent in Foucauldian inspired analyses, such as those espoused by 'governance' and 'governmentality' scholars.

Ultimately I chose Bourdieu because I believe his contribution to social science and to knowledge of the social world to be unsurpassed by any one single thinker or theorist. To my mind Bourdieu is more radical even than Marx in his assessment of the hidden dimensions of the social world. Bourdieu is more specific than Foucault in locating exactly where the 'centres' of power lie, and how they operate to preserve power through 'reproduction' (Bourdieu 1990, 1991, 1998, 2000) as well as transforming power through the struggles between groups over the very definition of the social world and all that lies within it. That said, I am aware that Bourdieu's approach (like those of Foucault

and Marx) has its limitations insofar as it cannot be applied to all situations equally well.

Although he wrote the book Masculine Domination (Bourdieu 2001), one criticism, perhaps, is that Bourdieu's work never engaged directly with feminist theory. That said, Brigid Fowler (1997) Lisa Adkins (2003, 2004) and Beverley Skeggs (1997, 2004a, 2004b, see also Skeggs and Adkins 2005) all build on Bourdieu's work, addressing the absence of a gendered or sexualised approach to his oeuvre by situating feminism in a Bourdieusian framework. Indeed Skeggs and Adkins' (2005) book Feminism after Bourdieu sets out to forge a theory/method nexus which combines the sociological approaches of Bourdieu with relevant strands of feminist theory.

Exposition (i)

Beyond Social Physics and Social Phenomenology

For Bourdieu the task of uncovering 'the most profoundly buried structures of the various social worlds which constitute the social universe' (Bourdieu and Wacquant 1992: 7), as well as the mechanisms which tend to either reproduce or transform them, is inextricably linked to understanding the various ways in which these structures lead a 'double life'. That is, as structures which exist twice, in *objectivity of the first order* and, in *objectivity of the second order*. The first is represented by the external world, or history objectified in 'things', and the second, the internalised world, or history objectified in mental and corporeal schemata (Bourdieu 1990, 1991, 1998, Bourdieu and Wacquant 1992). In order to begin to understand the question which this study poses, it is necessary to acknowledge the fact that relations of power and relations of meaning require a 'double reading' that is they demand the creation of a set of double-focused analytic lenses which capture the 'epistemic virtues of each while skirting the vices of both' (Bourdieu and Wacquant 1992: 7).

The objectivist position is a useful way of observing the structures which, in a wholly dialectical process, are both structured by and, in turn, structure the social world, while the subjectivist position can account for the ways in which these structures are embodied, internalised and therefore accepted (generally without question) as legitimate. Each is blind to the other's truth (Bourdieu 1991, 1991, 1998). The exposition in this introductory chapter details the problems which this false antinomy creates as well as detailing in the second section, the ways in which this study will overcome this false antinomy by looking at the relation between both.

The objectivist mistake, which Bourdieu (1990, 2000) highlights, entails the attribution of 'beliefs' and 'motives' to individuals and groups in order to make intelligible their actions and words. This mistake lies in taking these attributions and reading them back into the minds of those to whom we have attributed them, assuming that because of their obviousness (to the objectivist point of view), they must represent the motivations of their actions. This results in a distinct pair of analytical problems. Firstly, the beliefs and desires which are attributed to agents and groups are by no means necessarily their actual motives for individual or collective action, as Bourdieu (1977, 1990, 1991, and 1999) demonstrates through the concept of *habitus.* For Bourdieu, the beliefs and desires that motivate agents often exist below the level of every-day consciousness, in an embodied form, shaped and tempered by a lifetime of 'being-in-the-world', that is, existing in a 'world' in which agents are totally 'immersed'. The result is an array of embodied dispositions which are durable (they are well ingrained in a person's being) yet malleable (they are flexible enough to adapt, particularly to new situations). These two properties represent the internalisation of the external world, which, when 'externalised' through the mediatory form of *habitus* (which is everywhere manifest in 'practice'), tend to reshape the world in a way that accords with the way habitus was shaped by the world. This is, of course, an entirely dialectical relationship where agents make the world that makes them (Bourdieu 1990, 1991, 1998, 2000). Therefore, the agent (as object of analysis) may be completely unaware of the motivating desires and beliefs which direct their action (as they are most

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often in embodied, rather than cognitive form), yet from the objectivist view, the researcher may consider these to be absolutely self-evident. This rejection of the agent as 'rational choice actor', consciously calculating a future which they have themselves posited, is arguably one of the most important aspects of understanding practice (Bourdieu and Wacquant 1992).

To elaborate on this point, the objectivist position, Bourdieu (1990) reminds us, is able to realise the 'objective truth' of social relations as relations of power, only by casting off the cloak which masks its arbitrary nature, thus exposing that which gives domination its 'legitimacy' (Bourdieu 1991). The 'double naturalisation', which occurs when mental structures accord with objective structures, is responsible for obfuscating the two-fold truth of the housing professional, making the formation of an objective assessment all the more difficult, a direct result of the fact that researchers mostly fail to read back into the analysis, the truth that it was necessary to break from, in order to observe these relations as relations of 'domination', 'exploitation' and of power (Bourdieu 1990). This is what Bourdieu (1998, 2000) calls the *scholastic bias* or *scholastic fallacy*, represented by the placing of a 'scientist in the machine', an act which not only obscures the researcher's understanding of the social universe but goes some way to remaking this universe in a wholly scientific (rather than practical) fashion. Critical thinkers, in challenging the 'taken-for-granted' assumptions which reproduce power and domination, are particularly guilty of this, succumbing to 'scholastic fallacy', by failing to account for the ways that agents 'take-for-granted' the immediate world, in which they are completely immersed. No one articulates this point better than Bourdieu himself:

> …objectivism forgets that misrecognition of the reality of class relations is an integral part of the reality of these relations (Bourdieu 1990: 136).

The objectivist position is, therefore, not a 'point of view' which is accessible to the housing professionals who are the subjects of this thesis. This 'social fact' is important if eviction practices are to be sufficiently understood. It also has to

be stressed that an adequate understanding of the subjectivist position, along with its various strengths and weaknesses, is equally as important.

The subjectivist position, as Bourdieu (1990) demonstrates, has limited access to its own reality, as its immersion in the world in which it is situated, and within which it acts, blinds it to the objective structures which are historically objectified in bodily and mental schemata (habitus) and which, in turn, structure practices. The 'first person perspective' cannot see the historical and cultural forces which (pre)dispose it to see in a particular way or under a particular aspect. The subjectivist mistake is, according to Bourdieu (1990) to draw the conclusion that since it is not possible to 'see' (or to become aware of) the *habitus* from a first person perspective, the social structures (what Bourdieu calls 'structuring structures') which structure the categories of perception which agents apply to the world (what Bourdieu calls 'structured structures') remain completely invisible (Bourdieu 1991). In short, if the external world is history objectified in structures (such as law, housing policy and practice, local authorities, governments etc.) then the internal world (the subjectivist position) is history objectified in mental and corporeal structures (habitus).

It is the agent's very being-in-the-world that obfuscates the fact that social relations are relations of power, by making them (mis)recognised as legitimate. This is possible because these forms of symbolic capital make certain individuals and groups (as well as their ideas and assertions) appear to possess the kind of 'social magic' (Bourdieu 1998) which creates beliefs, convictions, and meanings by masking them under a cloak of nature, merit and benevolence (Bourdieu 1991). This position is embodied by what Bourdieu calls a 'social phenomenology' (Bourdieu and Wacquant 1992) which as a form of knowledge, reflects an experience which is incapable of reflecting itself. It is 'the primary relationship of familiarity with the familiar environment… and how ever illusory it may appear to the objective viewpoint, remains perfectly certain *qua* experience' (Bourdieu 1990: 25). This is also what Bourdieu refers to when he talks about the apprehension of the lived experience of the world as being 'self-evident', taken for granted', as something which goes without saying because it comes without saying. The biggest weakness of this subjectivist

point of view lies in its inability to question the conditions of its own possibility, that is to say, its inability to account for the objective structures which structure the categories of perception which it applies to the social world within which it is situated (Bourdieu 1990).

However, this aspect is also problematic for the objectivist point of view which, in opposition to the subjectivist position, tends to believe that it has ultimate access to the ultimate truth, that is, that it has an account of the accounts, a position on the overall position, a point of view on all points of view. Failure to account for the scholastic position when objectifying reality is evidence of the researcher's own subjective relation to objectivity (Bourdieu 1998). In order to combat this bias, the scholastic view must recognise the social and economic conditions of its own possibility, by acknowledging the school-mediated dispositions which foster the de-temporalised, leisurely view, embodied by a 'theoretical approach' which, because of its distance from the object, escapes all the urgency of 'practical reason'.

In order to understand what Bourdieu and Wacquant (1992) call the fuzzy logic of practice, it is necessary, therefore, to move beyond the false antinomy of social physics and social phenomenology by constructing, as the object of study, the relation between the two. This, Bourdieu does by examining the relation between objective reality (what Bourdieu calls the 'field', that is, the external universe, which in this case is the field of housing) and subjective experience (that is, the internalisation of the social and economic conditions within which agents are situated). The objective of this study is to do exactly that.

2. An Historicisation of Social Housing, Housing Management and the Social Housing Tenant

"Historicization has been one of the most effective weapons in all the battles of the Aufklarung[4] against obscurantism and absolutism and, more generally, against all the forms of absolutization or naturalization of the historical and therefore contingent and arbitrary principles of a particular social universe" (Bourdieu 2000: 93).

The theoretical and methodological approach adopted in this study postulates that it is by accounting for the historical development of the political and economic conditions within which the object of study arises, that the object can best be understood in its current context. In other words, in order to understand eviction practices, it is necessary to understand the field of housing in its widest historical context. This, according to Bourdieu (1990, 1991, 2000), is because history is objectified in both things (objectivity of the first order) as well as being objectified in mental and bodily schemata (habitus).

In this chapter the historicisation of the various modes of capitalist development and their impact on welfare practices (such as housing provision and subsidy), is presented in four sections. Firstly, this chapter will examine 'housing' in its context of being a field (Bourdieu 1990, 1991, 1994, 2003, 2000, 2005) that is, a relatively autonomous structure which is located within the wider bureaucratic field (itself located within the field of power). The second, in two parts, explores the macro historical context which elucidates the transformation of power relations from industrial capital to finance capital, drawing on the theories of

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[4] 'Enlightenment' or awakening

Harvey (2008, 2010, 2012), Wolff (2007, 2010, 2012) and Miliband (1969, 1982). The third section, the micro level analysis, will then move on to historicise the social constructions which inform objective symbolic representations of social housing tenants, housing debt, forms of citizenship, and housing management practices. The final section concludes by drawing the two levels of analysis, macro and micro, together, in order to develop a contemporary understanding of what Wacquant (2009, 2011) refers to as the neoliberal Leviathan, a meta-theoretical overview of the modern state which seeks to explain a political and economic system which practices uplifting liberalism for those at the top of the class structure, and punitive paternalism for those at the bottom. It is only through the historicisation of the social present, that the researcher is able to grasp the truly arbitrariness of the laws and conventions which undergird doxa, that is, the view of the dominant when it is made universal, the taken-for-granted forms of 'commonsense' which structure everyday reality (Bourdieu 1977, 1990, 1991). The ultimate aim of this process of historicisation is to train 'the weapons of reason at socio-historical reality … bringing to light the hidden forms of domination and exploitation which shape it so as to reveal by contrast the alternatives they thwart and exclude' (Wacquant 2012: 1).

Exposition (ii)

Housing as a field

Bourdieu's (1990, 1991, 1994, 2000, 2003, 2005) heuristic approach to understanding 'fields' openly rejects the claim that the state is made up of institutions which perform their various roles and functions in the manner of an apparatus, in an Althusserian (2014) sense. Bourdieu favours instead a conceptual model based around the idea of '*fields of power'*, which have concepts such as 'struggle' and 'competition' at their core. The distinction between the two models is evident in the fact that Althusser's (2014) apparatus is 'an infernal machine programmed to accomplish certain purposes, no matter

what, when or where' (Bourdieu and Wacquant 1992: 102) whereas Bourdieu's field is a site of struggle (between those who are engaged within the field and between fields themselves) which is located in time and thus, historical.

The importance of understanding fields to this study of the political sociology of evictions is paramount. Bourdieu's own definition of a field is the most succinct:

> "In analytic terms, a field may be defined as a network, or a configuration, of objective relations between positions. These positions are objectively defined, in their existence and in their determinations they impose upon their occupants, agents or institutions, by their present and potential situation (*situs*) in the structure of the distribution of species of power (or capital) whose possession commands access to the specific profits that are at stake in the field, as well as by their objective relation to other positions (domination, subordination, homology etc.)" (Bourdieu and Wacquant 1992: 97).

So the field, according to Bourdieu's (1990, 1991, 1994, 2000) conceptualisation, is a bounded arena within which the relevant forms of capital are unequally distributed. The field is, therefore, a site of struggle for the accumulation of the types of capital which act as a form of currency within the field and which ultimately gives legitimacy to existing or potential power relations within the field itself.

It is important to point out that the struggles which take place between agents within the field and between fields, like other symbolic forms of power, are measured by their capacity to mask, and thereby make stronger, relations of domination by disguising them as something else, such as those struggles presented as being the effects of 'nature' or 'meritocracy' (Bourdieu 1991). Borrowing from the phenomenologists, Bourdieu claims that agents in-the-world are largely taken-in by the world so it is the role of reflexive sociology, 'to uncover the most profoundly buried structures of the various social worlds which constitute the social universe' (Bourdieu and Wacquant 1992: 7). It is this struggle to change or maintain the social structures as they are which make up much of the hidden forms of struggle which emerge, often in the form of promotional grids, awards and other forms of professional recognition, as well as the banal or mundane procedures of day-to-day practice. Meetings, forums, training courses, line management procedures, as well as the forms of co-

operation between colleagues, all have the potential to be a site of struggle over the definition of some aspect of the field, some policy or procedure, even something as seemingly innocent as an 'opinion'. This 'agonistic' anthropology replaces *order and a collective submission* to the functions of the state, with a more accurate conceptualisation encompassing *competition and struggle*, with control over the state and its institutions being the ultimate stakes of the game itself.

Bourdieu (1990, 1991, Bourdieu and Wacquant 1992) often simplifies his complex theory of the *economy of being*, by using the analogy of a game, the stake of which is the accumulation of various species of capital. Bourdieu sometimes alludes to these as 'tokens' which the players play for, accumulate and use to obtain a more favourable position within the game itself[5]. Various social games are thus played out in fields, not unlike sport's fields, to continue the metaphor (Bourdieu 1990, Bourdieu and Wacquant 1992). These fields are more or less autonomous insofar as they tend to operate within their own specific logics, according to their own distinctive rules and regulations, with their own admission fee as entrants must possess the right volume and structure of capital, in the right configuration in order to be accepted into the field itself. The fields adopt their own sets of strategies that they elicit from those who occupy positions within them, and thus have a stake in the game. Bourdieu's model postulates that the two principle types of capital are economic (dominant) and cultural (dominated) but there are as many specific forms of capital as there are fields. Each subfield, that is, the multiple divisions often found within fields, has its own logic, rules and regularities that are specific to that subfield.

The field is a site not only for the struggles over the accumulation of types of capital, but also over the transformation or conservation of the structure of the field itself, where agents promote capital which is homologous to their own, whilst trying to subvert those types which are not (Bourdieu 1090, 1991, 200).

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[5] Bourdieu (1998) distinguishes his notion of the 'game' with game theory, the distinction arising from the fact that games are not always played with full cognitive awareness of the objectives or the ends. This will be elaborated on in Chapter Six.

The importance of understanding the State as a loose collection of fields within an all-encompassing field of power is stressed in Bourdieu's (Bourdieu and Wacquant 1992: 107) assertion that the true object of social science is not the individual, but the *field* and that it is knowledge of the field within which the agent evolves and acts, that allows the researcher to best grasp the roots of their singularity, their *point of view* or position (in the field) from which their particular vision of the world, as well as the categories of perception that agents apply to it, are constructed (Bourdieu 1991).

This is possible because the external factors which affect agents within a given field never apply to them directly but through what Bourdieu (1991) calls *the prism effect*, that is to say, external forces are refracted through the different structures of specific fields, affecting agents according to the positions which they occupy (these positions of course, being largely determined by the overall volume and structure of the capitals they possess). Applying this to housing suggests that the struggles which take place between, for example, those who occupy favourable positions within other fields, never directly affect those who work in housing, other than through the effects transferred through the field. For example, a housing officer who is responsible for ensuring that the homeless duties of the local authority are met, will feel the effects of welfare reforms, manifesting in rising levels of unpaid rent, in a way that they would not have otherwise experienced, had they not been exposed to the concrete examples presented by a statistical increase in rent arrear's (from a managerialist perspective) or by bearing witness to the increasing number of tenants who accrue rent arrears (from a practitioner perspective). In short, housing professionals indirectly experience the effects of welfare reform, and as a result experience these reforms in a way that is markedly different to those affected directly (i.e. tenants and welfare recipients).

Agents who work in a field compete over a very specific range of capitals, both material and symbolic (Bourdieu 1991, 1998) for example, in managerial, organisational, or moral forms. Those occupying favourable positions within the field, struggle for the legitimate right to make the world, through winning the monopoly over the legitimate right to 'say what things are' (Bourdieu 1991).

These, Bourdieu (1991) claims, are the principles of domination, the stakes of struggles between certain homologous groups. The more favourable the objective position, the more the agents who occupy this space are able to compete over the *principles of the principles of domination*, that is, at the very widest level, between broadly economic and cultural forms of capital, which specifically determine the relative weight and value of other more specific types of capital.

The second dimension to this point is that structural and functional *homologies* (resemblances within differences) exist between fields, which create political effects and fulfill political functions by virtue of the homology between such and such an agent and such and such a group in the totality of the social field[6] (Bourdieu and Wacquant 1992). A third general property of fields is that they are '*systems of relations that are independent of the populations which these relations define'* (*ibid* 106). The notion of field diverts the sociological gaze away from individuals towards the 'objective relations' (*ibid* 107) which operate within fields and which govern the strategies which agents employ in order to compete for the various types of capital as well as the very principles which determine the relative importance of each type.

Again, applying this to the field of housing, managers possess different configurations of capital than those they manage, and senior managers, different configurations to other staff. An agent entering the field of housing having obtained a business degree from an elite university will statistically (Bourdieu 2005) tend to have more of an interest in promoting forms of *economic capital* within the field (managerial capital, organisational capital, marketing and promotional capital etc.), and more of an interest in subverting *cultural capital,* which might take the form of soft outcomes such as indicators

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[6] I strongly suspect that these homologies, which to outsiders might seem like 'class alliances', may go some way to explaining why the notion of classes on paper can appear to commonsense perception as actual classes in reality. By discerning between homologies and identifying their genesis, it becomes more difficult to ignore the fact that the fields and all the alliances forged within them are still sites of relentless struggle, no matter how effectively these struggles are disguised as something else.

of 'health and wellbeing', 'tenancy sustainability' or 'increasing the *employability* of tenants'.

Fields tend to be more or less autonomous, that is to say, they function to a greater or lesser extent according to their own rules, regulations and traditions. The older the field (such as the juridical field with judges, lawyers and legal proceedings, or the military field with high ranking officers and ceremonial functions reserved for grand occasions of state) the greater the tendency to wield the greatest symbolic power (Bourdieu 1991), and all the more effectively the less aware people are of its historical context and therefore its entirely arbitrary foundation.

The field of housing, is thus a semi-autonomous field, located within the larger bureaucratic field, itself situated within the wider field of power which encompasses all other fields (and all other forms of power)[7] (Bourdieu 1991). The logic of social housing, as well as the collective conventions employed in the delivery of housing services, offers their own rewards in terms of the specific forms of capital that agents can accumulate by operating within such work practices. Bourdieu's agonistic vision of the various struggles between individuals and groups over the stakes on offer within the game might, at first, seem hardly relevant to the world of social housing provision, being perhaps as one might imagine, more readily suited to the competitive world of business or financial investments, rather than the provision of welfare services. The fact that housing professionals operate within (see Chapters Three and Six) an *economy of worth* (Boltanski and Thevenot 1991, 1999), specific to their particular field, and are shaped by the opportunities and limitations it offers, in line with the logic which drives the 'game' forward, is evidence of these struggles, however imperceptibly subtle these may be to the subjectivist point of view. It is the task of the political sociologist to identify these 'categories' of perception which construct the lived realities of social groups and groupings.

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[7] Bourdieu (1990, 1991, 2000) refers to the State as the central bank of symbolic capital.

Bourdieu (Bourdieu and Wacquant 1992) identifies three 'moments' at which fields have to be analysed. Applying these to the object of enquiry, the first analysis is directed at identifying the position of the field of housing within the wider field of power. What is the structure and volume of capital, accumulated via the provision of housing services, and what position does it confer upon its holders in social space? This first macro level analysis of the field of housing explores the historical context which undergirds the transformation of power relations between industrial capital and finance capital, drawing on the theories of Harvey (2008, 2010, 2012), Wolff (2007, 2010, 2012) and Miliband (1969, 1982).

The second moment for analysis of fields involves understanding the 'objective structure' of relations between the positions occupied by the individuals and institutions who compete for the legitimate form of specific authority of which this field is the site (Bourdieu and Wacquant 1992). The second section of this chapter, the micro level analysis, will historicise the social constructions which inform objective symbolic representations of social housing tenants, housing debt, forms of citizenship, and housing management practices. Accordingly, an attempt will be made to historicise the development of the field of social housing in order to identify the conditions under which social housing was brought into being and how it evolved through the political and economic changes that ensued. This historically contextualised account will chart the relative positions within the housing sector, of the public and private spheres, in order to account for changes in, among other things, shifting power relations between the two.

The third moment, dealt with more fully in Chapters Three and Six, involves an analysis of the habitus of agents that is, 'the different system of dispositions they have acquired by internalising a determinate type of social and economic condition' (Bourdieu and Wacquant 1992: 105). This is achieved by analysing what Bourdieu (1991) calls *objectivity of the second order*, that is, the categories of perception that agents within the field apply to all things of the world, their collective conventions, their shared norms and values, the frames of reference which most, if not all, members of the field use intersubjectively. This is achieved by applying a type of frame analysis to the interview data in the

form of Boltanski and Thevenot's (1991) *economies of worth* model (see Chapters Three and Six).

Part One

A political and economic history of social housing

In order to better understand why social landlords evict their tenants, it is necessary to develop an understanding of how the 'field' of social housing has evolved, or more precisely, to account for its numeric and socio-political rise and fall detailing how this fits with the epochal shift that saw social housing move from the dominant form of residential dwelling, particularly in Scotland, to one that became popularised as a stigmatised tenure of last resort (Atkinson and Kintrea 2000, 2001a, 2001b, Brigs and de Souza 1997, Galster 2010, Kintrea 2007). This transformation coincides with a period of unprecedented growth in the mortgage finance market and, as a consequence, the proliferation of home ownership.

There have been a number of authors who have researched and written extensively about the impact of the political and economic changes which took place throughout the second half of the Twentieth Century and into the beginning of the Twenty First. For sociologists like Bauman (2000, 2001, 2005, 2006), the replacement of production with consumption capitalism brought about a shift from what he called 'solid' modernity, a period when individual freedom was sacrificed for social security, to the more recent period which he termed 'liquid' modernity, a period which Wacquant (2008, 2009), claims is characterised by 'social insecurity', as the *job-for-life* dissipated along with the *full-time-long-term contract*. The work of Beck (1992, 1999 and with Giddens and Lash 1994) as well as Giddens (1990, 1991, 1994, 1998) echoes this sentiment with their theories of the 'Risk Society', which emerged from the 'societal' breakdown of structures fostered by processes of globalisation. Bourdieu's (1977, 1985, 1987, 1990,1991, 1994, 1996, 2004), theoretical work on 'fields of power' was developed to capture the many nuances associated

with the struggle for the *domination* of the principles of domination by the dominant, a process which resulted in what he called the shift from the left hand (social) to the right hand (economic) of the state, which in turn influenced Wacquant's (2009, 2011) notion of the Centaur State, an elaboration of which follows below.

The common thread running through all these theoretical positions, which have dominated the academic field throughout the latter half of the 20th century and into the new millennium, has been this notion of an epochal shift from *loose collectivism* to *sharp individualism*, a process which has resulted in a proliferation of individualising and responsibilising tropes (Taylor 1976, Rose 1996, Dean 2003, 2004a, 2004b, Manzi 2007) as Western populations underwent the transformational process embodied in the shift from being producers to consumers of goods, a fate tied to the dominance of finance capital and its economic engine, namely, debt.

An important feature of housing, and one which has often been neglected in the field of housing studies, is the fact that a large contradiction exists insofar as it is a necessary and wholly substantial component of the cost of reproduction of labour power, yet houses are too expensive to be bought outright by ordinary workers (Clark and Ginsburg 1976, Kemeny 1980). This chapter attempts to chart the transition of working class forms of housing from the almost ubiquity of private renting in the early 20th century, to council housing in the decades immediately following the Second World War and then, from the 1980s onwards the emergence of large scale owner occupation through the increased availability of mortgages and the linked development of the tenants' 'Right to Buy' public sector housing at a discount. The aim here is to show the extent to which social housing policy has largely been determined by wider economic factors through drawing on Harvey's (2010, 2012, 2014) work that emphasises the importance of understanding the struggles for domination by the various fields of economic power. The foundation of this argument is underpinned by the epochal changes in the wider economy evidenced by the dominance of industrial capital over the landed classes, particularly after the Second World War, followed by the gradual replacement of industrial capital with that of

finance capital, from the late seventies onwards, as new sites of production were developed beyond the West. It is this broad macro structural change that dramatically alters the political economy of social housing.

By adopting this focus, this chapter also attempts to overcome the limitations of an exclusively Marxian approach which is criticised for reducing the social world to a narrow economic field and which is all too often 'condemned to define social position with reference solely to the position within the relations of economic production… and thus ignores the positions occupied in the different fields and sub fields, particularly in the relations of the field of cultural production…' (Bourdieu 1991: 244). This overtly 'constructivist'[8] section presents the existing research literature, as well as laying out the theoretical foundations designed to accommodate an analysis and discussion of these findings, in order to take an important preliminary step towards answering the question, 'why do social landlords evict their tenants?'. Developing this 'constructivist' approach clearly demands the application of a number of facets of Bourdieu's work (1991, 1994, 1996) which not only includes his theory of the State, a position which is in itself a synthesis of his various writings on both the 'fields' of power (1993) which appropriate the institutions of the State, as well as the bureaucratic State itself (1994), as a site of struggle over the dominant principles of domination, but also his wider social anthropology, in which the concepts of 'struggle' and of 'reproduction' (Wacquant 2005) are at its core. This 'agonistic' view of public administration is a key characteristic of Bourdieu's theoretical framework, and allows the researcher to uncover and locate the various symbolic battles that take place between what often appears to be, although in reality never is, a homogenous 'ruling class'.

Two models of capitalist development

Wolff's (2007) re-reading of Marx's Capital offers a number of new theoretical approaches, including a revised theory of 'Class' as well as what he calls,

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[8] Bourdieu (Bourdieu and Wacquant 1992) considers himself to be a 'structural constructivist' that is, he believes that agents construct their own realities, but they do so within (social) structural limitations.

Marx's theory of 'over-determination'. By looking at the vast range of possible interactions between the economy, polity and culture, Wolff's (2007) re-reading set down a revision to previous understandings of the history of capitalist production, a theory which 'emphasises the oscillations between private and state forms of capitalism' (Wolff 2007: 4) that are intimately related to the periodic crises which are the result of capitalism's inherent instability, inevitably producing its boom and bust cycles.

Wolff (2007) demonstrates that when capital accumulation is in the boom part of the cycle, then a constant and steady effort is exerted upon the system to deregulate and adapt current systems in order to maximise profit for those who own the means of production. This was the case up until 1929, when capitalist production entered a period characterised by a global financial meltdown. Wolff (2007) argues that in a time of severe crisis, what replaced this overtly free-market model was a form of state intervention, mostly characterised after the Great Depression by what came to be a tentative experiment with Keynesian economics, a model which was fully adopted after the Second World War showed its merits (Wolff and Resnick 2012) . This system of Keynesian economics endured until the mid-1970s, when the state model was steadily deregulated in favour of private interests. It was neo-liberalism which secured monopoly rights over the right to name and make the world, through a process of 'universalising' a 'particular' ideological position, namely the efficacy of the market, as the most efficient means by which to distribute public goods and services (Wacquant 2012). This private model of capitalist development gained traction by the mid-1970s and was sustained until the crash of 2008, when another major global economic slump was sparked by the collapse of sub-prime lending in the North American housing market and other associated financial malpractices within the operation of global banking concerns (Wolff 2012, Wolff and Barsamian 2012). The subsequent efforts to bail out these collapsing banks, plus re-nationalising the world's two largest mortgage brokers, the American Freddy Mac and Fannie Mae, followed by numerous injections of liquidity through 'quantitative easing' which saw the printing of trillions of dollars by the American government, offer firm evidence, according to Wolff (2012,

2013, also see Wolff and Resnick 2012), of a return to the State phase of capital accumulation, albeit in a very different guise from Keynesianism.

There is no doubt that improvements to the material conditions experienced by the working classes, as a consequence of what has become known as the Fordist-Keynesian model of socialised labour, during a period of almost full employment, played a significant role in raising the power of the labour unions in both the US and in the UK (Miliband 1969). However, although many writers, including Bourdieu (1998, 2003) and Wacquant (2007, 2008, 2009, 2012) have written extensively on the detrimental impact of the dismantling of the Fordist-Keynesian compact on the living conditions of the working classes, it is worth noting that, although seen as a much more progressive epoch than today's globalised economy, the Keynesian period was one where limited nationalisation, the operation of a mixed economy model and the introduction of the welfare state, represented something akin to what Negri (1989: 68) termed the 'impossible dream' for the working class majority. This was because these various forms of state intervention were inextricably linked to the particular nuances of the economy, thus attention focused on the modes of production and consumption as well as being inextricably linked to the political functioning of governing populations (Foucault 1991). Through adding Harvey's (2010, 2011, 2014) particular analysis to that of Wolff (2007, 2010, 2012, 2013) and Milliband's (1969) it is possible to account for the historic changes in welfare provision, in which the role of housing and its critical relationship with capitalism's construction and operation, have implications for the struggle for dominance within the various fields of power.

To illustrate how one form of capital accumulation can over time dominate another Harvey (2006, 2011) draws on Marx's analysis of English Corn Law reform of the 1840s, in which Marx argued that the emergent power of industrial capital, championed by the new bourgeoisie were, largely, victorious in their struggles over the previous construction of mercantile capitalism controlled by the landed aristocracy. Marx argued that the repeal of the Corn Law, which at the time was considered to be a victory for the workers in that it lowered the price of bread, was in fact a major victory for industrial capital, given it allowed

them to lower wages, thus lowering the cost of labour power reproduction. Harvey (2011) extends this analogy to the housing system, by arguing social housing was, to some extent at least, a means by which the labour reproduction costs could be controlled and kept low enough to remain economically competitive within a globalising market. Low cost housing for rent, thus enabled British Industry to remain competitive at a time when capitalism embraced the Fordist-Keynesian model of production.

The shift in the balance of power, from industrial capital which required cheap housing in order to maintain the low level of wages needed to remain industrially competitive on a global scale, and financial capital which required expensive housing in order to sustain continued growth within the mortgage market, was characterised by a period in which the collective aspirations of 'social housing' were replaced by various forms of individualised forms of housing as commodity consumption and speculation (Bourdieu 2005). In Social Structures of the Economy, Bourdieu (2005) accounts for the shift in dominance of social housing to private single family dwellings through a meticulous correspondence analysis of those who held power in both public and private fields of housing. He shows the ways in which those who were educated in the 'Grand Ecoles', (elite schools which focussed mainly on humanities and therefore provided its graduates with high levels of cultural capital), were gradually replaced by a new form of business manager during the 1980s in France. Thus Bourdieu (2005) illustrates how this new managerial class, educated in the elite business schools, were then able to use their disproportionate levels of economic capital (in symbolic form) to displace the old state nobility, a move which changed the structure of French housing, in that social housing was replaced by a buoyant market for single family homes, bought with the help of mortgage products which were becoming more readily available to increasing numbers of people who had all but been previously excluded from participating in such a market (Bourdieu 2005).

The personnel changes behind the shift from public to private forms in France were also earlier mirrored in the UK. Senior civil servants, many of whom had been humanities graduates from elite educational establishments (and who

would have accumulated large amounts of cultural capital) were, during Thatcher's first Conservative government, replaced by senior figures from the private sector (with high levels of managerialist and economistic forms of capital) embodying a practice of long-term secondment which is very much seen as normal practice in government today (Leys 2003, 2008, Raco 2013, Sayer 2015).

The proliferation of think-tanks also contributed to the rightward tilting of economic policy (including housing policy) in the UK from the Fordist period until the present. The Institute of Economic Affairs established in 1955 led the way in the development of anti-Keynesian, right wing economic thinking, followed by the Centre for Policy Studies (1974) as did the Adam Smith Institute (1977) which provided an important source of neo-Conservative policy which Thatcher embraced upon taking power in 1979. This prompted the Labour leadership to create the Institute for Public Policy Research (1988), the Social Market Foundation (1989) and Demos in 1993. These free-market, neo-liberal policy think tanks, along with the proliferation of ministerial 'special advisors' that they spawned, succeeded in shifting UK economic and social policy to the right, and as a result of the scale of this shift, helped create the conditions for the legitimation, and hence, naturalisation of the new economic order (Leys 1996, 2006, 2008). This economic and political shift within the key institutions of the British state was accompanied by the emergence of what Wacquant (2009) calls *a new global ruling class* comprising CEOs of transnational corporations and top officials of multinational organisations such as the OECD, WTO, IMF, the World Bank and the EU.

In order to avoid the simple reduction of social housing to deterministic phenomena, that is, as a social policy measure guided exclusively by political and economic conditions, it is important to acknowledge the fact that the history of housing is a complex and multifaceted area of social policy. That said however, the objectivist position cannot fail to bring attention to the importance of changes in the economic and political dominance of groups, as well as the outcomes of their struggles for the monopoly over the definition and distribution of material and symbolic resources. To summarise this objectivist view, it can

be argued that any understanding of the rise and fall of social housing must account for the fact that capital accumulation oscillates between private and state forms in accordance with the cyclical nature of boom and bust economics (Wolff 2012, 2013, Wolf and Resnick 2012). Capital accumulation has also undergone a series of transformations from early forms of surplus value extraction through more developed forms of industrial capitalism to a financialsed form (Harvey 2012, 2014, Wolff and Resnick 2012). The first phase saw the shift in power from landed to industrial classes, as the bourgeoisie became the dominant societal group, wresting power from the landed classes by relegating them to the second chamber (the House of Lords) and dominating the first chamber (Parliament itself). This entailed a shift from more feudal forms of rural life to city dwelling in overcrowded accommodation which workers rented from private landlords. The rise in social rented housing coincided with one of the most protracted periods of the public phase of capitalist accumulation, as the developed world began to recover from the Second World War. It was a combination of this public phase, when worker's rights were at their strongest (creating a demand for decent affordable housing) and the rise of advanced industrial economies (creating the need for affordable housing in order to limit wages) which fostered the conditions for the mass construction of social housing in both Europe and America. The decline of social housing coincided with the shift in power from industrial capital, when populations were producers of goods, to finance capital which saw production migrate to the developing world, creating a population of consumers of goods. This transition (from production to consumption) brought a shift from subsidised social forms of housing to private forms bought by consumers on an increasingly deregulated mortgage market, a period which saw a 'decoupling' in the use value and the exchange value creating the housing bubbles which ensued from the early 1980s until the banking crisis in 2008 (Harvey 2014). It was arguably, therefore, the convergence of economic and political circumstances which led to the rise and demise of social housing.

Part Two of this chapter moves on from the macro level (objectivist view point) to a micro level analysis which applies a social constructivist approach to an

examination of the historical context within which collective representations of housing management, the social tenant, housing debt and the notion of citizenship have all changed.

Part Two

Housing, a structural constructivist point of view.

Although much of the material drawn on in this section is from a social constructivist perspective, Bourdieu's (1989) *structural constructivist* conceptualisation still applies. Bourdieu agrees that reality is constructed by individuals but he also acknowledges that it is always done so within certain structural constraints. That is to say, the construction of reality is a social process, the possibilities of which are largely determined by the social and economic circumstances within which agents find themselves. This section will examine the relationship between history objictified in bodies (collective conventions) and history objictified in structures (laws, customs, myths) by looking at the processes of social construction in relation to housing.

The social construction of housing management

By examining the extent to which managerial regimes have been transformed over the years, it is possible to construct an understanding of the political and economic conditions which were influential in their transformation.

The period from the late 1950s to the mid-1970s is commonly regarded as something of a 'Golden Age' for social housing (Malpass and Murie,1999). The move away from industrial forms of production to a financialised, service sector economy, introduced a 'rationing' of services across the welfare sector in the UK, and indeed much of the developed world (Cole and Furbey 1994, Harvey 2010), transforming social housing from being the dominant tenure, to a form of tenure which was to act as a safety net for those unable to realise the 'dream' of home ownership (Clapham *et al* 1990; Stewart 1996). Indeed, this shift in emphasis is reflected in housing policy discourse, which has moved from

"assumptions of a 'Keynesian Welfare State' to New Right and public choice theories that embodied assumptions of market superiority and competition" (Jacobs and Manzi, 1996:552).

During this period of economic change, notions of 'housing management' also underwent a series of political transformations. The role of housing manager and, indeed the task of housing management, was one which lacked a clear definition at a time when economic changes and deviations from traditional funding regimes were reconfiguring the ways in which social housing was presented and perceived (Clapham et al 2000). The housing profession, despite having a 'professional' body in the Chartered Institute of Housing (CIH), was never professionalised in the way other public services such as nurses, police, teachers and social workers were. Crucially, there was never any requirement for housing practitioners to possess a professional qualification in order to practice in the sector. This lack of 'professionalisation', when compared with other services like social work, is perhaps the foremost reason why definitions of 'good practice' were, in the early 1980s at least, contested at local and national levels, and why roughly only 10% of housing professionals possessed any formal housing qualifications (Clapham et al 2000).

Lack of definitive practice objectives (Saugeres 1999), contestation of the role of welfare services (Hogget 2006, Jacobs and Manzi 2003, 2012, 2013a, 2013b) and political and economic change (Malpas et al 1993) opened up spaces and opportunities for transformation within the field of social housing provision and its management. Indeed during the first decade of the Conservative Government under Thatcher's welfare reforms, councils had unparalleled changes imposed upon them through the introduction of private sector management practices such as compulsory competitive tendering, business planning regimes for developing policy and strategy functions, as well as the introduction of 'measurement' tools such as performance indicators and notions of 'best value' (Clapham et al 2000). The introduction of the Citizen's Charter, by Thatcher's successor John Major in 1991, sought to make the work of public administration accountable, quantifiable and citizen friendly. Government departments that could demonstrate a 'stakeholder approach',

which both 'cleansed and motivated' these services were awarded the 'Charter Mark' (Drewry 2005). Such services ranged from hospitals, to prisons, and from local government to fire and rescue services.

On the subject of changing the culture of social housing, Manzi (2010), in seeking to identify contemporary objectives in housing management strategy, suggests that:

> '… contemporary housing strategies can be understood by reference to three main objectives. First, there is a continuing obligation to provide accommodation for those deemed to be in the greatest need. Second, there is a requirement to provide an effective and professional level of management services. The third objective is to create sustainable, mixed communities' (Manzi 2010: 10).

Manzi's (2010) research presents empirical evidence in the form of interview data which shows the multifarious dimensions, within which these three strategic objectives not only cause considerable dilemmas for social landlords, but also impacted heavily upon the actual execution of housing management practices themselves.

Thus, the changed internal conditions of the field placed the housing professional under enormous pressure; pressure which arises from the need to address what Hogget (2006: 181) calls 'the highly contested purpose of public organisations'. In practice this situates the housing professional in between two dichotomous forces. On the one side, the internal ethos of the organisation gives rise to a sense of duty to one's tenants that exists without necessarily acknowledging the limited resources which make the realisation of certain internal goals or objectives that fall from this difficult, if not impossible. On the other side is the recognition that a large number of policy interventions are imposed (from outside the field) and which Hogget shows (2006: 183) are 'largely 'symbolic', in that government can sustain the appearance of actually doing something, and which professionals in the field require to implement despite their reservations (see Crawford and Flint 2015).

Integrating the two strands of economic and political reality, this Imaginary construction can be said to emerge from what Carlen termed the 'unintended

ideological products of governance: economic insecurity; governance through auditing and actuarialist techniques to produce a mountain of hard copy testifying to responsible and effective government' (Carlen 2008: 9). Such phenomena are in no way alien to the housing profession and are strongly represented in the socially constructed tropes of 'managerialism' in social housing (Clark and Newman 1997, Jacobs and Manzi 2000, 2012, 2013b, Jacobs *et al* 2004, Marston 2004). Taken to its logical conclusion this shift, from what Bourdieu calls the left hand (welfare) to the right hand (economic) of the state, has seen social housing become largely stigmatised, with tenants seen as failed consumers (Allen 2008), a view fostered by the dominant policy discourse which has embraced for some time, the demonisation, and in some cases criminalisation, of those living at the margins of society (Flint 2004, 2006a, 2006b, 2009; Flint and Rowlands 2003; Wacquant, 2008, 2009, 2011).

The social construction of housing and the social housing tenant

It is now necessary to move from a macro level of analysis to a micro level in order to examine the way that tenants are viewed by both the housing profession and the wider public. Utilising research which has been carried out by a number of housing academics working within what they call the 'social constructivist' paradigm, it is possible to add at least some empirical weight to the theoretical assertions offered in the previous section by showing how the economic changes, taking place during the latter half of the Twentieth Century, not only transformed housing provision in the UK, but as part of the process, changed the nature of the discourses surrounding social housing, including those which have the 'social housing tenant' as their focus. The strength of drawing from the 'social constructivist' canon and its associated analytical approach, lies in its ability to 'unmask' many of the hidden forms of power and domination which are presented as 'common sense' or 'taken-for-granted' aspects of every-day life. By equating discourse with power, and language with forms of symbolic domination, the 'social constructivist' approach provides a useful lens through which to examine, not only the ways in which power is

exercised, but also how its resultant discourses act to reshape the perceptions of the problems themselves.

Jacobs *et al* (2003) charts the discursive change from 'privileged' to 'exploited' tenant during the late 1960s and early 1970s, a period where social policy was beginning to move away from the 'collectivist spirit of 45' which had brought about the rapid rise of the welfare state, to a more individualised form of capitalism, shorn of the ties of solidarity that once bonded communities together though the world of work (Wacquant 2009). The literature considered by Jacobs *et al* (2003) comes from a period when the UK government was publicly promoting a shift in the orthodox ideological position which privileged social rented housing, to one where those who could afford to privately rent or buy were to be encouraged to do so. More accurately, the Jacobs *et al* (2003) study charts the transition in a discourse where the 'affluent' social housing tenant was demonised as a 'limpet', selfishly feeding off a public subsidy meant for low income households, to one where the same affluent tenant was seen as being 'exploited' in the sense that a lifetime of renting was tantamount to 'throwing money down the drain.' As well as unearthing the '*structuring structures*' (Bourdieu 1991) which shape the ways in which the popular understanding of the social tenant is constructed, it also tacitly suggests that it is the rising dominance of finance capital, accompanied by its inherent need to grow personal or private debt levels through increasing the availability of mortgage products, which did more to transform housing policy in Britain than any other factor (Harvey 2014; Sayer 2015). As capitalism restructured, so did the popular understandings of what constituted acceptable housing, and of those who resided in such places.

As much of the constructivist research indirectly identifies this displacement of industrial capital by finance capital in the late 1970s, it is within this understanding that the introduction and subsequent popularity of the tenant's 'Right-to-Buy' policy, which so revolutionised working-class forms of housing consumption across the UK, was introduced. Subsequent media campaigns and governmental interventions were structured by a revised notion of what social housing stood for, namely a subsidy for those who could not afford to

privately rent or to buy through a mortgage; a discourse which has its origins in the tacit acceptance that low-wage workers need low rent housing. As Jacobs *et al* (2003) show, the shift from the 'irresponsible individualism' of the affluent tenant unnecessarily living off of a 'subsidy', to a more sympathetic view of the 'exploited' tenant who pays rent all his/her life yet gains no benefit from a growing asset, had a clear political objective. The previous public subsidy, in the form of cheaper rent, was to be replaced by another in the form of a subsidised discount under the 'Right To Buy' the objective being to ease a mass move towards individualised housing, and away from what Bourdieu (2005) calls the loose collectivism of social housing.

Statistical evidence supports the claim that macro-economic factors played an important role in the rise and demise of social housing in the second half of the 20th Century. Indeed, as Jacobs *et al* (2003) point out; in 1962, 11% of council tenants were economically inactive compared to 17% of owner-occupiers. By 1978, 30% of council tenants were economically, inactive compared with 19% of owner-occupiers. This reversal of fortunes of each tenure group suggests that there might be a connection here with 'forms' of housing and the requirements of whichever group dominates the economy at any given time. Jacobs *et al* (2003:8), again drawing on contemporary literature, concluded that in 1960s and 1970s Britain, council tenancies were allocated to a 'core working class' group of employed family heads, making up what they term an 'aristocracy of labour'.

> Council housing was perceived to comprise a tenant profile characterised by skilled working class groups, mainly in full-time employment, who had been fortunate enough to gain access to secure, good quality housing at low rent levels (Jacobs *et al* 2003:8).

The argument here is that the structuring structures, the objectivities which shape the categories of perception which agents apply to such things as 'council housing' and 'council tenants', that emerge from this period, influenced long standing notions of 'deserving' and 'undeserving' recipients of welfare subsidies. As noted earlier, what is often overlooked, is that public housing, as

well as providing cheap accommodation for workers, reduced the reproduction of labour costs by allowing for lower wages to be paid to workers.

During the 1960s the media campaign against the affluent worker 'hogging' a subsidised house, spearheaded by *The People* newspaper, was so effective as to elicit this response from Crossman, the then Labour Party Housing Minister;

> Local councils must get tough…they must use their powers and hit these tenants where it hurts most - in the pocket…They must charge the rich tenants £1,000 a year rent if necessary, I shall not interfere if they do that. Councils would be perfectly within their legal rights in charging above an economic rent. That will soon sort the problem out (Richard Crossman in the *People*, 6 February 1966 Quoted in Jacobs *et al* 2003).

The Conservative Government's policy response on taking power in 1970 was to extend the system of 'Fair Rents' to provide an economic incentive for affluent workers to move out of council housing and into the private sector. The idea was that well paid workers would be forced to pay a premium, depending on their income, to rent housing which it appears to have been commonly believed, should only be available to those in lower waged employment. This policy was almost immediately reversed when the Labour Party came into government in 1974 (Jacob *et al* 2003) a move which has its genesis in the fact that active members of the Labour Party, as well as the trade union movement, were disproportionately represented within this so called 'aristocracy of labour' (Miliband 1969), constituting a powerful group of well-paid workers who, as well as enjoying the benefits of having good housing at a subsidised rent, had at least some degree of belief in a housing system which was based on high quality local authority provision, with maximum security of tenure[9] at low cost to the tenant.

By 1979 shifting economic and political priorities saw a move away from an attempt to shame the affluent worker out of their subsidised home to one which would encourage them to consider other measures, namely purchase their council house, at a substantial discount through the Right-to-Buy. This saw the discursive reframing of the tenant, from occupying a privileged position on

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[9] The issue of security of tenure will be dealt with more fully in Chapter Three

which much scorn was poured for taking advantage of a generous subsidy system, to one where the tenant was redefined as a victim of public exploitation. As Jacobs *et al* (2003) show, new scapegoats were found in inefficient bureaucracies and impersonal local authorities denying tenants any form of individual expression such as colour of paint on the front door, while the affluent council tenant was recast as a victim of an unfair system, one whereby the property in which they resided was paid for over and over again during their lifetime with nothing to show for it: quite simply 'money down the drain'. This changing discourse was articulated during a period of policy experimentation under the Conservative Government elected in 1979, whereby the tenant went from being penalised by rising rent levels to one where the tenant was to be rewarded via the subsidised Right-to-Buy their council house.

The Right-to-Buy proved extremely popular among the British working classes, with over 2.5 million homes sold under the scheme between 1980 and 2000, arguably sounding the death knell for social housing through the creation of a residualised tenure of last resort (Atkinson and Kintrea, 2000, 2001a, 200b, Brigs and de Souza 1997, Galster 2010). However, it is important to note, as do Malpas and Rowlands (2010), that social housing policy was quite possibly never planned with overt welfare considerations in mind, but certainly fitted rather neatly with the post-war settlement.

If the Right-to-Buy changed the face of housing provision in the UK, then it must be said that the economic emergence of monetarism, introduced by the Callaghan Government and adopted as orthodoxy by Thatcher in 1979, ensured the full deregulation of the mortgage market, and under the 'Big Bang' in 1986 changed the way people conceptualised housing altogether. Indeed as Allen (2008) concluded, the creation of housing as a commodity not only created a two tier system comprising people with property assets and people without, but also created a residualised tenure of last resort which existed predominantly in stigmatised areas of multiple deprivation (Wacquant 2009) with a high turnover of tenants most of whom have, as an absolute priority, the desire to get out of social housing at the earliest opportunity (Brigs and de Souza 1997, Atkinson and Kintrea 2001a, 2001b, Galster 2010).

This period saw a general discursive shift which not only involved attacks by policy makers and the press on the 'affluent social tenant' but widespread attacks, over a protracted period of time, on councils which were branded 'ineffective' and 'inefficient' landlords (Jacobs and Manzi 1996, Hunter and Nixon 1999, Clapham *et al* 2000). This was part of a larger campaign to discredit public provision and to promote, as a much more effective alternative, private housing for owner occupation. It also had the effect of benefiting housing associations (Clapham *et al* 2000) which, in many areas, began to take over from council housing as the social tenure of choice (McDermont 2010).

Resistance and subversion

The previous sections looked at the construction of social housing tenants as well as the various ways in which housing management itself is constructed. This section examines the ways in which the practices of housing professionals are themselves constructed, considering the myriad ways in which housing professionals might try to resist or to subvert housing policy and practice in line with their own interests which manifest, not as material ends, but within an economy of practices (Bourdieu 1990) which requires agents to seek the positive regard of both their peers and superiors in the field.

As Lipsky (1980) has shown, the street-level bureaucrat, or in this case, the front line housing professional, does not simply internalise and replicate government policy guidelines in the way that policy-makers both wish and expect, but rather has a much more ambiguous relationship to the power structures within which he or she operates. Indeed Lipsky (1980) suggests that greater recognition be given by policy makers to the welfare professionals' propensity to subvert policy and practice objectives in ways that accord best with the situation in which they are experienced.

Research evidence (Hunter and Nixon 1999; Saugeres 1999; Clapham *et al* 2000) shows that housing management techniques and methods were not always readily accepted by housing officers, who were not only often reluctant to adopt these new practices, but often proactively challenged, and in some cases subverted them, in order to suit their own operational needs (see also

Barns and Prior 2009 in particular the chapter by Flint). This social constructivist research agenda has shown the many ways in which, despite attempts by policy-makers and managers to 'objectively set' standards across the sector and to remove, as far as possible any discretionary measures which front line staff might take, the 'subjectivities' of housing officers often prevailed in playing an important role in the ways in which they carried out their responsibilities and dealt with their tenants (Hunter and Nixon 1999; Saugeres 1999).

This tension, between objective structures embodied by the emergence of a 'new managerialism' within the public and welfare sectors, and the subjective positions within which 'front-line' or 'street-level' practitioners go about their day-to-day tasks as housing professionals, is of enormous importance not only to this study on the political sociology of evictions, but to the wider understanding of welfare provision itself. Managerialism (Clark and Newman 1997) and the rise of 'regulatory capitalism' (Raco 2013), and its relevance to contemporary housing policy and practice, will be revisited in the concluding sections of this study.

What is, perhaps, of the greatest importance when considering the practices of housing professionals, is the fact that they do exercise a degree of discretion when dealing with tenants. This, it seems, can result in practices which subvert policy in order to 'accommodate' people. Or it can be used to deny them access to accommodation, particularly in situations where resources are scarce (see Crawford 2015; Crawford and Flint 2015).

The construction of citizenship

Thus far this section has catalogued the various ways that the 'world' of housing is constructed, looking at housing management, the changing concepts surrounding tenants and the vagaries of professional practice. This section focuses on notions of citizenship and shows, using existing research literature, that this too is a highly contested (and contestable) concept (Dean and Melrose 1999), with key institutions of the state playing an important role in the changing normative attitudes as well as 'public' opinions surrounding what determines

'good' and 'bad' citizenship. This is of importance to this study on the political sociology of evictions, as it also structures the categories of perception which in turn structure notions of the 'responsible' and 'irresponsible' tenant.

In Manzi's (2010) study, which looked at issues of housing management and social control, clear connections were made between contemporary practices such as allocations, and the intensive management of anti-social behaviour, and the changing discourses surrounding rights and responsibilities, which ultimately, Manzi argues, are connected to the promotion of private sector interests. As Flint (2006a, 2006b, 2009) has shown, citizenship is either earned, through the tenant's 'responsible' behaviour, or denied in response to the tenant's 'irresponsible' behaviour, with housing professionals constructing categories through which they can not only make sense of the requirements to engage in measures of social control, but also construct an entire range of schemata to determine which behaviours and which individuals are to receive either praise or criticism. Taking this to its logical conclusion, Manzi (2010) states that one of the most significant 'roles' which the housing professional working in a modern landlord organisation has to adopt, is one which promotes responsible behaviour from tenants, despite their objectively stigmatised and marginalised location within the field of housing consumption. Indeed Manzi (2010) highlights a key contradiction contained in the incommensurability of, on the one hand the fact that social housing has, for many years, been seen as a stigmatised tenure of last resort, yet ever increasing managerialist functions have meant that housing professionals are increasingly reluctant to countenance potential tenants whom they perceive to be 'problematic'. The problem tenant is therefore constructed around the notion of the 'irresponsible' tenant, that is, the tenant who displays anti-social behaviour (Manzi 2010), uses the property for illegal purposes or fails to pay their rent (Flint 2009). Conversely, active citizenship is 'integrally linked to economic activity, private development activity and property values' (Manzi 2010: 17), a construction which, it is claimed, serves to further marginalise both social housing and the 'problem' social housing tenant (Manzi 2010). The conclusions that Jacobs and Manzi (2003: 442) draw in reference to the construction of housing problems is

that: 'housing policy is a site of contestation in which competing interest groups seek to impose their definitions of what the main '"housing problems"' are and how they should be addressed'.

This assertion is certainly supported by the empirical and analytical work of Bourdieu (1990, 1991, 2005) where he uncovers the various ways in which the state itself is the producer of social problems (Bourdieu 1996), insofar as it has a monopoly over the right to define what the problem is and what is to be done about it, thus not only identifying social problems but also their solutions.

This shows the importance of the role of the state (acting through those who have appropriated the key institutions of the state) in constructing normative notions of what constitutes good (responsible) and bad (irresponsible) citizens. It also highlights the importance in understanding the full extent to which 'normative' notions are subject to change, and in line with the first part of this chapter, the extent to which these concepts are constructed by the political and economic priorities of those who occupy dominant positions in the wider field of power.

The social construction of discourses around the causes of deprivation

The transformation of performative narratives, particularly those around the causes of poverty and deprivation can be described as yet another area where the shift from the left hand to the right hand of the state (Bourdieu 1999, 2001, 2003) has had an influence on policy discourse, which has, in turn, created something of an orthodoxy among researchers and policy-makers. The impact of these political and economic changes is particularly evident in the discourses which surrounded the issues of poverty and deprivation. The narratives which contributed to the construction of popular definitions of deprivation evolved through many politically mediated articulations, from long held notions of the 'deserving' and 'undeserving', absolute and relative poverty, to social exclusion, which in order to reintroduce a more positive spin, was renamed as social 'inclusion', and which has latterly come to be known, more so in academic than policy circles, as multiple disadvantage and marginalisation. The most powerful

conceptualisation of disadvantage, according to Atkinson and Jacobs (2010) is that of individual failure, a pathological discourse which represents a continuation of the individualising tropes which have been developing and taking root in policy circles since the 1980s[10]. This sits in almost direct opposition to the conceptualisation of disadvantage as 'structural' in nature, a concept which, according to Atkinson and Jacobs (2010) has been largely in decline in policy debates over the last few decades. What has replaced the notion that disadvantage is mainly caused by factors beyond a person's control, according to Atkinson and Jacob's (2010) analysis, is what they call a 'reconstitutive' conceptualisation. The increasing propensity of researchers, as well as policy makers, commentators and practitioners, to assert that the causes of disadvantage can be addressed through bureaucratic endeavour, is an area of discourse that prioritises a raft of 'managerial solutions to social problems, a development which has manifested in a number of policy initiatives ranging from tenant participation practices, through to housing regeneration and social inclusion initiatives' (Atkinson and Jacobs 2010: 165).

Partnership working is another example of such a 'reconstitutive' policy mechanism for improving inter-agency working practices in order to increase the efficiency and effectiveness of programmes which were deemed to be failing to meet their overall objectives. However, as Manzi and Smith Bowers (2004: 57) show, partnership working is far from being the effective means by which policies are delivered in a seamlessly joined-up fashion, and indeed many partnerships act in ways which 'entrench problems of marginalisation and social exclusion'. What is clear from the research referred to above is that the economic transformation embodied by the shift from producer to consumer, has seen structural explanations for poverty and disadvantage be replaced almost entirely by conceptualisations which have individual and bureaucratic failure at their core. Indeed as Raco (2013) illustrates, managerialist concepts such as 'citizen empowerment', 'partnership working', as well as political notions of

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[10] Jacobs *et al* (2003) suggest that there were definitive attempts at discursive manipulation in the media as well as Parliamentary activity as far back as the 1960s and 1970s.

'good governance', actively mask what he refers to as forms of 'regulatory capitalism'. This newly developed political economy involves the continued regulation and punitive control of the lower sections of society, while at the same time liberalising all aspects of life for those at the top (Wacquant 2009, 2012). It is also accompanied by a shift in power as the cultural middle classes, who once dominated the liberal political left, cede even more ground to the economic classes who are gaining more and more influence over how welfare services, not to mention social policy in general, is being conceived, articulated and delivered. As the next and final section of this historicising chapter shows, this shift is inextricably tied in with the rightward tilting of the state.

The construction of housing debt

Perhaps of the most relevance to this study, is the research on the social construction of housing debt by Hunter and Nixon (1999), which illuminated a number of discursive developments which shaped perceptions of the principle groups involved in the production and delivery of housing services such as councils and lenders as well as those who consume and receive housing services, including tenants and owner-occupiers. Taking discourses of debt as their first area of inquiry, Hunter and Nixon (1999) found that both tenants and mortgage holders shared the same levels of shame and anxiety, and that neither group had a relaxed or carefree approach to being in arrears.

Discourses mediated by the popular press looked much more favourably upon mortgage default than they did upon rent arrears, having something of a sympathetic approach to those who had either lost or were in danger of losing their 'own' home, despite the fact that the house was clearly, at this point, still owned by the lender. Hunter and Nixon's (1999) research, illustrates the fact that the popular press saw tenants as feckless and financially irresponsible, while they conveyed councils as incompetent landlords unable to manage their housing stock. District judges in England were deemed to be much more sympathetic to owner-occupiers, while tenants were more likely to be 'patronised by an approach that stressed the problems of benefit dependency and individuals' inability to manage their affairs' (171). Indeed one judge said of those in mortgage arrears;

I am particularly sympathetic to them in the sense that they mustn't be dealt with as though they were criminals. When they come in I always address them and I often say, it's not your fault, there's thousands of people in the same boat (Hunter and Nixon (1999: 171).

In comparison the same judge described tenants as "foolish" (Hunter and Nixon 1999: 171).

The aspect of political discourse was also analysed by (Hunter and Nixon 1999), their methodological approach being to examine Parliamentary activity and Parliamentary questions. The dominant discourse within the Westminster Parliament focused on owner-occupiers with 77 out of 99 (80%) of statements relating to the protection of owner-occupiers from mortgage default. Owner-occupiers were characterised as victims when they were in danger of losing their homes. As well as being seen as having been seduced by easy credit, one statement from the House of Lords referred to the matter of mortgage repossessions as a 'slaughter of the innocents' (Hunter and Nixon 1999: 173). Councils and social landlords were portrayed in Parliamentary discussions as being incompetent, and tenants, being almost completely ignored, were left without a policy voice. No mention was ever made of structural causes of housing debt, such as unemployment, poverty, disadvantage etc. (Hunter and Nixon 1999: 174). The issue of the construction of housing debt shows a growing divergence in the way the two types of arrears, mortgage and rent, are constructed, with the former being seen in a much more sympathetic light than the later.

Although Hunter and Nixon's work reflects one solitary study, in an area which is generally under-researched, it is arguably further evidence of a shift in both policy and perception, a 'transformation' which cannot be separated from the wider political and economic changes taking place (and which had already taken place) during that particular period.

The rightward tilting of the state

To bring the macro and micro level analyses of the historicisation of the political and economic conditions which make up the objective world to a close, this chapter now utilises Wacquant's (2008, 2009, 2011) own development of Bourdieu's (1994, 1996, 1998, 2003) conceptualisation of the bureaucratic field, within which the field of housing is situated, to explain what is meant by their term *the rightward tilting of the state*. This is the final part of an analysis which seeks to account for the development of the political economy, the struggles which have been taking place for decades if not centuries, over the definition and distribution of public goods, the outcomes of these struggles and their effects on the field of power.

In direct alignment with Wolff's (2007, 2010, 2012) model of capitalist development as an oscillation between private and state forms in accordance with the boom and bust cycle of capitalist production, Piven and Cloward's seminal work, *Regulating the Poor* (1971) showed that the state also expands and contracts its relief programmes in direct response to the ups and downs of the economy. It is the bouts of social disruption which result from unemployment and destitution which require welfare expansion to 'mute civil disorders that threaten established hierarchies' (Piven and Cloward 1971: 290). During better economic times, welfare is restricted in order to push those at the margins of the employment sphere back into low waged labour. This of course worked well during the post war welfare period but has, as Wacquant (2008, 2009, 2012) argues, been rendered obsolete by the neoliberal remaking of the state which, as well as seeing a shift in domination from industrial capital to financial capital, also saw the single oversight of the poor by the left hand of the state during the Fordist-Keynesian period, being replaced by the double regulation of poverty by the encroachment of the disciplining institutions of the right hand. This combination of left and right hand responses to social problems in the current period of actually existing neoliberalism promotes a strict disciplinary philosophy of behaviourism and moralism (Wacquant 2008, 2009, 2012) through, among other things, the innovations which underpin the severe conditionality of welfare provision (Stewart and Wright 2014).

In Bourdieu's model (see in particular 1994 and 1998 as well as Wacquant 2008, 2009, 2012) the bureaucratic field is a key component of the wider field of power which constitutes the state. The left hand of the state is the nurturing (feminine) side which is responsible for the welfare of its citizens. The right hand of the state is made up of the disciplining (masculine) institutions which, by contrast, punishes, polices, controls and incarcerates. Both sets of institutions exist in antagonistic cooperation (since they occupy different positions within the bureaucratic field, and therefore have differently corresponding political outlooks as well as being driven by differently corresponding internal logics). The *rightward tilting of the state* is what Bourdieu (1994, 2003) refers to, in explaining his observations of the increasing intervention by the disciplining institutions in issues and problems that would have previously received the almost exclusive attention of the left hand of the state, such as welfare, support, social housing, benefits, and medical aid. This is articulated in diagrammatical form below, and which is taken from a number of sources including Bourdieu 1990, 1994 and 1996.

Figure 1

Left Hand of the State	Right Hand of the State
Low state nobility	High state nobility
(cultural capital)	(economic capital)
Political left and left of centre/Liberal	The political right and right of centre
Feminine – nurturing and developing, caring and protecting.	Masculine – disciplining and punishing, controlling and surveilling.
Welfare, benefits, pensions, subsidies	The law, the courts, the police
Social housing and residential care	Surveillance, control, monitoring
Health and wellbeing	Criminalisation, stigmatisation and disincentivisation
Education and training	
'The nanny state'	'The daddy state'

The example Wacquant (2009) gives for this rightward tilting, is the treatment of homelessness in the US as well as parts of Europe. During the period of full employment and high levels of social housing, homelessness was categorised as a social problem, the treatment of which was overseen through the single regulatory remit of the spending ministries of the left hand of the state such as housing, welfare, and health. In the transition from the Keynesian period to the current period of actually existing neoliberalism, homelessness became pathologised, that is to say, individualised as a problem to be treated medically (hospitalisation, clinical intervention, rehabilitation etc.). In recent years, however, homelessness has been largely criminalised in the US and many places in Europe, where rough-sleepers are removed from the streets and incarcerated for varying lengths of time for crimes related to historical notions of 'vagrancy' and 'destitution'. Wacquant's (2009) analysis shows that this shift

from the left to the right hand of the state, no matter how invisible, affects most areas of the bureaucratic field and continues to spread from across the Atlantic in increasing incidences of policy transfer at the behest of European policy think-tanks (Leys 2003, 2008). This has, Wacquant (2008, 2009, 2011) argues, resulted in the double regulation of those who are at the periphery of the employment sphere, those who are situated in the precarious regions of the lower strata of social space. The welfare regime which once nurtured citizens now subjects them to disciplinary controls, in order to combat the adverse effects of social insecurity. The civil tensions and unease created by unemployment and austerity, unfurling through 'disciplinary supervision over the precarious fractions of the post-industrial proletariat' (Wacquant 2009: 307), creates a work-enforcing benefit system and (as this study of the political sociology of evictions will show) a rent enforcing social housing system.

To sum up, the historical context of the political and economic situation within which the field of power is located, provides access to the historical development of both the social reality that exists as well as that which it thwarts and excludes. It was demonstrated how the transition from one political economic system to another, created epochal changes as loose collectivism gave way to tight individualism, and social housing gave way to private forms of owner occupation. The convergence of economic and political circumstances, a demand from both industrial workers and employers for affordable housing during the most protracted 'public phase' of capital accumulation, resulted in a 30 year period of mass public housing as well as full employment and rising standards of living. The steady shift towards private forms of capital accumulation resulted in a steady erosion of the living conditions and rights of workers in both the US and Europe, and after 1979 these went into terminal decline (Wacquant 2009). Welfare, which once expanded and contracted in ways that corresponded with the rise and fall of surplus value was, after the early 1980s, subject to almost continual austerity, no period more so than after the crash of 2008 (Sayer 2015).

The developed world is perhaps now entering a new phase of capitalism, or at least the return of a much older system, which favours unearned, rather than

earned income, and speculation over investment. This is a system which generates considerable wealth without creating as much as one single job (Sayer 2015, Piketty 2014). Rentier capitalism, which Adam Smith, Ricardo, Marx and Maynard Keynes condemned as 'functionless speculation' by a 'parasite class' who, live off increasing rents and rising levels of debt in a form of 'zombie capitalism' (Harman 2009, Giroux 2010) the dead hand of which, still elicits a major source of value extraction in contemporary capitalism. Indeed, Piketty (2014) effectively demonstrates that accelerating inequality is a feature of capital accumulation, which can only be reversed through the intervention of the state. Failure to do this, Piketty (2014) argues will threaten the very existence of democracy. What is certain is that whatever economic system comes to dominate and thus usurp financial capitalism, will undoubtedly have an impact on the field of power, creating new opportunities for some groups while others will lose out in the relentless and pitiless struggle over the definition and distribution of public goods.

The model employed in this study requires that both macro and micro levels of analysis are accounted for in charting the historical development of housing. The macro level shows that political and economic factors are instrumental in ascribing the particular type of housing system which exists at any particular time. The dominant form of capital accumulation (or surplus value extraction, to take a more Marxian approach) directly determines which form of tenure dominates the field. The political decision to replace senior civil servants, many of whom possessed high levels of cultural capital, with personnel from the private business sector could not fail to have elicited the effect of tilting the entire state in a rightward direction (Raco 2013). The shift from production to consumption introduced an insatiable appetite for credit, which as Wolff (2007) points out was available in unprecedented amounts, as a result of decades of rising productivity and stagnating wage levels. This new economic period was accompanied by the rightward tilting of almost all aspects of what was steadily becoming an increasingly punitive and disciplinary welfare system. This is evident in the legislative changes which shaped the policy outcomes of the period which saw social policy change from near universal provision by the

state, after the Second World War, to the complete dominance of the market leading up to, and indeed following on from, the banking crisis of 2008. It to these regulatory and legislative changes that the next chapter turns.

3. Methodology

'The most "empirical" technical choices cannot be disentangled from the most "theoretical" choices in the construction of the object' (Bourdieu and Wacquant 1992: 225)

The fuzzy logic of practice (Bourdieu and Wacquant 1992) makes it difficult to formulate a coherent theory of action, leading to a confusion often caused by omitting to take full account of the fact that practical sense does not coincide with what one might call *standard cognitive logic*. In order to begin to understand the often counterintuitive nature of practical sense, it is necessary to take as wide a view of the social world as possible, and incorporate all the 'techniques that are relevant and practically useable, given the definition of the object and the practical conditions of data collection' (Bourdieu and Wacquant 1992: 227). Although Bourdieu is against the monotheistic practice of applying one or a limited number of methods he is 'monist' in so far as asserting that all of reality, that is, the world in which social beings and their 'objects' (Thevenot 2002, Latour 2005) interact, is one single entity.

The apprehension of this 'one social world' is possible when the constraints limiting our ability to grasp practical sense, such as those caused by the many false antinomies that plague social thought, that is, the false binary forms of subjective/objective, or structure/agency are dissolved, theoretically and methodologically. Bourdieu and Wacquant (1992) insist that any consideration of what method to use, itself requires a *theoretical* approach (weighing up the pros and cons of each method in relation to the object of study etc.). When a theory is being applied to the object of study, this in itself becomes a *method*. It follows that there cannot be a methodology without some form of theoretical consideration and there can be no application of a theory without some form of method. Rejecting an either/or dichotomy for a 'both-at-the-same-time' approach has the distinct advantage of being able to transcend the false choices between spontaneity and constraint, freedom and necessity, choice

and obligation, focusing on instead, the relation between each couple
(Bourdieu, 1990, 2000).   This thoroughly dialectical approach offers
opportunities for the researcher to practice what Bourdieu and Wacquant (1992:
26) call 'a total social science', one which transcends the division between
'theoreticism' and 'methodologism'.

After a thorough exploration of the conceptual considerations for constructing
the object of study, Part Two of this chapter will deal with the gathering of the
qualitative data. This section will detail these concrete practicalities, after
providing an exposition of the *economies of worth* model (Boltanski and
Thevenot 1991, 1999) a type of 'frame analysis' which, after the interview data
has been presented, will be used to analyse and make sense of this data in
Chapter Six.

Exposition (iii)

Theory and Method

In *An Invitation to Reflexive Sociology*, Bourdieu and Wacquant (1992) stress
the importance of rejecting, completely, the division between 'theory' and
'method'. This false opposition, constitutive of the epochal divisions in scientific
labour, reduces the possibilities of the research method by rejecting empirical
evidence which is not 'self-evidently' regarded as 'evidence'. Bourdieu and
Wacquant (1992) show that thinking about 'method' encroaches on theory since
the decision of what method to use involves a cognitive process which is
thoroughly theoretical. Likewise, no attempt to apply a theory can be done
without some form of methodological consideration. Indeed, it can be argued
that any application of a theory is by definition a method. It therefore becomes
easy to see that the 'division' between the two is not only false, but represents a
concrete impediment to understanding the object of study. This makes the
possibilities of adopting a wide range of mixed methods all the more attractive
for the researcher, who, as Bourdieu and Wacquant (1992) suggest, must make

use, not only of every possible technique for data collection, but also of the methods for analysis.

The aim here is to explicitly and deliberately fashion, out of all the contemporary rhetoric, political orthodoxy and state mediated categories of perception, an 'object' which facilitates an examination, (as free of presuppositions as is reflexively possible) of the object of study, not as it appears (in mainstream political and policy discourse) but as it exists in the daily practices of housing professionals, in the justifications these professionals hold for their actions as well as the criticisms they hold of others. This cannot be adequately done, as Bourdieu suggests above, without taking into consideration the 'structural' factors which 'structure' the forms of thought which in turn determine, 'practice' as well as the forms of justification and criticism which make up a general *economy of worth* (Boltanski and Thevenot 1991) which has its genesis in the metatheoretical concept of Bourdieu's 'economy of being'. Borrowing the concept from Pascal (Bourdieu 2000), the notion that humanity's unquenchable thirst for the positive regard of other human beings takes a central place in Bourdieu's 'social anthropology'. An economy of worth, the awareness of which, is mostly hidden from our direct consciousness (masked from our 'intentionality' as the logical positivists might say), becomes an integral part of the social world in which interaction and the exchange of meanings and values takes place. It is this general 'economy of worth' (Boltanski and Thevenot 1991) as well as the 'critical capacity' (Boltanski and Thevenot 1999) which supports it, which will be examined in order to see the ways in which housing professionals account for eviction practices as well as trying to discern the structures which render these accounts 'justifiable'. The collective conventions, utilised when there is a need to revert to a common order of justification, are themselves an object of study, and an important one for beginning to understand the relation between the two.

Part One

The sociology of critical capacity

Boltanski and Thevenot's (1991) model of frame analysis is based on a number of interconnected principles. The first of these is that the 'critical moment' comprises a significant part of day-to-day social interaction, that is to say, throughout a person's normal daily life; they will be required to justify what they do. Indeed, not only are persons required to continually justify their actions both to themselves and to others, they are often compelled to strengthen this justification through actively criticising what others do differently.

Boltanski and Thevenot (1999) make the claim that many situations in social life can be analysed by their requirement for the justification of action. Indeed, this 'human' need to justify (and seek justification) is such an important part of daily life that Boltanski and Thevenot (1991, 1999) consider it to be an important area of sociological study. This is a two-way, and therefore dialectical process, which not only embodies the need for persons to justify their actions and to back these up through forms of criticism but also requires the individual to justify their criticisms of others, something which elicits a further need for those who are criticised to justify their own positions through justification and criticism.

What is important to note is that these justifications have to follow a series of rules of acceptability, something which according to Boltanski and Thevenot (1999) involves the establishment of equivalence, that is to say, that persons must, in resolving these justificatory disputes, establish what they (both sides) have in common. From their own extensive empirical studies, Boltanski and Thevenot (1991, 1999) have found that the most common forms of equivalence are based on a 'common sense of humanity' which has its genesis in notions of the 'common good' shared by all members of the human race. In order to achieve this equivalency, according to Boltanski and Thevenot (1991, 1999), 'persons must divest themselves of their singularity and converge towards a form of generality, transcending persons and the situations in which they

interrelate' (362). Persons who seek agreement therefore have to move towards a position which is governed by a convention of equivalence which is external to themselves. In other words, persons need to make the transition from *personal convenience* to *collective conventions*, something clearly seen in the data in this study when almost all of the interviewees referred to the general principles of 'fairness' in the obligation of paying rent or of 'efficiency' in the rent collection process, rather than from a perspective which was indexical to their own personal experience. This process involves the establishment of a regime of justification which is, to all intents and purposes, a regime of justice. As Boltanski and Thevenot (1999) point out, justification becomes 'legitimate' when the speaker can stand by it whatever the social characteristics of a newcomer may be' (364). What is important to highlight here is that unlike classical sociology, a person's justificatory regime is less dependent on social class than it is on the situation in which persons find themselves.

This model dictates that it is the establishment of these generalised notions of the 'common good' which make it possible to sort out and ultimately decide upon a person's state of worth in any given situation. The model itself was devised by Boltanski and Thevenot (1991, 1999) through moving back and forth between empirical data and classical texts stemming from the field of political philosophy. The procedure shows the ways in which the disputing process cannot be reduced to either a direct expression of selfish interest on the one hand, nor an anarchic and endless confrontation of heterogeneous world-views on the other, but is instead, set within the parameters of a 'limited plurality of principles of equivalence which can be used in order to support criticisms and agreement' (365). The notion of a 'limited plurality' is key as Boltanski and Thevenot (1991, 1999), following the structural constructivist paradigm, accept that people do indeed construct their own realities, but do so within structural limitations and constraining social structures (see Bourdieu and Wacquant 1992).

The model of justice, which will be elaborated on below, is based on a series of political constructions, (which have their genesis in the canonical texts of political philosophy) all of which are evident today in what Boltanski and

Thevenot (1999) call the general grammars of the political bond, and which they suggest are 'embodied in the objectified devices that make up daily situations' (366). In common with Goffmanian (1967) forms of frame analysis, these political grammars are encapsulated in the core of a significant body of ordinary institutions and social devices such as polling stations, the courts, (local authority housing departments) as well as family ceremonies, shop floors, and the media.

Moving onto the processes of justification and criticism it is important to point out that Boltanski and Thevenot's model is based on the principal that this political and social equilibrium is predicated upon the fact that human beings are (or at least consider themselves to be) different from other beings, and that they are, as evident in the various forms of political philosophy, brought together by a fundamental equality which stresses the importance of a 'common humanity'.

What is fundamental to the model is the ability of persons to shift between different orders of worth (depending on the situation), while forgetting the principals by which they justified that other world in the previous engagement. This is made possible through the relationship between SUBJECTS and OBJECTS, that is to say, the uses people make, in order to cope with uncertainty, of particular objects (such as court procedures, accounts, rent collection methods, protocols etc.) as stable referents upon which reality tests or trials can be based. It is, according to Boltanski and Thevenot (1991, 1999) through the establishment and application of these reality tests that legitimate agreement becomes possible.

Table 1 Different orders / regimes of worth (Boltanski and Thevenot 1991)

Order of Worth	Principle concerns
Market World	The logic of exchange and enterprise.
Inspired World	Creativity, spirituality
Domestic World	Good human relations – hierarchy and tradition
World of Renown	Fame. Marketing. Good public relations
Civic World	Logic of social contracts and citizenship rights
Managerial World	Logic of productivity, efficiency

The analysis sets out to establish if there is any compromise between two different (yet very compatible) orders of worth thereby providing quite a strong justificatory regime within the field of social housing provision. In normal circumstances, any compromise agreement tends to weaken the justificatory power of that position, since according to Boltanski and Thevenot (1991, 1999) an order is vulnerable to criticism if the critic can show that the REALITY TEST (the means by which legitimate agreement is ultimately reached) has 'borrowed' or 'imported' aspects of another order of worth. If the housing professional employed a general compromise between Domestic, Market, and Renown polities then their justifications would be vulnerable to criticism as it would be relatively easy to prove that they contain the central tenets of a number of different forms of worth, none of which are applicable to the situation at hand. In other words, the purer the justificatory regime, the more difficult it is to discredit.

The following hypothetical examples are given to illustrate the problems faced by people's use of justificatory regimes which do 'fit' with the situation at hand.

The senior housing manager, for example, who employed members of their own family in the housing department, particularly at a senior level, would have difficulty in using the Domestic order to justify their actions as the Domestic order is not one which is recognised as 'legitimate' in the context of social housing provision. A housing professional's 'sideline' in buying and selling ex-council houses or letting them out for personal financial gain, could never be adequately justified within the housing office, simply because the Market order is not one which is seen as legitimate within that particular context. Any attempt to give the best houses in the best areas to 'local dignitaries' (such as elected councillors or prominent townsfolk) or their families could not escape criticism either, as the world of Renown and the importance it places on a person's 'fame' is alien to the wider world of welfare service provision. These different 'orders' of worth which make up the model will now be dealt with in some detail, particularly the two orders which are most relevant to the data, namely the Civic and Managerial orders of worth.

The Model

Boltanski and Thevenot, in their book *On Justification* (1991) develop a very detailed theoretical framework that has been constructed around painstaking analyses of empirical evidence and its relationship to various forms of political philosophy as well as the ways in which these discourses have entered the collective consciousness and the extent to which they have become firmly embedded in the commonsense notions which structure the everyday experiences of our day-to-day lives.

This type of 'analysis' is built around six dominant orders of worth (see Table 1) which Boltanski and Thevenot (1991, 1999) have developed by analysing printed material (mainly management texts and guidance on good conduct and practice) spanning decades and which embody the most commonly used collective conventions. Their method combines discourse analysis and frame analysis and sets out to identify the main themes under which people construct orders of worth and regimes of critical capacity. Their investigations have resulted in the production of a detailed schema incorporating six regimes of

worth (see below) all of which have long histories and make up what Bourdieu (1991) calls structured structures which determine the ways in which agents' own realities are constructed, within the confines of their location in social space and the material and symbolic profits this location provides.

It became apparent, from the interview data, that the two worlds most commonly used by housing professionals in framing their reality were the Civic and Managerial orders of worth. Indeed notions such as social housing, tenants, tenancy agreements, security of tenure, housing rights, communities and neighbourhoods as well as the payment of rent in return for housing services, repairs and upgrades, can all be said to be Civic in nature. The means by which all of these housing and neighbourhood services are administrated, regulated and delivered lend themselves to be seen in a very Managerial frame of reference with notions of 'effectiveness' and 'efficiency' being prevalent throughout the interview data.

When talking directly about the overarching principles of social housing, the notion of tenants invokes a collective ideal, where the 'common good' (STATE OF WORTHINESS) is represented by a 'rule governed' and 'authorised' Civic model of representation, with the notion of 'rights' and 'responsibilities', 'solidarity' and 'collective struggle' at its core. The data suggests that this STATE OF WORTHINESS is invoked when housing professionals consider themselves to be part of the collective process of housing provision in a 'community' context, with 'committees' 'representatives', 'tenants groups' (SUBJECTS) with their own regimes of, 'procedures', 'elections of officials', 'legal frameworks' and 'protocols' (OBJECTS), all acting in the interests of and at the behest of the 'general will', for the 'common good', and of all whom collectively make up the community within which tenants live and housing professionals work.

The system of housing becomes open to criticism when a STATE OF UNWORTHINESS is perceived through the 'irresponsible' actions of 'individual', tenants who put the community's interests at risk through their refusal to meet their 'collective responsibility' of paying rent. This, the Civic order suggests,

leaves the entire service vulnerable (damaging the collective interest) as rental income is often seen as being essential to maintain the level of service, stock and development required for the community to function effectively. 'Civil rights' and 'participation' bestow DIGNITY upon the system of social housing and its tenants, both of which have been a particular focus of housing policy with a number of legislative changes which have served to augment tenants' rights as well as making available a considerable amount of funding to foster community and tenant participation programmes from the election of the Labour government in 1997 until the financial crash of 2008. The promotion of the 'community cohesion' agenda (INVESTMENT) during this time is also evidence of the Civic notions of fostering 'solidarity', 'transcending divisions' and 'renouncing individual interests' in what, according to the data on the causes of rent arrears, represents something of a 'collective struggle' against a system that is under threat, both by 'irresponsible' tenants at one end and 'irresponsible' banks and financial institutions at the other. As will be explored further below, notions of court representation, appeals of unfair decisions, support in coping with poverty, as well as a commitment to provide services such as money advice, debt advice and legal representation are all embodied by the Civic RELATIONSHIP ('authorise', 'unify', 'mobilise', 'assemble') the landlord has with the community of tenants.

In line with Boltanski and Thevenot's (1991, 1999) own findings, the data in this study shows that the Civic order of worth is used in a justificatory sense when applied to the 'collective' and the importance of the 'common good' that social housing embodies as well as the requirement to protect the 'communal interest' and the 'participatory mechanisms' that the notion of the 'neighbourhood' of tenants evokes. The Civic order is used as a form of criticism when it is directed towards 'irresponsible individuals' who jeopardise the 'collective interests' through their own 'selfish acts' (in this case, non-payment of rent).

The other order of worth which is predominantly evident in the data is that of the Managerial world. The HIGHER COMMON PRINCIPLE in this world is 'effectiveness' and 'efficiency of process', which, when applied to social housing can certainly be said to represent a strong feature of housing management.

The Managerial order is characterised by the regard that its use has for 'experts', 'specialists', 'advisors' (SUBJECTS), and in broader terms 'well trained professionals' working 'efficiently' and 'effectively' (STATE OF WORTHINESS) in order to 'optimise', 'process', 'advise', 'control', 'manage', 'organise' (RELATION OF WORTH) using an array of tools and resources (OBJECTS) in order to maximise rental income. It is clear from the interview data, therefore, that a Managerial order is invoked when talking about the mechanisms which landlords have for dealing with rent arrears. The incorporation of 'specialists' and 'advisors' in the process was prevalent across the data, evident in both local authorities and housing associations most of whom had in-house teams of specialist advisors or had access to external agencies that could provide such services. The interview data suggests that when the housing professional is satisfied that their policies and procedures are 'optimal' (STATE OF WORTHINESS) then they can not only 'control', 'manage' and 'organise' (RELATION OF WORTH) 'effectively' but can almost fully justify their role in the evictions process.

The Managerial order is mostly used in a critical capacity when things (both SUBJECTS and OBJECTS) are no longer functioning 'efficiently' and 'effectively', and have entered a STATE OF UNWORTHINESS through being 'unsuitable' 'unreliable', 'unproductive' 'inactive' (non-engagement) and in a state of breakdown.

Table 2 below gives a fuller and more detailed account of the different categories which apply to the model of a sociology of justification and criticism.

Table 2 The Civic and Managerial Worlds in detail

	Civic Worth	**Managerial (Industrial) Worth**
HIGHER COMMON PRINCIPLE	***The preeminence of collectives*** Collective, All, Will (general)	***Efficiency*** Performance, Future
STATE OF WORTHINESS	***Rule governed and representative*** Unitary, Legal, Rule governed, Official, Representative, Authorised, Confirmed, Free	***Efficient*** Effective, Functional, Reliable, Operational
STATE OF UNWORTHINESS	***Unrepresentative*** Individualistic, Unauthorised, Unconfirmed	***Inefficient*** Unproductive, Not optimal, Inactive, Unsuited, Breakdown (in a state of), Unreliable.
DIGNITY	***The aspiration to civil rights*** Civil rights, Political aspirations, Participation.	***Work*** Energy
SUBJECTS	***Collective persons and their representatives*** Public collectives, Party, Federation, Office,	***Professionals*** Expert, Specialist, Person in Charge, Operator

	Committee, Elected official, Representative, Delegate, Secretary, Member.	
OBJECTS	**Legal forms** Rights, Legislation, Decree, Order, Measure, Courts, Formality, Procedure, Transcript, Infringement, Capacity (electoral), Code, Criterion, District, Programme, Policy, Statement, Ballot, Tract, Slogan, Seat, Headquarters, Local office, Acronym, Card.	**Means** Tool, resource, Method, Task, Space, Environment, Axis, Direction, Dimension, Criterion, Definition, List, Graph, chart, Calendar, Plan, Goal, Quantity, Variable, Series, Average, Probability, Standard, Factor, Cause
INVESTMENT	**The renunciation of the particular** Solidarity, Transcending (divisions), Renunciation (of immediate interest), Struggle, (for a cause)	**Progress** Investment, Dynamic.
RELATION OF WORTH	**Relation of delegation** Membership, Representation, Delegation, Expression (of aspirations)	**Control** Control, Manage, Organise
RELATIONSHIP	**Gathering for collective action** Unify, Mobilise, Assemble, Exclude, Join, Support, Appeal, debate	**Function** Put to work, Machinery (liaison of) Function (of) Cogwheels, Interact, Need (to), Condition (to), Necessary (relation)

	(democratically), Speak out (take the floor), Inform, Codify, Legalise, Authorise, Refer (to a court).	Integrate, Organise, Control, Stabilise, order, Anticipate, Implant, Adapt, Detect, Analyse, Account (take into), Determine, Light (bring to), Measure, Formalise, Standardise, Optimise, Solve, Process.
FIGURES	***The democratic republic*** Republic, State, Democracy, Electorate, Institutions (representative), Parliament	***Organisation*** System
TEST	***Demonstration for a just cause*** Assembly, Council, Meeting, Session, Movement, Presence (of), Dispute, Recourse, Justice (demand).	***Trial*** Launching, Setting up, Putting to work, Achievement.
JUDGEMENT	***The verdict of the vote*** Voting, Election, Consultation, Mobilisation, Cause (support for), Awareness (achieving).	***Effective*** Correct, In working order, Functioning
EVIDENCE	***The legal test*** Law (the), Rules, (legal), Statutes.	***Measure***
THE FALL	***Division*** Divided, Minority (in the),	***Instrumental action*** Treating people as things

	Particular, Isolated, Deviation, Subgroup, Irregular, Arbitrary, Annulled, Removed	

First of all, it has to be pointed out that Boltanski and Thevenot (1991) cite the compromise between the Civic order and the Managerial order as not only being the most prevalent compromise evident in society as a whole, but one which indeed underpins the modern state (See Boltanski and Thevenot 1991: 285 – 292). Using Rousseau's *Social Contract* and Durkheim's *Division of Labour in Society* (which itself draws on the work of Saint-Simon) Boltanski and Thevenot (1991) chart the building of compromise between individual and collective interests in constructing the modern state, particularly the period following the inception of the welfare state.

This compromise involves the creation of a 'common good' which serves to both subordinate individualism to the collective will while at the same time allowing for 'personal recognition' through the creation of professional classes in what Boltanski and Thevenot (1991) claim to be a 'third way' (between public and private) which is arguably the very embodiment of the modern state as we know it today. An example of this is evident in the creation of the civil service and the genesis and development of the bureaucratic field (see Bourdieu 1994). There is no doubt that this 'compromise' between Civic and Managerial orders of worth is at the very heart of both policy and practice in housing, and indeed general welfare provision, a fact that is clearly evident throughout the interview data which will be presented in Chapter Five.

Part Two

Conducting the Field Work

This section will outline the practical methods used in gathering the qualitative data, explaining the processes for the selection of councils and housing associations, what questions were asked and why, as well as looking at how the data was collated, ordered and analysed.

I decided to eschew ethnographic data collection techniques in favour of semi structured interviews as a direct result of my circumstances. When I signed up to undertake the PhD, I was a full time teaching fellow with a very heavy teaching load. Although I was aware of the direct benefits of engaging in an ethnographic study, the pressure on my time from my teaching commitments resulted in the adoption of a method which was built around a series of semi-structured interviews.

Ethical considerations

The interviewees were mostly, although not exclusively, senior members of staff. For the housing associations the interviewees were either the directors of the organisations or senior managers. The local authority interviewees were more mixed with three of the four authorities providing housing officers as well as senior members of staff. I asked for a spread of managers and frontline staff and this is what councils provided. At no time did I feel that the interviewees were, in any way, reluctant to answer my questions nor did I ever sense that interviewees were there under duress. All of the interviews were conducted in a positive professional manner and a great deal of cultural good will was shown by all the interviewees who seemed to have a genuine interest in the subject of evictions.

None of the interviewees had any reservations about having the interviews recorded and none of the interviewees raised any issues with the questions I asked or my general approach. On the issue of anonymity, it was highlighted

that as far as possible, the identities of interviewees would remain hidden. However as acknowledged above that this was impossible to guarantee and there was also acknowledgement (particularly by senior staff working for one council in particular, which was the only local authority in the UK to have adopted a non-evictions policy for rent arrears), that 'complete' anonymity was simply not possible. The staff from this particular authority entered into the process fully aware that that their identities may be deduced from what they were saying. This did not seem to cause any of them concern. In total 35 interviews were conducted.

The interviews were conducted with full cognizance given to the fact that the research, or interview relationship is a 'social relationship' (Bourdieu 1999). It was deemed necessary, therefore, to approach the respondent in an entirely academic capacity, and therefore I refrained in every case, from alluding to my own involvement in the subject of evictions when I was employed by Shelter. Utilising Bourdieu's notes on research methodology, particularly in *Weight of the World* (1999) and Bourdieu and Wacquant's *An Invitation to Reflexive Sociology* (1992) I was aware of the issues surrounding power imbalances within the interview relationship and process.

The issue of 'intrusion' (see Bourdieu 1999) was, in the case of this study, minimised as a direct result of having interviewed some very senior staff, managers and directors from local authorities as well as senior staff and directors of housing associations. The social distance which is all too often prevalent in the interactions between academic researchers and respondents from vulnerable or marginalised groups, was lessened if not completely reduced, by the elevated positions in the field of housing occupied by the professionals involved in the interview process. Issues which arise from the unequal distribution of linguistic capital in what Bourdieu (1991) calls the 'market of symbolic goods' were almost eradicated as a result of the seniority of most of the interviewees. This dynamic of relative equivalence made the ethical approval process much more straight-forward as there was recognition by Stirling University's School of Applied Social Science Ethics Committee of the experience and capability of the senior professionals involved. The fact that

I was discussing professional practice with senior managers, as opposed to personal issues with tenants also helped with the ethical approval of my research proposal as it minimised the possible difficulties highlighted above concerning 'intrusion' and power imbalances which result from the interviewer/interviewee relationship.

This ethical consideration cannot be concluded without some acknowledgement of the essential role reflexivity plays in the research process. The researcher, aiming to avoid the mere reproduction of the various forms of power and domination, which arrive under the cover of unconsciously accepted commonplaces, must not only be able to account for the social conditions which construct the object of study, but also the social conditions which construct the researcher's own presuppositions (see Bourdieu 1999:607-621). In accordance with this requirement I have included in Exposition (vi) in Chapter Seven, a self-analysis of my own relationship with both lawyers (in the first part) and housing professionals (in the second), in order to go some way to accounting for both the presuppositions and political orthodoxies which may have influenced the research process.

In respect of transcribing the interviews, I personally typed 15, and a professional transcriber typed 20. I cannot pretend that my interview recordings were as professionally transcribed as the company employed to carry out the task, and there may be some slight criticism that since I was aware of the questions I asked repeatedly to the majority of interviewees, I did not always type every word that I, myself, said during the interview. Aware of the dangers caused by what Bourdieu (1999) calls 'rewriting' the interview, I tried to be as rigorous as possible when typing the recorded interview data. Aware that the placing of a comma can determine the whole sense of a phrase (Bourdieu 1999: 621), I tried as far as possible to think of other possible meanings when reading the professional transcriptions as well as referring to notes I had taken during the interview itself.

To conclude this short section on ethical considerations I would like to say that having had many years of experience discussing legal matters with housing

professionals, I was able to quickly develop a more 'sociological feel for the game' during this research process, as a result, I think, of knowing not only the 'official' vocabulary within which housing discourse takes place, but by knowing what issues tended to please and displease housing professionals, thus appearing to know what they knew, in the way they knew it. To use a Bourdieusian analogy, I was able to move, not to where the ball was, but to where the ball would be after the other player played it. This, coupled with the promise of (reasonable steps to ensure) anonymity, I think, provided data that was not only candid, but much more 'authentic' than had the interviewer been inexperienced in the matters under discussion. That said, this fact also created its own issues, some of which will be dealt with at the beginning of Chapter Seven.

This leads onto the next section, which deals with the landlord organisations themselves. Social housing in the UK has two main types of landlord, local authority, and housing association (also known as registered social landlord, or RSL). There are a number of housing co-operatives which provide social housing to tenants but in comparison to RSLs and councils, there are small in number.

Access to Housing Associations

The housing associations were chosen randomly at first. After obtaining a list of almost all of the associations in Scotland an email was sent to roughly 50, asking them to participate in the research. The email simply asked if I could interview 'decision makers' in the evictions process and that these interviews would be semi structured and would last roughly 40/45 minutes each. I attached the information sheet and School of Applied Social Science ethical approval as well as the consent form (see appendix 2 and 3 for copie). Six housing associations got back to me immediately. Once I had an initial response from some associations I began to target some in more remote areas to ensure a geographical spread. I then selected a couple of associations which according to the Scottish Housing Regulators statistical pages on their website had high levels of arrears. I persisted but some associations were very

reluctant to even reply. Two particular associations in one area were contacted on numerous occasions by email and phone call. I was going to be spending a week in this part of the country so thought it prudent to take the opportunity to conduct some interviews there, but without luck. In total I received a response from 11 housing associations with some agreeing to provide two interviewees, resulting in 15 interviews in total from RSLs. The selection was adequate as there was a good geographical mix with both east and west coast associations represented as well as rural and urban. There was also a good mix between what appeared to be associations with high levels of arrears and evictions and those who seemed to be quite low in comparison. Although the housing associations could be said to have 'self-selected', this mix was still apparent. I had assumed, at first, that associations which were willing to put themselves forward would be associations which knew themselves to be good performers on evictions and arrears management (as judged by the Scottish Housing Regulator, or by the Scottish Government's guidelines and statistical data). This turned out not to be the case, as I made a point of asking each association where they thought they were in relation to other associations in respect of eviction figures. Almost all of them stated that they thought they would be better than average or indeed, close to the average for evictions, given the size of their stock. I deliberately did not check their eviction figures before the interviews as I did not want this to affect the questioning. However, when I did, I was surprised to find that the statistics varied to such an extent that it seemed apparent that very few housing associations had any idea of where they were in relation to the national average or indeed in relation to any other association. This was in stark contrast to local authorities who had an acute sense of exactly where they were in relation to other authorities and their position in relation to the national average[11].

Table 3 below shows the 'position' of the housing association staff members who volunteered to be interviewed, almost all of them being senior managers

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[11] This difference in awareness of these particular matters, between the two types of landlord is, I think, highly significant.

and directors. I can include this level of detail for the simple reason that the data presented in the findings is anonymised to the extent that it is impossible to know from any of the 'statements' exactly who is saying what. This is done by simply identifying each speaker as being HA (housing association) or LA (local authority) to which a random number has been assigned. This random number remains with the interviewee throughout the study allowing for continuity of reference without exposing the identity of the speaker.

Table 3 Participating Housing Associations

Housing Association	Interviewees
Housing Association 1 (Glasgow)	Head of Housing
Housing Association 2 (North Lanarkshire)	Housing Operations Manager
Housing Association 3 (Glasgow)	Head of Development and Regeneration Services Manager
Housing Association 4 (Glasgow)	Housing Manager
Housing Association 5 (Glasgow)	Director and Head of Housing
Housing Association 6 (Stirling)	Director
Housing Association 7 (Edinburgh)	Housing Manager
Housing Association 8 (North Lanarkshire)	Director and Head of Housing

Housing Association 9 (Glasgow)	Director
Housing Association 10 (Edinburgh)	Income Control Manager
Housing Association 11 (West Dunbartonshire)	Head of Housing and Legal Officer

Access to Local Authorities

The local authorities were more targeted. Firstly, I chose the only authority in Scotland whose arrears and eviction numbers were increasing. This local authority stood out, as the Scottish Government had, over the years and at various junctures, identified it as a poor performer in arrears management. This authority had also been criticised on several occasions in Shelter briefings on eviction statistics in Scotland. I contacted the council and asked them to provide roughly five staff members for interview. Whilst carrying out five interviews there, I was informed that the arrears management team had recently visited an authority which the Scottish Government had identified as a good performer in arrears management and had been praised by Shelter as an example of good practice with low levels of arrears and practically no evictions. Given that the staff members were there to learn about good practice I contacted the host council who were more than happy to participate. Thirdly I approached a big city authority who were considered to be performing reasonably well by the Scottish Housing Regulator. I deliberately kept one particular council until last, as they were the only local authority in Scotland to have adopted a policy of non-eviction for rent arrears.

As with the interviewees from housing associations their position of the staff members who participated is set out in Table 2.   This is possible for the same reasons stated above, namely that it is almost impossible to attribute any statement made to any given individual thus maintaining anonymity. The

exception is perhaps one particular council where their unique situation was discussed at the beginning of each interview and the staff members who participated acknowledged the fact that since they were the only local authority in the UK to adopt a non-evictions policy for rent arrears, complete anonymity would be almost impossible to maintain. The solicitor and Head of Service of this local authority were under no illusions that they would be easily identified. I have not made it explicit who the interviewees are, although many of the interviewees agreed that it would, in some cases, be fairly easy to deduce from the interview content.

Table 4 Participating Local Authorities

Local Authority	Interviewees
Council 1 - City	Head of Housing District Housing Manager Performance Team Leader Housing Strategy Officer Housing Officer
Council 2 - Rural	Divisional Housing Manager Area Manager Housing Services Area Housing Manager Housing Services Housing Officer Housing Officer
Council 3 - City	Senior Officer Rent Policy and Performance Project Manager Rent Services Redesign Income Rents and Tenancy Manager Neighbourhood Housing And Regeneration Manager
Council 4 Urban/Rural	Head of Service

	Solicitor
	Service Manager Tenants and Homelessness Services
	Area Housing Manager for the Arrears Team
	Housing Officer
	Housing Officer

The Interviews

The semi-structured qualitative interviews lasted between 45 – 60 minutes. Care was taken to ensure informed consent, as well as the potential limits of anonymity and confidentiality. Due to the dual nature of this personal and empirically informed approach, the 'object' of the study, the ways in which housing professionals justify their own actions in the evictions process while simultaneously criticising the actions or inactions of third parties (including the tenants themselves), was fashioned by both 'experience' and existing academic research[12]. Most of the interviews followed the same format of questions in the same order, with the authority which had recently relinquished its policy of non-eviction for arrears of rent, being asked slightly different questions in the second and third sections of the four detailed below. For a detailed explanation of why each question was constructed in the way that was, see Appendix 3.

The first subject area referred to the causes of rent arrears, or rather, what the interviewee thought the causes of areas where in their particular area. The second subject area was about discretion, with questions exploring whether or not landlords treated families with children or vulnerable members differently than single person households. The third subject area was about tenant action, with specific questions on whether or not landlords thought that the process which involved tenants or their legal representatives lodging minutes for the

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[12] Much of which has been included in the chapter on the history of social housing

recall of decrees to prevent evictions from taking place, were effective. The fourth subject area revolved around alternatives to eviction.

Data Analysis

Once the 35 interviews had been fully transcribed from the digital recordings, I set about the task of coding the data. The data was coded using NVIVO 10, the most up-to-date qualitative data analysis software for which I undertook training in order to operate with the necessary skills to allow for a detailed assessment of the interview material. The first step was to code the reasons given for the accumulation of rent arrears according to landlord type, (local authority and housing association), a process which allowed for a detailed picture to emerge of not only *which* landlords gave *which* particular reasons but also how many times these were mentioned during the interview. The most useful functions of NVIVO 10 included the creation of Nodes and References within and between individual interview data sets which facilitated comparison between sets as well as creating separate sub sets within larger clusters of data. NVIVO also allowed the data to be converted into graph form which certainly aided the analysis process, allowing for trends to be seen at a glance as well as comparisons drawn and subtle links and connections made.

For the second findings section, the data was coded according to landlord and the levels of discretion they applied to the eviction process itself. Three sets emerged, namely those who practiced discretion, those who sometimes used discretion, and those landlords who did not use discretion at all. A series of sub-sets was established as the data was broken down further into the individual cases and the particular reasons for exercising or withholding discretion. NVIVO also allowed for the interview data to be compared with the Scottish Government's guidance on evictions practice as well as providing a solid 'benchmark' for comparing good practice between local authority landlords and housing associations.

The third section, which looked at tenant action in the form of lodging a minute for recall to stop the eviction once decree was granted against the tenant, was organised into sets in which landlords saw the process as being an effective

way of recovering rent, or as was the case in some instances, a waste of time and resources. The data was split into three groups by landlord type, namely those who thought that minutes for recall worked, sometimes worked or did not work, with further sets examining the reasons why these conclusions were drawn. The fourth and last section of the coding process examined the data which arose out of the question pertaining to alternatives to eviction.

Once the data had been coded and collated into sets and sub-sets a second level of analysis was applied to the data in the form of Boltanski and Thevenot's (1991, 1999) economies of Worth and Critical Capacity (see section below).

Presenting and analysing the findings

The data is presented in the first section of the findings chapter. The second section of the findings chapter presents a frame analysis, using Boltanski and Thevenot's (1991,1999) *economy of worth* model. Chapter Six provides an analysis of the data combining the theories and methods utilised in all previous chapters.

Following in the empirical tradition of sociological researchers such as Bourdieu as well as Boltanski and Thevenot, all of whom urge against a monotheistic approach to research, it must be stressed that no single methodology has been utilised at the exclusion of all others. Every attempt has been made to consider all the relevant, and indeed possible techniques, in order to find those which best answer the question of why social landlords evict their tenants. What is important, however, is that acknowledgement is given to the vital point which Bourdieu makes when he warns that data production is inseparable from the theoretical construction of the research object, that any perceived distinction or indeed opposition between theory and method must be completely rejected (Bourdieu 1992). 'Methodology', says Bourdieu (1992: 28) 'is not the tutor of the scientist but always his pupil'. Every attempt was made to maintain this sharp methodological focus throughout the entire research process.

Secondly the analysis aims to avoid the trait, particularly common among critical academics of following the 'logic of the trial', which always and at all

times seeks to identify someone to blame. This is itself, a form of 'justificatory regime' based on a specific point of view formed from a regime of critical capacity (Boltanski and Thevenot 1991). From this perspective (largely representative of the Civic polity[13]), delegated and representative agents, who have been bestowed the 'legitimacy' to act for the greater good, must not only hold someone accountable, but must also mete out a level of punishment which is both proportionate and fair. This study aims to take a middle path where the problem can be identified whilst removing the immediate requirement to have it instantly 'fixed'.

Thirdly the approach adopted here will attempt to avoid analysing the findings prematurely, letting the data, as far as possible, speak for itself. The aim is to maximise the potential for data analysis by applying as wide a range of coding 'logics' as possible.

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[13] This will be explained in detail below.

4. Theorising the Policy and Legal Context

'When it comes to the state, one can never doubt enough' (Bourdieu 1994: 1)

Constructing the object of study

The question which is being asked in this research, 'why do social landlords evict their tenants?' seems on the surface fairly simple if not relatively straight forward. There are, however, a number of political and sociological imperatives which underpin the ways in which the object of the study is constructed. Firstly, there is the issue of power. The relationship between landlord and tenant is inherently unbalanced, with the latter having a series of 'rights' inscribed in statute and the former having a corresponding set of statutory obligations prescribed by the various instruments of housing law. The role of the right's-based advocate, such as community lawyer, housing aid worker, or right's-based advocate, is to act at the behest of their client in upholding these rights. Legal advice or advocacy would be required when an authority or housing association had either denied the tenant these rights or held the position that they deemed not to have any 'statutory duties' towards them. Without legal representation or advice from an expert, the tenant is in a highly vulnerable situation, and one in which they are often rendered completely powerless, even in circumstances where the landlord has acted unlawfully.

A general aspect of the construction of the object of study can be said to be sociological insofar as it arises from both the power structures and the political factors combining in ways that cause agents (in this case landlords) to act and to justify these actions. It is a synthesis of the various *ways in which landlords justify the evictions of tenants* with a historicised account of the rise and demise of social housing which forms the main focus of this study in an attempt to answer the research question, 'why do social landlords evict their tenants?' It is

by combining the (inter)subjective reality (history inscribed in minds and bodies) in of those working in housing with the objective reality (history incarnate in structures and institutions) within which this work takes place that the dialectical relation between the two can be accessed.

The notion of a 'tenant' is a legal relation and, therefore, a relation of power (Bourdieu 1987, Norrie 2001). Both tenants and landlords have been subject to evictions legislation since 1555 (Stalker 2007), with the two key aspects of current law, owing their genesis to these early beginnings. The legal setting for evictions is governed by the prescriptions of civil law, except illegal eviction which is criminal offence (Stalker 2007). The key aspects of the process by which landlords remove tenants from their homes through eviction action, takes place within the field of social welfare law, a sub-field of the juridical field which is itself located within the space of the wider field of power.

This chapter provides a theory of the policy and legal context of evictions, that is, the conditions which make possible the landlord's right to seek recovery of possession of a heritable property as well the tenant's right to resist such action. This is necessary as the policy and legal context, although structured by the events laid out in the previous historicity chapter, is largely governed by the 'juridical field', a relatively autonomous field whose specific logic is doubly determined (Bourdieu 1987). Firstly the juridical field is determined by the specific power relations which not only structure the field, but which order the various conflicts and struggles over specific aspects of legal competence. Secondly it is structured by the internal logic of juridical functioning, that at all times curtails and constrains 'the range of possible actions and thereby, limits the realm of specifically juridical solutions' (Bourdieu 1987: 7). Like all fields (including the field of housing) the relative autonomy of legal thinking and practice arises from the fact that the juridical field has its own specific internal culture, codes, values and norms which, over a period of (often many) years within the field, gradually (and imperceptibly) *make the agents who make the field*. This thoroughly dialectical process of *becoming* a jurist, (which is facilitated by the entry requirements into the field - i.e. the objective standing of the type of law degree as well as the objective position of the academic

institution in the university field, or perhaps assisted by coming from a family with a legal tradition or indeed having come from a 'legal dynasty'), fosters the development of a legal *habitus*, a durable set of dispositions which give those who participate 'an easy time convincing themselves that the law provides its own foundation, that it is based on a fundamental norm, a "norm of norms" such as the Constitution, from which all lower ranked norms are in turn deduced' (Bourdieu 1987: 8).

Althusser's conceptualisation of the law is useful here, as it adds to the debate around equivalence. For Althusser (2014) one of the most important yet almost universally overlooked aspects within legal practice itself is that it represents a formal system which exists on condition of the dominant relations of production, yet these relations and acknowledgement of them are completely absent from law itself. To take Althusser's argument further, not only does 'the law' fail to acknowledge the role that the dominant relations of production have upon its existence but these relations are obfuscated by the forms of symbolic power that the law itself generates. That is to say, systems of meaning which the law produces have the capacity to mask forms of domination by hiding them under a cloak of legitimacy (Bourdieu 1991).

Before outlining a theory of the policy and legal context within which housing law and the evictions practices which they govern operate, it is first necessary to 'problematise' what is for Bourdieu (1991, 1994, 2000) worryingly unproblematic, namely the State and its role as the *central bank of symbolic capital* (Bourdieu 1991) that is, the holder of the *monopoly over the legitimate use of symbolic violence* (Bourdieu 1990, 2000). The chapter then concludes with a brief examination of housing law in order to provide a contextualised account of current legislation and the resultant policy innovations for the management of rent arrears in the social housing sector.

Exposition (iv)

A radical doubt

The theoretical principles behind Marx's (1845) observation that 'The ideas of the ruling class are in every epoch the ruling ideas, namely, the class which is the ruling material force of society, is at the same time its ruling intellectual force, have been developed and refined by a number of writers and theorists from Gramsci (1970), to Foucault (1991), but none perhaps so comprehensively as Bourdieu (1994, 1991, 2000) Indeed Bourdieu (1994) traces this important line of enquiry to David Hume, who in his essay On the First Principles of Government published in 1758, had perhaps initially raised this question in its current form.

> Nothing is as astonishing for those who consider human affairs with a philosophic eye than to see the ease with which the *many* will be governed by the *few* and to observe the implicit submission with which men revoke their own sentiments and passions in favour of their leaders. When we inquire about the means through which such an astonishing thing is accomplished, we find that with force being always on the side of the governed, only opinion can sustain the governors. It is solely on opinion that government is founded, and such maxim applies to the most despotic and military government as well as to the freest and most popular (Quoted in Bourdieu 1994: 15).

In quoting Hume at length, Bourdieu is highlighting perhaps the most fundamental question of all political philosophy, the problem of legitimacy. Bourdieu (1994: 15) goes as far as saying that, 'what is problematic is the fact that the established order is *not* problematic: and that the question of the legitimacy of the state, and the order it institutes, does not arise except in crisis situations'. Perhaps one of Bourdieu's most powerful, yet little known (and indeed little understood) ideas, is the notion that the state produces order without ever having to actually give orders (Bourdieu 1991, 1994). It does this through a *double naturalisation* which occurs when the cognitive structures (the categories of perception) which the state produces (through among other things, 'official discourse') accord with objective structures, thus ensuring doxic submission to the dominant order.

Bourdieu, who often comes under criticism for his difficult writing style, does have to say things which are, *in themselves*, difficult to say. For Bourdieu the mysteries of social existence are at their most dense in our own everyday situations (Bourdieu 1987). In order to loosen the tight grip which common sense has over our lives, it is therefore important to not only displace these highly political (yet thoroughly invisible) doxic notions, but to do so at source, that is to say, in order to escape the 'taken-for-granted' notions which elicit our (unquestioning) submission, we need to ruthlessly and relentlessly 'problematise' the very language we use and the way we use it to structure our social reality. Therefore, for the uninitiated, certain questions can seem obscure such as; *how can we think the state that thinks itself through those who think it?* The question Bourdieu (1994) poses here is: how can 'common sense' comprehend the very world from which it has issued, through among other things, the very categories of perception that sustain it? It is this *double naturalisation* of the social world, when objective and cognitive structures not only accord, but are then embodied by persons (Bourdieu 2000) that allows the structures of the social world to go mostly unquestioned as it creates the conditions for its own perpetuation (all be it conforming to different pressures from different forces).
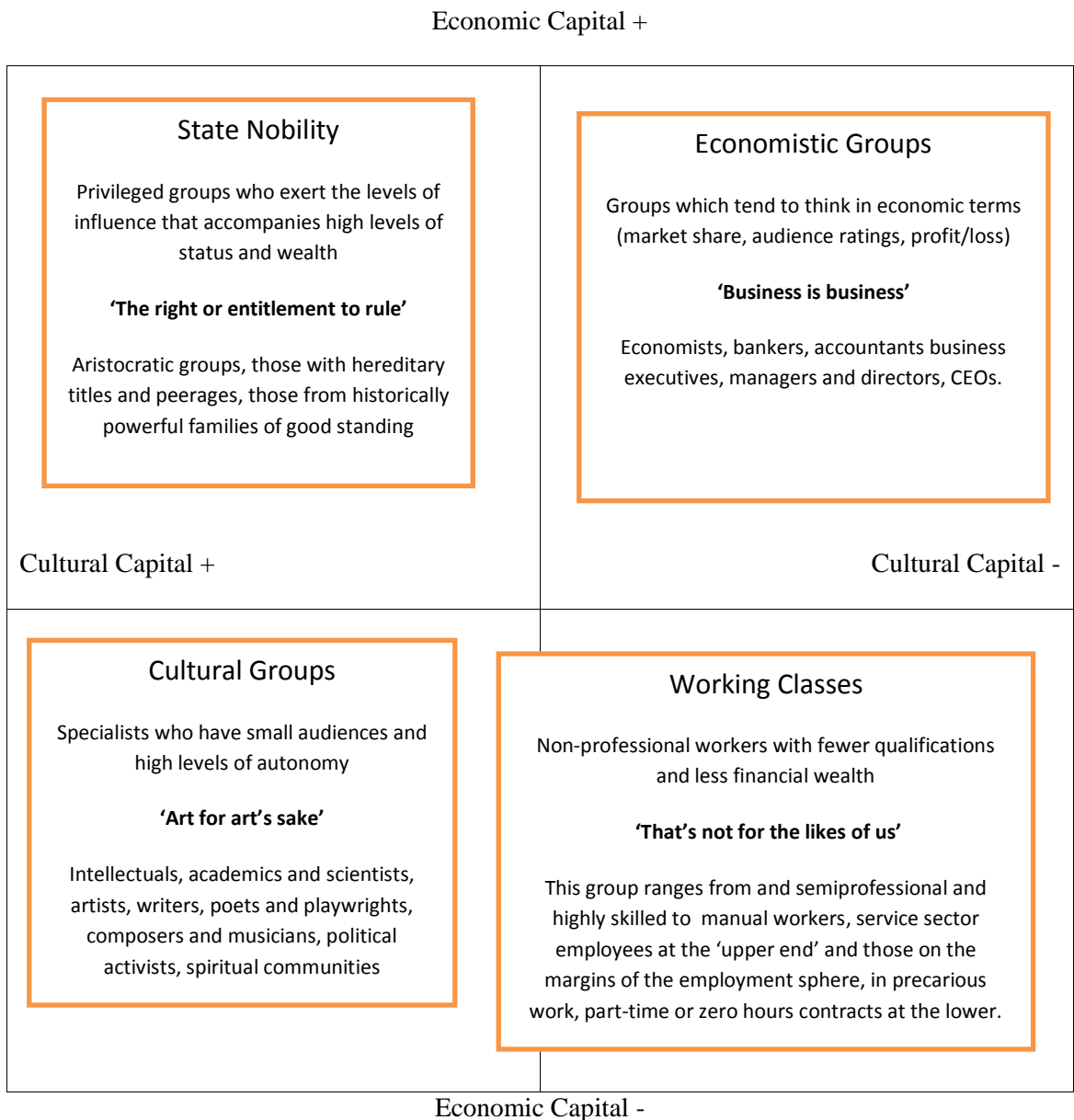
In order to begin to understand how the state operates, we need to have at least a general definition of what the state actually is and how it functions. Over the course of Bourdieu's academic life he developed a sophisticated analysis of the state, the definition of which, when crudely summarised, has broadly three dimensions. Firstly the state is a loosely connected group of semi-autonomous institutions which compete for the monopoly over the definition and distribution of public goods. Secondly, Bourdieu borrows both from Weber's notion of the state as a classifying agent (Bourdieu and Wacquant 1992), that is to say, the state produces the categories of thought that are applied to all things of the world, as well as Esping-Anderson's (1990) assertion that the state is a 'stratifying agent' (i.e. the state as a means by which groups are created or dissolved through the inclusion or exclusion of individuals and groups by other individuals and groups, depending upon the positions and dispositions of agents and the spaces they occupy). Thirdly, not only is the state a site for the

concentration of various forms of capital, the state is the *central bank of symbolic capital*, a place where the stakes in the game, as well as the symbolic profits that they yield, are legitimised, that is, that they are transformed into something which is (mis)recognised as being legitimate, an act which can only be performed by masking the 'arbitrary' that founds it (Bourdieu 1991). As discussed in the previous chapter, in order to understand Bourdieu's conceptualisation of the state, it is necessary to understand firstly 'fields', then secondly the agonistic nature of these fields (encompassing the state's institutions and their struggle for the monopoly over the definition and distribution of public goods), and lastly the ability of the state to exert 'symbolic violence' by incarnating itself simultaneously in both the objective structures and mechanisms of organisations and subjectively in the mental structures and categories of perception and thought (Bourdieu and Wacquant 1992) from which they have not only issued but on which they will have at least some influence.

In highly differentiated societies, these relatively autonomous social microcosms (Bourdieu and Wacquant 1992) are loosely situated in social space according to their overall levels of capital. This model, developed by Bourdieu (1977, 1990, 1991, 1992, 2000, 2005) simplifies what is a multi-faceted, multidimensional space by locating it along two intersecting axes, economic capital and cultural capital (see Figure 2 below). It is only by understanding the forms of capital and how they are distributed throughout the social world that we can begin to understand how these different 'worlds' (or fields) work. Bourdieu (1994, Wacquant 2005), shows that this opposition between economic and cultural capital is one of the oldest forms of struggle, embodied by the competition between Knights (economic) and Priests (cultural) for courtly influence over the King, and is evident today in the struggle between managers (economic) and intellectuals (cultural) over the principles of domination (and sometimes over the principles of the principles of domination, see Bourdieu 1991, 1996, 2000). Without too much conscious reflection, each group relentlessly (although almost always subtly through forms of euphemisation) seeks to discredit the foundational capital of the other while at the same time trying to make their own forms of capital appear as the legitimate forms of

capital, as well as promoting the categories of perception that sustain them. This, as Bourdieu (1994, Wacquant 2005) reminds us, creates an agonistic social world, where the pitiless and relentless forms of competition over status and power (forms of capital) are the key stakes *(illusio)* in a game that is driven by the desire to accumulate capital *(libido)* as well as the symbolic profits which the forms of capital offer those who are the most successful at playing the game. The model extends beyond individuals to include groups (individuals who share roughly the same positions because they share roughly the same dispositions) whose positions in social space are also governed by the same rules as those of individual actors, creating homologies which as Figure 2 suggests, serve to not only bind groups but give them shared interests and common objectives.   The following diagram is an original adaptation, constructed from various elements many of which have their origins in Bourdieu's Distinction (1984).

Figure 2 Locations in Social Space

Economic Capital +

State Nobility Privileged groups who exert the levels of influence that accompanies high levels of status and wealth **'The right or entitlement to rule'** Aristocratic groups, those with hereditary titles and peerages, those from historically powerful families of good standing	**Economistic Groups** Groups which tend to think in economic terms (market share, audience ratings, profit/loss) **'Business is business'** Economists, bankers, accountants business executives, managers and directors, CEOs.

Cultural Capital +   Cultural Capital -

Cultural Groups Specialists who have small audiences and high levels of autonomy **'Art for art's sake'** Intellectuals, academics and scientists, artists, writers, poets and playwrights, composers and musicians, political activists, spiritual communities	**Working Classes** Non-professional workers with fewer qualifications and less financial wealth **'That's not for the likes of us'** This group ranges from and semiprofessional and highly skilled to manual workers, service sector employees at the 'upper end' and those on the margins of the employment sphere, in precarious work, part-time or zero hours contracts at the lower.

Economic Capital -

Perhaps one of the most misunderstood social processes, both in contemporary and historical settings, involves the struggles for power and domination through promoting (or discrediting) the categories of perception which are favourable (or unfavourable) to their own positions. Most of the political struggles, according to Bourdieu's (1991) model, are between the two sections of the professional middle classes, that is, between those who draw their power and influence from having high levels of cultural capital (intellectuals and cultural producers) and those whose position is dependent upon having a

strong economistic foundation (managerial classes, economists, investors, etc.). As Bourdieu and Wacquant (1992) suggest, the structure of fields tend to result in an alignment of broader interests between homologous groups, i.e. victories by managers (in enforcing the efficacy of economic categories) over intellectuals tends, in turn, to benefit the interests of business and finance (if only through forms of legitimation), whereas any victory over economic groups by the intellectual classes (in promoting or imposing moral, rather than economistic, categories) tends to offer more of a benefit to groups shorn of economic capital.

As Bourdieu (1994: 1) emphasises, it is in the realm of symbolic production that the grip of the state is felt most powerfully. The great producers of 'social problems' are state bureaucracies and their representatives, who *make the world* through their struggles over the right to *name the world* (Bourdieu 1991). It is, therefore, through the production and imposition of categories of thought that the state realises itself in the social and mental structures adapted to them. By imposing and inculcating, in a universal manner, similar cognitive evaluative structures (Bourdieu 1994) the state creates a logical conformism, as well as a moral conformism, or in other words, a 'commonsense world' that persons rarely, if ever, bring into question. It is this 'commonsense world' that the researcher must be alert to, so that account can be taken of the doxic notions which issue from 'the common forms and categories of perception and appreciation, social frameworks of perceptions of understanding, or of memory, in short, state forms of classification' (Bourdieu 1994: 7).

Challenging the 'commonsense' view of the world has been a central tenet of critical enquiry since the late medieval period (at least since the publication of Machiavelli's *The Prince* in 1532) where there was general acknowledgement that the social world that presents itself is most often illusory, leading Pascal (1670, see Bourdieu 2000) to assert that there exists, among persons, a propensity to hide the true motives of action through 'performance' in order to appear *disinterested* irrespective of the level of commitment (*illusio*) in the struggle over the appropriation of forms of capital. For Bourdieu (1977, 1990, 1991, 1998, 2000) *'disinterestedness'* is the masking, by the players in the

game, of the fact that there is a struggle over the stakes (forms of capital) of the game (see Chapter Six for a more detailed explanation).

In fact, one could go as far as saying that Bourdieu's general metatheoretical account of what is in effect an '*economy of practices*' (Brubaker 1985) or an '*economy of being*' (Hage 2000), empirically informed and theoretically rich, shows that although practice is often regulated by self-interested strategies and tacit calculations, this 'objective truth', is 'not acknowledged by the participants, who hold to the sincere fiction of a disinterested exchange' (Brubaker 1985: 755). The important aspect of Bourdieu's metatheory is that self-interest, in this economy of being, cannot be simply reduced to material interests, but rather encompasses the full range of symbolic as well as material goods. What is important to note about this, mostly unconscious, 'disposition' is that it is oriented towards seeking the kinds of 'recognition' and 'justification' that only the positive regard of others can bring (Bourdieu 2000). This social anthropology provides the foundation of a theory of practice (see Bourdieu 1977 and 1990) which will be developed later in an examination of the ways in which agents, at the critical moment of a situation (the moment of disagreement), move towards 'collective conventions' in order to justify their own positions.

It is this evolution, from notions of a false consciousness to a more nuanced understanding of the wholly unconscious nature of doxa, which holds the key to understanding the social processes involved in the production of belief.

> It should not be forgotten that a primordial political belief, this doxa, is an orthodoxy, a right, a correct, dominant vision which has more often than not been imposed through struggles against competing visions. This means that the "natural attitude" mentioned by the phenomenologists, i.e. the primary experience of the world of commonsense, is a politically produced relation as are the categories of perception that sustain it. What appears to us today as self-evident, as beneath consciousness and choice, has quite often been the stake of struggles and instituted only as the result of dogged confrontations between dominant and dominated groups (Bourdieu 1994:15).

The commonsense view is therefore unable to expose the hidden forms of power and domination which accompany all human action, conscious or unconscious, a factor which gives rise to its own contradictory logic, evidenced

by the fact that the 'commonsense' view is itself a highly 'political' and thoroughly 'politicised' position which at all times tries to mask aspects of the very power relations that constitute it.

> Doxa is a particular point of view, the point of view of the dominant, when it pretends and imposes itself as a universal point of view – the point of view of those who dominate by dominating the state and those who have constituted their point of view as universal by constituting the state (Bourdieu 1994:15).

In order to proceed, particularly in relation to 'official discourse' and the state categories of thought that it produces, the researcher must adopt a position of radical doubt. If a common sense or mainstream approach invariably leads to a reaffirmation of dominant forms of discourse then it must be argued that a 'critical' approach is essential in order to challenge the 'hegemonic' principles emanating from institutions which, as Foucault reminded Chomsky in their TV debate of 1971, appear to be 'neutral' and 'independent', but never are. This is, it can be argued, the very essence of critical thinking. For Wacquant (2004) there are, broadly speaking, two forms of critical thought; Kantian and Marxian. The Kantian approach is one which embraces the need to interrogate the foundations of knowledge itself, asking questions which serve to challenge a wide range of ontological and epistemological assumptions, as well as the relentless pursuit of the truth through the ruthless interrogation of one's own beliefs and prejudices. The second approach is critical in a *Marxian* sense, insofar as it sets out to uncover, expose and demystify the hidden forms of domination and exploitation which shape it, in the process revealing the various alternatives which have been thwarted and excluded. Wacquant suggests that, 'the most fruitful critical thought is that which situates itself at the confluence of these two traditions and thus weds *epistemological* and *social* critique by questioning, in a continuous, active, and radical manner.' (Wacquant 2004:1)

This critical analysis will be taken up in Chapter Six, but now we must turn to 'official discourse', that is, the state mediated and bureaucratically inculcated categories of perception which, when adjusted to objective structures, have an air of 'naturalness' which has been accounted for in this model of analysis in order (in the final analysis at least) to 'think the world, rather than be thought by

it, to take apart and understand its mechanisms, and thus to reappropriate it intellectually and materially' (Wacquant 2004: 5).

Part One

The juridical field

Bourdieu's concept of the juridical field is similar to that of housing only in so far as they both share the general properties of fields. They are both sites of struggle for their own specific types of capital which agents use to improve their overall position within the objectively defined structures of the field.

The juridical field is a bounded territory, (the definition of the boundaries being a stake in the very struggle itself) within which agents, according to the structures and logic of the various sub-fields (such as social welfare law), compete over the corresponding forms of juridical capital. This often takes the direct form of legal competence (Bourdieu 1987), the effects of which can be evidenced through various forms of 'recognition' such as promotion, awards, offers of partnership, a 'calling' to the Bar etc.

An examination of the field of housing law shows how agents are able to accumulate capital and in so doing alter their position (sometimes considerably) within the field. There are numerous cases within the field of social welfare law in the last twenty years which adequately show this. For example, Shelter's former principle solicitor has progressed to the Bar and now practices as an Advocate[14]. Another housing solicitor who began his 'career' practicing for Legal Services Agency, a large 'community law' firm specialising in social welfare legislation (evictions representing a considerable proportion of their overall caseload), attained the position of Sheriff, after serving as an Advocate in housing law for fifteen years. Housing law is arguably a sub-field of social welfare law; and what these two examples show is that it is possible to obtain a

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[14] An Advocate is the Scottish equivalent of an English Barrister. Advocates practice in the (Scottish) Court of Session and Barristers the (English) Court of Appeal, their respective Supreme Courts.

very favourable position within the wider juridical field by accumulating the right volume and structure of capital in one of its sub-fields (however dominated that sub-field is within the wider juridical field).

Solicitors practicing in community law centres have a range of dispositions which incline them to have an active preference to work in the social welfare legal sector as opposed to private practice. Many of these community legal practitioners are active campaigners for social justice, with some involved in political groups and some even having a relatively high media profile (both mainstream and social media). Social welfare legal practitioners can, on occasion have an input into government research and consultation (mainly through Government funded academic research), and some seek to actively lobby government and campaign for legal and social change.

Agents actively involved in the struggles specific to the field of social welfare law occupy different positions in the juridical field than those who are engaged in corporate law, tax law, even to a much lesser extent, family law. The senior partners of social welfare and private legal firms will have clear homologies, and many will have been linked historically through university law societies, or other clubs which require a minimum degree of specific symbolic capital in order to gain entry (see Bourdieu 1984, and 2005). However, the struggles between agents within fields differs between fields because the structures of each field offers specific profits and are therefore pursued by agents with specific interests. As Bourdieu points out, each field fills the bottle of 'interest' with a different wine. In common with other fields, a certain (in this case juridical) habitus is formed, which derives from the internalisation of certain social and economic conditions. The different forms of juridical habitus (just like the different forms of juridical capital) correspond roughly to the various sub fields within which agents are located. That is not to say that agents are unable to move between sub-fields[15] but the process of internalisation begins the

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[15] When I worked at Shelter it was not uncommon for solicitors from community law centres to make the switch across to the private sector, from a position of defending evictions to one of pursuing them. This is a very specific legal trait (for example, many defense QCs spend at least some time in their career

moment they do, meaning that in time, the specific codes, cultures, and regularities of the specific field affect the habitus which in turn affects the field (Bourdieu and Wacquant 1992, Bourdieu 1996).

What an understanding of 'fields' offers which the apparatus model does not, is a grasp of the dialectical processes which make possible power struggles between agents and between fields themselves.

> The history of social welfare law clearly demonstrates that the body of law constantly registers a state of power relations. It thus legitimizes victories over the dominated, which are thereby converted into accepted facts. This process has the effect of locking into the structure of power relations an ambiguity which contributes to the law's symbolic effectiveness (Bourdieu 1987: 7).

The example Bourdieu goes on to give is that of the labour unions in the US. The legal status of these unions evolved as membership expanded and then contracted. In the nineteenth century the collective actions of workers against bosses and owners was condemned as a political conspiracy, in order to protect the market (Bourdieu 1987). But as the labour unions grew in membership their numbers gave them political power, and thus gradually, they gained formal legal status. Indeed it could be argued that the rise in labour unions in the UK not only led to legislative change in favour of workers, it actually created an entire political party which, at least in the beginning, represented the broad interests of the working class. The dismantling of the Fordist-Keynesian system, and the ensuing deindustrialisation, represented not only a period of terminal decline for the trade unions but also their power within politics as well as their ability to legitimise their activities. There is no doubt that current *workfare* practices (Wacquant 2008, 2009, 2012) would have been more difficult for recent governments to implement had the labour movement been as strong as it was during the Fordist period of large-scale factory production.

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working for the Crown Prosecution Service). One of the local authority solicitors interviewed as part of this study had previously worked for a community law centre.

Arguably, other forms of social welfare law are homologous to this model. Housing law, like any other, is a relation of power which closely reflects the political and economic period within which it arises. For Wacquant (2008, 2009, 2012) social welfare law shifts from being a means by which poverty is regulated during the Fordist period, to a more punitive regime in what he calls, the double regulation of the poor. As highlighted in the previous chapter, this punitive paternalism which exists for those at the lower strata of social space is a core function of actually existing neoliberalism and has more to do with enforcing markets and market conditions (Wacquant 2009, 2012) upon those at the very margins of the employment sphere, than merely the provision of assistance. This notion builds upon Bourdieu's (1987) argument that the law, in order to function legitimately, must not only mask its entirely arbitrary basis but also obfuscate the fact that it is founded, ultimately, on violence.

Norrie (2001) traces the long relationship between the law and authoritarianism in developed societies, arguing that our notions of the law are always notions of 'liberal law' whose generalities have three distinct functions. Firstly liberal law obscures the domination of the dominant, secondly it renders the economic system calculable and thirdly it guarantees a minimum of liberty (for those who are able to harness the law and use it to their advantage). Norrie (2008) takes this further by arguing that there have been three broad developments in law which have arisen from the authoritarian aspects of liberal governance. Firstly there has been an increase in the stress placed upon individualism and the responsibilisation of the individual. The removal of the principles of social citizenship (welfare and social justice) places 'renewed emphasis on individual responsibility as a primary legitimating and dominatory ideological device' (Norrie 2008: 30). This type of individualisation and responsibilisation, Norrie (2001, 2008) argues, not only leads to increased punitiveness but also increases the role of victims thus providing the state with a sense of moral vindication for its retributive rather than its redistributive interventions. The second development involves the emphasis on increasing *dangerousness* (Norrie 2008), that is, the singling out of particular groups for special treatment. This tendency to focus on those groups perceived as being increasingly

dangerous and therefore as presenting an increased risk, results in the need for more severe forms of punishment as well as new forms of control and surveillance (Dean 2000). The third development focuses on these new forms of punishment which exist alongside traditional ideas of crime and punishment. The examples which Norrie (2008) uses are control orders to combat 'terrorism' and new hybrid forms of control and punishment such as the Anti-Social Behaviour Order. The latter has been the focus of considerable interest (see Flint 2004, 2006a, 2006b, 2009, Flint and Rowlands 2003, Wacquant 2007, 2008, 2009, 2012). What Norrie (2001, 2008) argues is the new form of *illiberal liberalism* is not entirely different from Wacquant's (2009, 2012) notion of the Centaur state, which practices liberalism for those at the top of the class structure and punitive paternalism for those at the bottom. Indeed, Norrie's (2008) emphasis on the authoritarian nature of the law (which is always 'liberal law') represents a fundamental truth about liberal societies. Wacquant (2009: 307), quoting Desmond King states that 'Illiberal social policies which seek to direct citizen's conduct coercively are intrinsic to liberal democratic politics and reflective of their internal contradictions'. Given the place of social housing and its increasing role in the regulation of behaviour (Flint 2003, 2004, McKee 2009a, 2009b, McKee and Cooper 2008) it would be difficult to argue that housing law exists outside of this paradigm. The next section will contextualise this point, providing a historicisation of the development of housing law and, in particular, social housing law.

The historical context for housing law and evictions

This section will historicise the legal context in order to set out the historical conditions which have created the sociological present, before examining (in the next section) the current policy interventions for preventing rent arrears and therefore homelessness through eviction. Housing legislation within Scots law has a rather long history with the first statutory regulation of evictions prescribed in the Act of 1555, which was passed 'to rid the country of the violence which was a usual accompaniment to the older removings … on verbal warnings only' (Rankin 1916: 550 quoted in Stalker 2007: 4). This, as Stalker (2007) points out, was where the current 40 day notice period comes from as

the 1555 Act stated that a landlord had to issue such, which if the tenant failed to heed, could result in the landlord seeking a decree in the sheriff court.   Once the decree had been granted, the 'landlord had then to apply directly to the local sheriff for a warrant of ejection' (Stalker 2007: 4). What seems remarkable about this early form of eviction procedure is that the two foundational aspects are very much part of eviction proceedings today. There is still a requirement to issue notices, and there is still a legal requirement (in Scots law) to acquire a decree from the sheriff court, the granting of which requires that a sheriff officer be instructed to carry out the eviction itself. The law governing eviction changed only slightly between the 1555 Act and the Sheriff Courts (Scotland) Act 1907 which provided the means by which the decree for removing and the warrant for ejection could be obtained as part of the same single process (Stalker 2007).

Rent control was introduced in 1915 as a direct result of the Glasgow rent strikes by (mainly women) munitions workers. The orthodox view is that during the First World War, munitions workers in an overcrowded Glasgow refused to pay the exorbitant rent increases levied by private sector landlords who saw an opportunity to increase their profits at a time when they believed they had a captive market with little option but to capitulate or be homeless. The women of Glasgow launched an unprecedented campaign which forced the government to introduce the Increase of Rent and Mortgage Interest (War Restrictions) Act 1915 (Stalker 2007). There was no doubt that organised militancy played an important part in the introduction of legislation which not only controlled rent increases, but also entitled tenants to apply for a 'fair rent' as well as affording tenants the right to remain within the tenancy after the lease had been terminated. But, following Harvey's (2012) Marxian logic there is arguably another dimension to the introduction of 'fair rents'. Given that housing costs are largely the highest form of expenditure a worker usually incurs, and given that rising rents often mean rising wages, it becomes apparent that the government would have had a clear interest in keeping rents at a reasonably affordable level to avoid increases in wages at munitions factories which in turn would have increased the cost of the war effort significantly. In short, the

increases in production costs (due to increases in rents) would be passed from the producer (private munitions factories) onto the buyer, in this case the British Government. The dialectical nature of these types of struggles suggests that both accounts bear a degree of truth.

The Rent Acts which followed the 1915 Act also covered the issue of illegal eviction with the prevailing set of Rent (Scotland) Acts making it a criminal offence (in a field governed almost exclusively by civil law) to evict or to threaten to evict any tenant without first obtaining a decree for eviction from a sheriff court.

The Housing (Scotland) Act 1988, which applied to the private rental housing sector, replaced the Rent Acts system with a new form of tenancy which removed a great deal of the tenants' rights, a legislative change which greatly favoured landlords. This 'assured' tenancy enacted by the Conservative government was, according to Stalker (2007), intended to 'stimulate' the private rental market. Firstly, the 'fair rent' system was replaced by a 'market rent' system which made it much more profitable for landlords and more expensive for tenants. Secondly it made ending the tenancy and obtaining decree for eviction much easier, and thirdly it created a new tenancy known as the Short Assured Tenancy. This new tenancy meant that the landlord did not have to establish grounds for eviction and that they could, at the right time and with the right notices, end the tenancy and seek recovery of possession.   The only benefit the tenant saw from an Act which eroded almost all of the aspects of the law which gave them security of tenure, was that in line with secure tenancies (the principal tenure of the social hosing sector) landlords had to issue a notice of proceedings for recovery of possession. This placed an obligation on all landlords to inform and notify (officially) the tenant of any intention by the landlord to recover the property.

The Housing (Scotland) Act 1987 re-enacted the secure tenancy regime, consolidating previous legislation and introducing a rationing system known in practitioner circles as the four hurdles. This meant that in order for a local authority to have a statutory duty towards a household under homeless

legislation (Part II of the Housing Scotland Act 1987) the applicant or at least one member of the applicant's household must be 1) homeless, 2) in priority need, 3) unintentionally homeless and 4) with a local connection. A number of housing related scholars (Link and Phelan 2001, Anderson 2007 and 2012, Fitzpatrick and Pleace 2012, Anderson and Serpa 2013) have made the claim that this rationing device, (which it can easily be argued is designed to not only ration social housing but to act as an incentive for those who could afford it, to either rent privately or to seek out a mortgage), acted to further stigmatise a tenure which had been under attack from the media and politicians since the late 1960s.

The Scotland Act of 1998 which granted Scotland its own devolved parliament allowed housing policy to be made outside of Westminster. The Homelessness Taskforce was set up which made a number of recommendations leading to a raft of new legislation, promising Scotland the most progressive homelessness rights in Europe (Anderson and Serpa 2013). The first Act to be passed by the Scottish Parliament was the Housing (Scotland) Act 2001. As well as updating the package of rights that tenants enjoyed, it also created a uniformity of tenure between housing associations which previously had assured tenancies and council tenants who had secure tenancies. The 2001 Act aligned them both, a measure which was essential in facilitating the large-scale transfer of housing stock from local authorities to housing associations. In 2002 Glasgow tenants voted in favour of stock transfer and some 88, 000 properties were taken over by the newly formed Glasgow Housing Association (GHA).

The enactment of the Homelessness Etc. (Scotland) Act 2003 arguably gave social tenants and homeless persons in Scotland the most comprehensive package of rights in the UK (Fitzpatrick 2004) if not the strongest legal protection from homelessness in the world (Anderson and Serpa 2013). The abolition of priority need and the possibility of a 'commencement order' on all intentionally homeless households being given a statutory right to a Short Scottish Secure Tenancy was the most radical, as it had the potential for local authorities in Scotland to have an un-ending duty towards their citizens, as far as the alleviation of homelessness was concerned. As well as expanding the

categories of those who would be eligible for assistance the 2003 Act focused on the prevention of homelessness with, in particular, section 11 summarised by Shelter in the following passage

> Mortgage lenders, private landlords and/or registered social landlords (RSLs) must inform the relevant LA when they initiate legal proceedings to repossess a property. The early warning that a Section 11 notification provides should allow for information and support to be provided to households, which will prevent homelessness occurring, or will allow a planned approach for suitable alternative accommodation to be found (Shelter 2009).

There was widespread recognition that, in the event of anyone who was deemed to be homeless having a statutory right to housing, then pressure on the existing stock would be massively increased. Even before the worst of the so-called austerity measures were implemented after the 2008 banking crisis, there was recognition that there would be a need to increase existing housing options and, in fitting with the third-way agenda of the then Labour government, the private rented sector was the obvious choice for this expansion. This, however, was not without its challenges. The Private Rented Sector (PRS) in Scotland (similar to the wider UK context) was one of the most unregulated in Europe and a combination of substandard conditions coupled with an awareness of the high prevalence of poor practices among the landlord fraternity (Kemp 2004), led to the drafting of what was to become the Housing (Scotland) Act 2006, a legislative measure dealing almost exclusively with the PRS and one which effectively addressed a large number of concerns ranging from the tenants' right to repair, with robust enforcement mechanisms, as well as tenancy deposit regulation, a 'fit and proper person' test, and a register for landlords.

Both the social and private rented housing sectors in Scotland underwent some degree of change and reform, all the unintended consequences it can be argued, of a legislative commitment to end homelessness. Not all the consequences, however, were seen as beneficial and it has been argued that an increase in the rights of homeless people had a detrimental impact on a number of key policy objectives particularly those associated with

neighbourhood-based initiatives which had been popular among policy makers since the 1990s (Atkinson and Kintrea 2001).

As a result of the incremental phase-in period for the 2012 goal of abolishing priority need, targets had to be achieved gradually in order that authorities could make the required adjustments. This involved halving the numbers on non-priority decisions by 2007 a target which was met with a mixed level of success (Shelter 2007). Under new Labour, the 'mixed community'[16] was seen as the 'Holy Grail' of housing policy (Manzi 2010), an objective that was prioritised through regulatory mechanisms and various forms of guidance to councils all over the UK (Jones and Evans 2008). This 'mixed-community' agenda within the social rented sector has been continually undermined by the fact that the increase in the number of offers to homeless people rather than to waiting list applicants, in order to meet targets;

> …seems likely to further increase the proportion of people in social housing living in poverty, particularly in the less popular estates with poorer housing conditions which will effectively be the more accessible to homeless people. So, to some extent, social justice for some is being bought at the expense of access to housing for slightly less badly off groups, and, in terms of the objectives of reform, is also contradictory to the aim of building stronger and more mixed communities (Kintrea 2006: 198).

There was also another concern that unless resources were made available to increase the housing stock, these problems would only get worse. Stock numbers in 2002 consisted of 535,000 local authority dwellings in Scotland, dropping to 363,000 in 2005, a reduction of 32 per cent. Even more relevant was the fact that lettings fell from 54,575 in 2001-02 to 31,894 in 2005 – 06, a 39 per cent reduction (Scottish Executive 2007). As the Coalition Government in Westminster rolled out its planned reforms under the banner of the 'Big Society' the commitments to policies which prioritise notions of 'social mix' or 'social cohesion' came under serious threat. Cole and Green, referring to their

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[16] The mixed community agenda was built upon the notion that since it was worse to be poor in a poor area than an area of social mix (Atkinson and Kintrea 2001) then social and tenure mix was seen as a desirable solution to the problems associated with areas of concentrated forms of deprivation.

own research in deprived areas believe that the coalition's approach to social housing policy will;

> '…serve to reinforce existing social divisions, foster serial exclusivity down the status hierarchy of neighbourhoods in a district, with little left for those areas at the end of the line. In this context, the development of more socially mixed communities is likely to be swimming against a torrent rather than a tide, with such forceful currents now pointing in the opposite direction' (Cole and Green in Anderson and Sim 2011).

Legislative change was, of course, not the only driver behind the reforms in housing and related areas. There were a whole raft of different social policies and 'third way' objectives such as 'community cohesion' which, under new Labour became both a national and local priority (Wood and Fowlie 2010); 'employability', a concept which sought to increase labour market competitiveness and instil something of a work ethic in communities dominated by social housing and 'housing market renewal' (Allen 2008, Glynn 2009). All of these were, to varying degrees, the political motivations and pretexts for 'modifying problematised behaviours' all strengthened during the last phase of the transition from renters to owners; constructing those remaining in, or unable to escape from social housing, as failed consumers (Allen 2008). As Atkinson and Jacobs (2010) show, serious questions hang over the ability of reconstitutive measures based on pathological diagnoses of poverty related problems, to address issues which have largely 'structural' causes.

> It is unclear how the aims to reconstruct social housing areas as cohesive, socially mixed communities of aware citizens can be achieved; there is not enough in the reforms so far to make that happen (Kintrea 2006: 204).

The years between Labour taking office in 1997 and the credit problems of 2007 was something of a golden age for what has come to be known as 'Housing Market Renewal' or Regeneration to use its generic title. A great deal of time and resources were committed to setting up Urban Regeneration Companies during this period, which largely oversaw the building of mainly private housing estates with a modest percentage of the homes being, in most cases, required for social rent (Jones and Evans 2008). However as Glynn

points out, 'Regeneration sounds like it could only be a good thing, but it is being used as a Trojan Horse of state-sponsored 'accumulation by dispossession' on a massive scale' (Glynn 2009: 72). Another issue was the wholly 'reconstitutive' nature of regeneration, a policy measure which attempted to provide common sense solutions to problems which are firmly embedded in economic conditions, principally the radical deterioration of both employment conditions and employment opportunities, thus creating new forms of advanced marginality (Wacquant 1996). These conditions are shrouded in the veil of deeply contestable, yet highly popularised notions, such as 'social exclusion, social cohesion and neighbourhoods, economic competitiveness and democratic renewal' (Kintrea 2006: 204).

Although the Acts passed by the Scottish Parliament have the appearance of progressive legislative measures for tackling social problems, they clearly reflect the political and economic changes detailed in the previous chapter. The shift from subsidised forms of rented social housing for 'workers' to expensive rent and mortgages for 'consumers' is reflected in the new housing laws of the first decade of the 21st Century in Scotland. Nowhere is this more evident than in the prescriptions of the Housing Scotland Act 2010 and the raft of policy innovations which it ushered into existence.

Part Two

The Housing (Scotland) Act 2010

The Housing (Scotland) Act 2010 was passed by the Scottish Parliament on 3 November 2010. As well as creating the Scottish Housing Regulator (which will be discussed below) the Act introduced some important amendments to the Housing (Scotland) Act 2001 which affected any registered social landlord (RSL) who sought to raise eviction proceedings against a tenant on the grounds of rent arrears. There were 75,000 actions raised against social tenants in Scotland in 2010 (Shelter 2011). Shelter had long voiced concerns that actions were being raised unnecessarily and prematurely and campaigned for the creation and implementation of some form of checklist which RSLs must

comply with before resorting to court action. Following consultation the government amended section 14 of the Housing (Scotland) Act 2001 which now carries the requirement of an RSL to have complied with the prescriptions of section 14A of the 2001 Act when raising an action on the grounds of rent arrears in terms of paragraph 1 of Schedule 2 of the same Act.

The lists of requirements, also known as the Pre Action Requirements are as follows:-

• The landlord must provide the tenant with clear information about the terms of the tenancy agreement together with any outstanding rent and any other financial obligation of the tenancy:

• The landlord must make reasonable efforts to provide the tenant with advice and assistance on the tenant's eligibility to receive housing benefit and other types of financial assistance:

• The landlord must provide the tenant with information about sources of advice and assistance in relation to management of debt:

• The landlord must make reasonable efforts to agree with the tenant a reasonable plan for future payments to the landlord, this plan must include proposals in respect of future payments of rent, outstanding rent and any other financial obligations of the tenancy:

• The landlord must not serve a Notice of Proceedings if an application for housing benefit for the tenant has been made (but not yet determined) and is, in the landlord's opinion, likely to result in benefit being paid at a level which would allow the tenant to pay, or reduce by an amount acceptable to the landlord, the outstanding rent and any other financial obligation of the tenancy:

• The landlord must not serve a Notice of Proceedings if the tenant is taking other steps which, in the opinion of the landlord, are likely to result in payment within a reasonable timescale of the outstanding rent and

any other outstanding financial obligation of the tenancy. Or the tenant is complying with a repayment plan agreed with the landlord:

• The landlord must encourage the tenant to contact the local authority in whose area the house is situated.

The Housing (Scotland) Act 2010 prescribes that a decree (termination of tenancy order) no longer ends the tenancy which will only be ended once the RSL recovers possession. That means that the tenant still has the implied right to occupy the property until duly removed by the Sheriff Officers. This, it is hoped, will resolve a number of issues pertaining to situations where landlords obtain decree then allow tenants to remain in their tenancy while payments are being made. Charities and tenants groups have long criticised landlords for what they see as the misuse of a procedure for the purposes of rent collection. The Act also recommends that the decree specifies a time period within which the RSL can recover possession, thereby addressing the question of how long a decree remains enforceable. The time scale is set out by the Housing Minister. This amendment only applies to paragraph 1 of the Housing (Scotland) Act 2001, which deals with rent arrears.

As well as giving landlords more obligations to reduce the numbers of evictions for rent arrears, the Housing (Scotland) Act 2010 created the Scottish Housing Regulator replacing Communities Scotland as the body that regulates and inspects the social housing sector, regulating 180 Registered Social Landlords (RSLs) as well as the 32 Scottish local authorities. In their own words they say that 'Our statutory objective is to safeguard and promote the interests of current and future tenants, homeless people and others who use services provided by social landlords' (Scottish Housing Regulator 2014).

What is curious about this claim is that despite the emphasis on promoting the interests of tenants, the Scottish Housing Regulator's work is almost exclusively based on business models, performance standards, and measured outcomes of landlords.

Each year we ask all registered social landlords to send us information that shows us how they have performed against the standards and

outcomes of the Scottish Social Housing Charter. We use this information to produce our reports, for tenants, about their landlord's performance (Scottish Housing Regulator 2014).

The Scottish Housing Regulator's website contains a drop-down section entitled *Find and Compare Landlords*, which contains a wide range of statistical data on a number of key performance indicators. The page offers links to various sources and data sets including a spread sheet set with multiple sets of benchmarking tables, 14 financial tables and nine performance tables.

The Regulator's own statement on the benchmarking tables is as follows:

> The benchmarking spreadsheet contains details for each RSL followed by performance information. It is sorted in alphabetical order of RSL name, and can be used as a working document: users may wish to calculate their own percentages, merge it with the statistical and financial tables, re-sort it and add other information, for their own purposes. (Scottish Housing Regulator 2014).

This statement curiously assumes that the user (the social housing tenant) is not only ITC literate, but has a good working knowledge of spreadsheets, the ability to manipulate data, as well as the skills needed to analyse it and to draw effective conclusions. The Regulator seems also to believe that these 'categories' of assessment, which are no doubt of great interest to the Regulator, are also of interest to the social housing tenant.

The regulator lists their five key performance indicators as: 1) average re-let time, 2) percentage of rental income lost due to void properties, 3) total arrears as a percentage of gross rental income, 4) emergency repair times, and 5) non-emergency repair times. This function of the website seems to be built upon the assumption that tenants will be empowered by the fact that they can check up on and compare these key performance indicators, allowing them to 'benchmark' the progress of their own landlord in respect of matters such as rent arrears management and loss of income due to poor stock management.

The financial tables, of which there are 14, afford the social housing tenant access to a comprehensive set of data on all matters of a financial nature in relation to the performance of their own social landlord in comparison to other

landlords. The Scottish Housing Regulator's website lists the tables as follows: 1) balance sheet extracts from the national aggregated figures split into classification groups, 2) aggregate cash-flow statements, from the national aggregated figures split into classification groups, 3) Cash Flow Statement extracts from the national aggregated figures split into classification groups, 4) individual balance sheets, 5) individual cash flow statements from the national aggregate figures split into classification groups, 6) aggregate RSL balance sheets for the last 5 years, 7) debt and net debt per unit for the last 5 years, with class split, 8) Financial ratios and costs in the previous financial year, with class split, 9) The aggregate RSL Income and Expenditure accounts for the last 5 years, 10) income and expenditure extracts from the national aggregated figures for the previous financial year, split into four classification groups, 11) The national aggregated figures the previous financial year, split on an individual RSL basis, with classification group sub-totals, 12) income and expenditure ratios as listed below for the previous financial year along with selected prior year comparatives, 13) Interest cover for the last 5 years, with class split, 14) unit management and maintenance costs for the previous financial year, with classification group and national medians.

The next set of statistics for use by tenants in comparing the business performance of their landlord are as follows: 1) evictions - outcome of RSL eviction actions raised for the last 5 years by peer group and Council, which includes a summary table of eviction actions over the last 5 years, 2) house sales - detailed breakdown of the type of RSL house sale applications received and sales settled by peer groups and Councils for the last 5 years, which includes a summary table of the total number of application received, number of sales settled, and number of other sales over the last 5 years, 3) lettings and void loss, including lettings and re-let times by peer groups for the last 5 years, including void properties and rental income lost through void properties by peer groups for the last 5 years, 4) performance information - including a summary of mainstream RSL Key Performance Indicators (KPIs) by peer group, 5) reactive repairs -the number of repairs carried out in the year, average length of time taken to complete non-emergency repairs and details of emergency

repairs, 6) rent arrears - Gross and net rent arrears; current and former tenant arrears for RSLs by peer groups for the last 5 years. Arrears management information by peer group – includes proportion of tenants with arrears giving up tenancy; average debt owed by former tenants; amount & proportion of arrears owed by former tenants, 7) rents - average weekly secure rents and rent increases applied in year and to be applied next year, 8) Scottish Housing Quality Standard - Stock failing the Standard projected to 2015 by peer groups and council area, including Council landlord totals.

Stock Failing Standard by criterion projected to 2015, including Council landlord totals. Investment in SHQS by peer group including Council landlord totals, anticipated SHQS exemptions for 2015 including Council landlord totals as well as a summary of all Social sector landlord stock failing Standard at year end by RSL peer group and council area, 9) stock – the total number of self-contained units, non-self-contained bed spaces, shared ownership units and overall total stock for RSLs by peer groups and Councils for the last 5 year.

This comprehensive list of performance statistics, measurements and evaluations for benchmarking is, in the words of the Regulator a "comparison tool [which] lets tenants find out how their landlord's performance compares with others". (Scottish Housing Regulator's website 2014)

Exercising a radical doubt, it would appear that the way in which the data has been presented was very much framed around an approach which was very heavily weighted towards managerialist objectives, that is to say, the Scottish Housing Regulator can, to stretch a Bourdieusian term by taking it from its usual context, be accused of a form of *managerialist bias*. In Pascalian Meditations Bourdieu (2000) spends a great deal of time explaining what he means by the term *scholastic bias* 'the tendency of social analysts to project their own (hermeneutic) relation to the social world into the minds of the people they observe' (Calhoun 2002: 17). This is founded on a number of unconscious assumptions, to which the academic submits and to which Bourdieu's model of reflective practice is the effective antidote.   Therefore it can be said that the Scottish Housing Regulator, in equating the two notions of serving the interests of tenants and making a wide range of technical statistical data related to

managerial methods of benchmarking, appears to be exercising a managerial bias, that is to say, projecting the managerial relation between landlord and tenant into the very minds of the tenants themselves. In doing so, it also generates the categories of perception which, adjusted to objective structures (economic conditions such as austerity cuts, budget deficits, staff shortages), as well as the dominant discourses around 'responsibility' and political claims on the use of ('scarce') resources, give the economistic approach to the management of rent arrears and the prioritisation of rent above all else, a sense of naturalness. It is this taken-for-granted reality, that which goes without saying because it comes without saying, (Bourdieu 1990) which shapes practice at the very deepest, unconscious level. It is the very embodiment of regulatory regimes which doubly reinforce their sense of naturalness, through the bodily schemata as well as mental schemata (Bourdieu 2000) shaped by performing certain tasks daily as well as thinking about such tasks with the requirements of the law at one end and notions of good practice at the other.

As highlighted above, the motivations for these policy changes were many, and varied. Firstly the unintended consequences of the recommendations of the Homelessness Task Force, appointed by the Scottish Parliament led to the ambitious plan to end homelessness at a time when social housing was decreasing in desirability if not demand. Secondly, the financial credit collapse of 2007/8 dealt an unforeseen blow to the entire housing market, stopping in its tracks the social-sector house building programme as part of the regeneration agenda which was overly reliant on increasing debt and steadily rising levels of growth (Harvey 2010). Thirdly the removal of the 'priority' category combined with the two previous points highlighted above, has resulted in an acute need to reduce the numbers of homeless presentations at a time when demand is increasing and the supply of adequate stock is in decline (Robertson and Serpa 2014).

Problematising the problem of morality

The legal and policy context tells us a number of things about evictions. Firstly, that almost everyone, from the Scottish Government, and landlord

organisations to tenant representative organisations such as Shelter and the Community Law Centres, consider the issue of evictions to be highly problematic. It seems clear from the Government's own literature and raft of legislative interventions (such as those mentioned above) that the 'official rationale' for this assertion centres on an increasing demand on housing stock at a time when units of accommodation have diminished significantly in number, an unintended consequence of a policy made at a time when it was believed that house prices would continue to rise, mortgages would continue to become easier to obtain. Of course the Homelessness Task Force whose recommendations were initially accepted by the Scottish Government (which was at the time a Labour/Liberal coalition), did not predict that the housing bubble would burst leading to the collapse of the global mortgage market. This meant that the numbers of people expected to move from social housing into the owner occupied sector was not only halted, but that the trend was actually reversed in real terms as mortgage foreclosures increased, coupled with a rise in rents in the private sector as those who had aspirations to buy had to make contingences as banks lost their liquidity and were unable to lend.

It can therefore be argued that these broad events created the conditions which brought the wide range of managerial mechanisms to bear on landlords compelling them to reduce the number of homeless applicants at a time when new legislation, passed during more prosperous times for mortgage sellers, was placing a great deal of pressure on a resource that was already under extreme duress.

The 'answer' to the problem came in the form of the Scottish Housing Regulator, a body charged with the task of inspecting landlord organisations to ensure that they performed in accordance with the Scottish Social Housing Charter, which informs tenants of what they can expect in terms of 'quality and value for money of the services they receive' (Scottish Housing Regulator 2014). The Regulator's one statutory purpose is to 'safeguard and promote the interests of current and future tenants of social landlords, people who are or may become homeless, and people who use housing services provided by registered social landlords (RSLs) and local authorities' (Scottish Housing

Regulator 2014). It sets out to achieve this by providing technical, in-depth data relating to performance standards and key performance indicators which cover everything from rent arrears management to the levels of rental income lost due to void properties remaining unlet.

The categories which the Regulator has selected for benchmarking purposes, that is, the data which allows tenants to compare their own landlord with other landlords is framed, almost exclusively, in the language of '*business management*'. It is clearly 'economic' in tone and, in accordance with Figure 2 above, shows that the categories deemed appropriate for the purposes of comparison have been selected by persons who occupy senior managerial positions (dealing in housing and homelessness) within both the Scottish Housing Regulator and the Scottish Government's relevant civil service departments.

There is a clear homology among many aspects of this chapter and the research literature examined in Chapter Two. The process of struggle involved in wresting power from industrial capital (and those whose interests it served) allowed the proponents of finance capital to capture not only the markets, but the institutions of the state that were responsible for constructing and sustaining the markets. In the left hand ministries, the senior civil servants and managers of public services were replaced by managers from the private sector (Sayer 2015). This also coincided with a programme of privatisation within welfare services which were, if deemed to be unprofitable, subjected to managerialist forms of regulation, and in many cases, widespread outsourcing.

The legislative changes clearly accord with this analysis, evidenced by the rightward tilting of the state, a shift that accelerates as more and more aspects of public life are dominated by individuals and groups for whom the success of markets and market conditions is of interest, both materially and symbolically.

5. Findings Chapter The Institutional Story

> *'Sets of agents who occupy similar positions and who, being placed in similar conditions and submitted to similar kinds of conditioning have every chance of having similar dispositions and interests, and thus of producing similar practices and adopting similar stances'* (Bourdieu 1991: 234).

This chapter will aim to present the data with as little commentary as possible in order to try and let the 'institutional story' unfold. The four main thematic questions will be addressed sequentially, in four parts, with the sub themes presented within each[17]. These will be presented in the order they were asked, starting with the causes of rent arrears, then the use of discretion during the process, then tenant action in the form of lodging minutes for recall and lastly, alternatives to eviction.

Part One

The construction of rent arrears

This section will present the findings to this subject in two parts. Firstly, it will present selected samples of the data from interviewees which were in direct response to the question 'what are the causes of rent arrears in your area'. The second section presents selected samples of the interview data which emerged

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[17] Appendix x details the rationale behind each theme as well as outlining exactly how the questions were formulated.

in response to this question and which deals with the mechanisms that social landlords employ in the management of rent arrears.
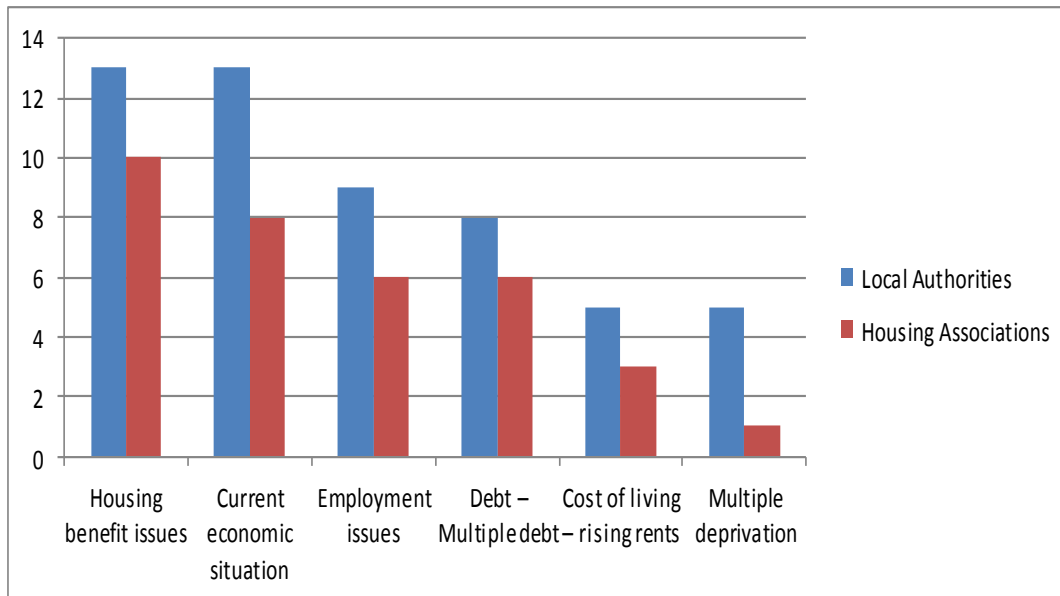
One of the first observations to emerge from the data very early on in the process is that the answers to this question could be categorized within the dichotomy of, one hand, structural causes and on the other individual causes. The structural causes refer in general to objectively defined political and economic circumstances that tenants find themselves in. These 'structural' issues are detailed in Figure 3 below. When the unequal numbers from local authorities and housing associations was adjusted for the structural causes given by the interviewees to the open question 'what are the causes of rent arrears in your area', were remarkably similar with the same order and very little difference between each category when sorted by type of landlord. This certainly suggests that there is a clear homology between housing associations and local authorities in their respective assessments of how objective structures such as the benefits system or the lack of steady employment affect the level of rent arrears in their areas.

The other category of answer is 'individual' and almost always blames the tenant, that is the tenants actions or inactions, for the non-payment of rent and the arrears incurred as a result. What is striking is that local authority staff were much more likely (in many cases more than two or three times as likely) to cite as a cause of rent arrears an individual action or inaction, the consequence of which has resulted in the tenant accruing arrears of rent.

Firstly though, it is necessary to present the structural causes as reported by the interviewees before the less numerous individual causes.
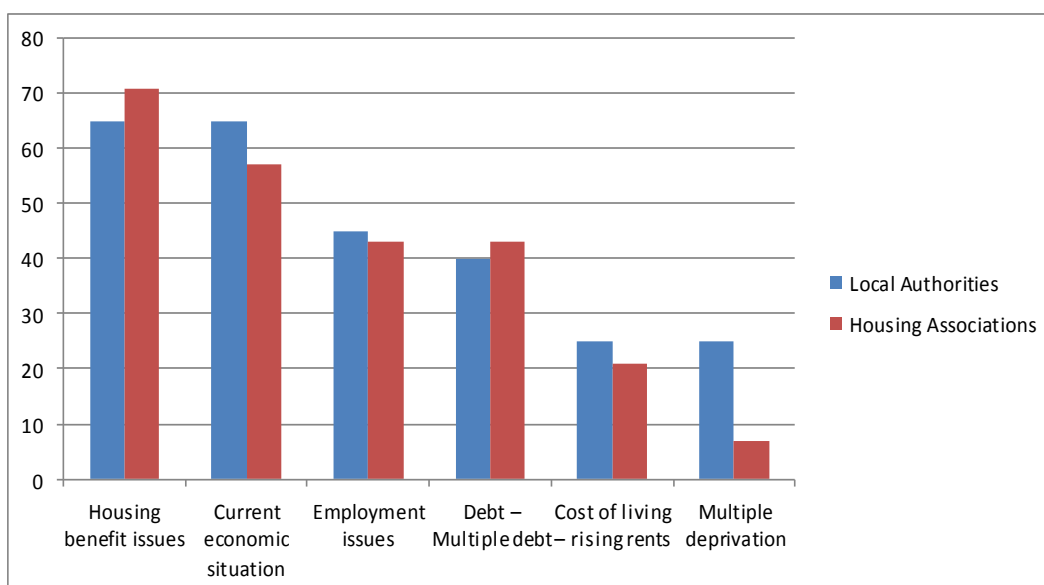
The structural causes of rent arrears

Figure 3 Actual numbers of responses by type of landlord

When the answers were taken as a percentage of the total group there appears to be very little difference between the two types of landlord as seen in figure 4 below. This graph is significant as it suggests that there is a great deal of agreement between the two types of landlord on what the structural causes of rent arrears are.

Figure 4 Responses by type of landlord as a percentage of their group

Taking each of these issues in turn, and examining the evidence, it is possible to paint a more accurate picture of what housing professionals perceive to be the main causes of rent arrears. Some of these issues have been written about in other studies, where this is the case, references and summarised details will be included.

Housing benefit Issues

Housing benefit arose as the most persistently perceived issue for the accumulation of rent arrears across both types of landlord with 13 council employees and 10 housing association staff. The issues which interviewees raised in relation to the housing benefit issue were mainly; the complexity of the housing benefit system, the inability of tenants to successfully complete applications and updates, as well as the inadequacy of the benefits system itself.

As Stephens (2007) points out, there is something paradoxical about the fact that housing benefit is arguably the most complicated administrative system in the UK, yet is used by people who are least likely to be able to negotiate its arcane rules and overly complex regulations, but which are favoured at governmental level because they are cheap to administer compared to other alternative systems (Stephens 2001). The following quote from the interview data echoes this sentiment:

> Quite a lot of people kinda... I don't mean it as reoffend but it's the same sort of people that come through the same process quite a few times, so you see the same people, you know, multiple times. So obviously there is various reasons, you know, whether it's not filling forms in, do they have the skills to fill forms in? …what we do now in the rent recovery is a lot more visits, you know, probably looking back from where we were six years ago to where we are now, you know, we're probably visiting maybe six to ten times more than what we visited before, you know, just to try and get contact... (Local Authority 37)

With one quarter of the adult population in Scotland having literacy difficulties (Scottish Government 2011), those in receipt of housing benefit are among the least likely in society to be able to navigate their way around the housing benefit

system, due in the main, to a combination of widespread functional illiteracy among social tenants (Pawson *et al* 2005) as well as the difficulties posed by an arcane and overly complicated housing benefit system.   Indeed it would appear to be the case that as a result of high incidences of illiteracy, many local authorities and housing associations in Scotland have recruited more staff whose remit is to deal wholly and exclusively with housing benefit claims in order to maximise income and to meet governmental requirements to prevent homelessness occurring through eviction when possible (Shelter 2010).

> …foremost I would say difficulties with Housing Benefit. Whether it's failing to renew a claim or provide updated information. These are the areas where most people get themselves into arrears. (Housing Association 28)

> [Tenants say] 'it'll be fine' and assume it's going to be done. So our Income Maximisation Officers and our Housing Officers have had to become really, really skilled at dealing with Housing Benefit matters. So they now know the Housing Benefit procedures inside out because they've had to learn it to assist tenants to do back date requests and appeals and things like that. So they are very successful in what they do but it is one of those things you're thinking 'why are we having to do that?' we shouldn't have to, it should just be an automatic... if someone's entitled to Benefit they should get it, d'you know what I mean, without having to jump through hoops to get them it, yeah. (Local Authority 48)

> …councils have people within the social sector who have particular issues and problems around drug addiction, alcohol addiction, mental health problems, so those can cause people to go into arrears at certain stages due to their failure, due to their type of chaotic lifestyles and it can just be as simple as failing to fill in the housing benefit forms, return the housing benefit forms. (Local Authority 42)

In one of their working papers, the DWP admit that the current housing benefit system creates something of a poverty trap (Cannizzaro 2007) as the rent taper is said to be too high leaving those who take up low wage employment vulnerable to eviction for rent arrears and thus acting as a disincentive to work (Turley and Thomas 2006).

That is a big chunk of our arrears and these are the people that we sort of really have to engage with constantly. The other thing is obviously a lot of people in our area are in and out of work, a lot of people have been made unemployed/redundant with the economic climate, things like that, but I would say a lot of our arrears is down to people not providing proof for housing benefit purposes, then they don't get the backdates because they didn't have good reason for not providing the proof and things like that and then you end up with an arrear on the account. (Local Authority 52)

The data suggests that there is a lot of sympathy on the part of the housing professionals towards their tenants as far as the issue of housing benefit was concerned.

Current economic situation

For the interviewees, the second most frequent cause of rent arrears to emerge from the data is the economic situation. As mentioned above this was not mentioned in the Pawson *et al* (2005) research as the financial collapse and ensuing economic crisis took place in 2007/2008. What the data suggests is that the economic crises lead to a dramatic increase in job losses and austerity measures, in what was already a precarious situation for many tenants living in areas of multiple deprivation. This research was carried out when the effects of this crisis were arguably at their most acute and it could not be said with any certainty that the 'economic situation' would feature so highly in subsequent studies, although equally, it could not be ruled out.

I would say recently it's more people in poverty than ever, people losing their jobs, losing their overtime is a big thing in the past year, a lot of people had a bit of overtime to help them pay their rent, that's all gone, so rent arrears are going up. (Housing Association 20)

It's just a bit of everything, economic climate, we've had more rent arrears cases going into court this year than ever before. We've never had anything like what we've had in the past year. Probably about 30 cases in court in the past year which is very high for us. (Housing Association 15)

Employment issues

Although related to the 'current economic situation' above, this was cited as a separate issue so will be presented as such.   15 separate interviewees made the claim that employment issues were a cause of rent arrears, something which the data clearly shows.

> … these people are all on low paid, insecure employment. They have no fixed hours, no minimum income, indeed no job security at all. Benefits, non-dependent charges, all which stuff impacts on arrears. We're not unique this is the sharp end of life in [….], money is not plentiful. (Housing Association 22)

Non-dependent charges are the charges which are levied at housing benefit recipients if they have an adult staying with them as part of their household. For example if a tenant's child starts working, then housing benefit is cut to an amount which is deemed reasonable for the occupier to have to meet. The test is complicated and involves an assessment of the non-dependent person's wage and what contributions are reasonable to expect them to pay.

> I would say the most problematic rent arrears that we have, the most distressing rent arrears that we have is, people in and out of work. If people are on full HB, that's not a problem, if people are in full time employment, that's not an issue. It's the people who are dipping in and out of that with different levels of income each week, people who are on/off benefits. These are the people who can never get to grips with their arrears. They can never really cope with the process, and they're on very low level incomes. (Housing Association 23)

This issue links with others, including the inadequacy of the benefit system, as well as employment issues. The following excerpt also highlights the issue of insecure work;

> But most arrears accrue from people who are in and out of work. There will be periods of time when they are eligible to claim benefit between jobs but don't because it takes so long to sort out and then they're back at work. Also people who are starting work, just adjusting, budgeting etc., it takes them a few months just to get into the way of paying rent. (Housing Association 29)

There was a great deal of sympathy for the tenants across sectors with both housing association and councils agreeing that the economic situation was beyond the tenant's control.

> I would say that generally people struggle financially and they just... the worst ones tend to be people in low paid employment, you know, part time jobs, moving in and out of work, and it's very difficult for them to actually manage their rent while they're waiting on all their Benefits. (Local Authority 49)

Debt / multiple debts

Debt and the notion of multiple indebtedness was an issue which the Pawson *et al* (2005) report include as one of three major reasons for accruing rent arrears. The interview data certainly suggests that the high levels of personal debt have had a significant impact on the accumulation of rent arrears.

> Debt, multiple debt is a massive issue in the area. Staff try and be careful so that we're not pushing people towards loan sharks, but no one has really claimed that that's what has happened. We never had any evictions last year and the year before I think we had one or two. If anything, probably we're a wee bit soft, to be honest. But that comes from being an organisation with a committee who personally have experienced those types of cases and don't want to evict (Housing Association 24)

> …if you've got debt you know you've got debt, you're not needing another letter through the door to tell you you've got debt but, you know, what we always tell people is... we're trying impart on people is that we're here to help, my job is not to evict you from your home, obviously that's the worst case scenario, but my job here is to give as good advice as I can, you know, try and get you involved with other agencies, try and stop the eviction happening because, you know, we're sort of trying to work on tenancy sustainment. (Local Authority 27)

When talking about debt and poverty, one interviewee gestured outside in order to bring my attention to the number of commercial enterprises which she claimed made huge profits from the poorest and most indebted citizens in the area. These shops included Cash for Gold, Ramsden's, the Cheque Centre and a Cash Converters. She pointed out that these 'loan shops', had 'popped

up' when the regular high-street shops closed down (she mentioned Boots, Woolworths and WH Smith) something which she said was indicative of the general economic situation and rising levels of personal debt.

> …the debt is phenomenal and it's becoming more apparent now than it was, say, ten years ago when I was a Housing Officer. There's a lot of debts with these loan companies, what d'you call them now... Bright House, you know, the big... they charge humungous interest rates and things like that...

> … and these people seem to be on their doorstep, they obviously know when they're getting paid, they're getting their benefits or they're getting their money in. These people are actually on the doorstep chapping their door for the money, so they're feeling obliged or frightened; give them the money and the rent gets left. So they don't see their rent as a priority. We're referring more and more people to Money Advice. There's more and more people being sequestrated. There's about seventy grand this year alone in sequestrations and I can only see that increasing. (Local Authority 52)

Cost of living / rising rents[18]

This and the following section bear close similarities. They both relate to poverty and highlight the difficulties of meeting rising costs at a time of financial hardship caused by the rising cost of living at a time of economic austerity.

> So I think probably everything's got dearer, rents have gone up, people's money isn't going quite as far and I think that,... in terms of, you know, kind of leading the lifestyle that they want to lead, there are other things that they would do first, I would do them myself if I had the opportunity. (Local Authority 51)

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[18] According to a Shelter bulletin; "The average weekly Local Authority rent in Scotland has risen from £40.94 in 2002-2003 to £58.94 in 2012-13, an increase of 44 per cent" (Shelter 2014). The Scottish Housing Regulator (2014) reports that the average rent rise for 2013/14 is set to be 3.7%

It is a really deprived area so people will be struggling to make ends meet. Rents are increasing way beyond wages. They have all the pressures of modern living with kids wanting this and that. The kids are going back to school next week and this is where we will see a rise in arrears. There are always two peaks, Christmas and school holidays, which I can understand. People need to pay for the stuff that's urgently necessary, then there's the rent...it's all about priorities. (Local Authority 34)

This next section is connected to the previous one in that it relates to issues of poverty and debt.

It's all about the requirement to sustain or try to sustain tenancies. If it is a question do I feed my child, or do I feed my addiction, which also comes into it, which is going to take priority over my rent, well the things which are going to seem to be much more critical. How do you sustain that? RSLs have to act sometimes as a low cost loan to impoverished tenants and very vulnerable people. (Housing Association 21)

…from a financial point of view, you know, you get kind of an interest free loan to pay over a period of time or do you go out and pay some ridiculous exorbitant amount for interest somewhere else? So I think a lot more people are probably living hand to mouth in that sense, you know, for the here and now, I don't think anybody has got any savings or anybody has got money aside for a rainy day and, you know, I'm worried about the kind of pieces of research that people do, you know, that one in four of us are just kind of an accident away from homelessness, you know, so... (Local Authority 51)
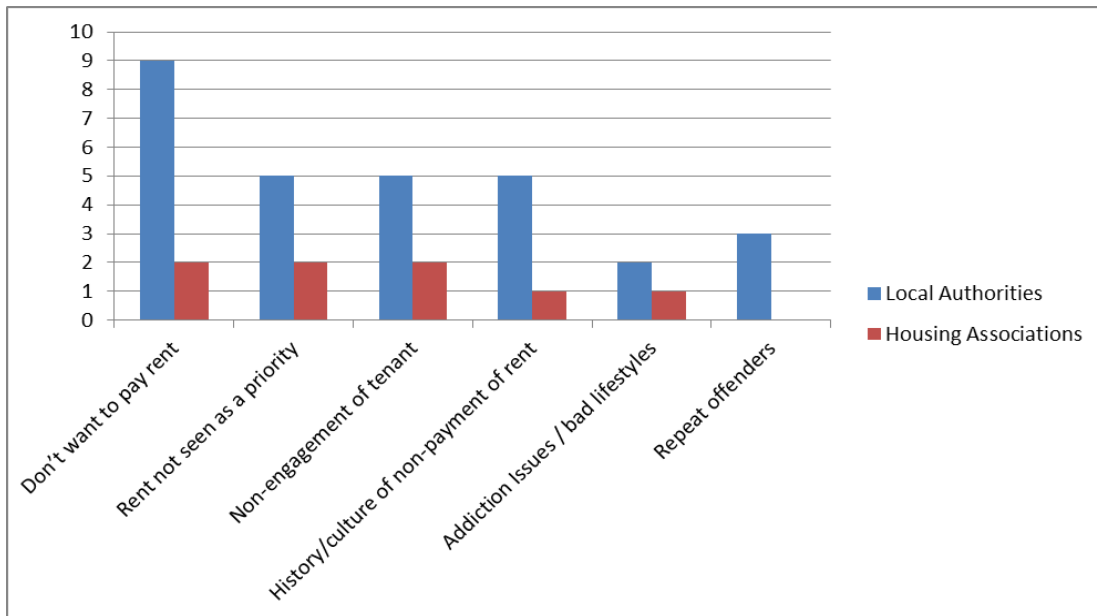
Despite the slightly different emphasis in both sets of responses, they are still sympathetic to the plight of the tenant and acknowledge the financial difficulties many of them face.

Individual causes of rent arrears

In comparison to the statistical evidence contained within table [X] and figure [X] above, the numbers of interviewees who gave 'individual' reasons for rent arrears are significantly lower than those who attributed 'structural' causes. Indeed individual reasons for rent arrears were not contained in the Pawson
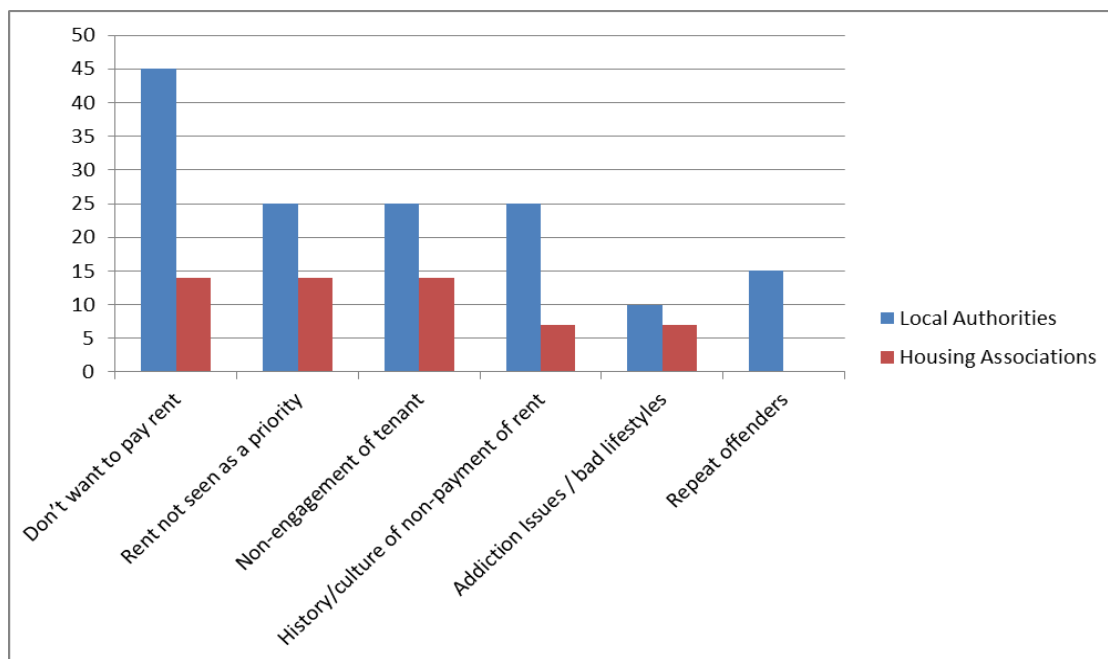
(2005) research which focused exclusively on structural factors. In order to obtain a clearer picture of the individual factors which housing professionals perceive to be the causes of rent arrears it is necessary to take them, one at a time and present some examples from each category.

Figure 5 Actual numbers of responses by type of landlord

Unlike the structural causes, the differences between landlords is much more marked when the percentages are shown for each group. The following graph when adjusted as a percentage shows that local authority housing professionals are much more likely to blame rent arrears on individual factors than their counterparts who work for housing associations.

Figure 6 Responses as a percentage of type of landlord

Don't want to pay rent

There are a number of overlapping responses in this section. Not wanting to pay rent is also mentioned here in the same context as non-engagement of the tenant.

> This is really wide ranging. Well the number one cause of rent arrears is failure to engage, and failure to pay. That is ultimately people can pay and not engage and people can engage and don't want to pay, you put those together it's only heading one way, you've seen our processes, we go into a lot of detail, we offer a lot of services together under one roof, so that's our biggest challenge, is to engage the customers that owe us money (Housing Association 35)

This next example is indicative of a particular frame of reference which emphasises the importance of 'prioritising' rental payments.

> I also think... people don't want to pay [laugh] and I know that sounds like a terrible thing to say but there are a lot of people that you'll speak to that have money but they just don't think of rent as being a priority, you know, they have no problems paying for their

Sky TV package or their holidays or their cars, but they just think that rent's not really that important (Local Authority 55)

The overlap in the next example is with housing benefit backdates.

Tenants take the position, 'I'll just not pay it'. 'What are you going to do about it?' you know, and for people who jump on and off of benefits, jump in and out of work and build up a rent arrear in the midst of all of that, then there is I think sometimes... I mean, I'm certainly seeing some of that, you know, where people actually have an attitude of 'I'm not going to pay that, I really should've got that in benefit' and it's quite difficult for the staff actually, it's very challenging for them to try to continually try and explain, you know, 'well actually you were due that money and if you should've qualified for benefit and you didn't, we can't go back, we can't turn the clock back'. (Local Authority 58)

Rent not a priority

Of the seven separate sources which mentioned the lack of prioritisation of rent as a defining feature of rent arrears, five could be said to be unsympathetic, one sympathetic and one in between. The following example is clearly unsympathetic towards tenants.

… and funnily enough, yesterday we were talking at one of our monthly meetings about progressing some cases into Court and we have a couple who are working, one of them's a Council employee, and his wife and him both work but they've been in rent arrears for many, many years, and then the next page is their daughter who's also a Council employee. Some folk just choose not to prioritise rent (Local Authority 56)

This next excerpt is more sympathetic and sees the issue of prioritisation through a wider frame which is related to poverty

I think at the moment people haven't got as much disposable income as they had previously and I think that in terms of prioritising what disposable income they have got, rent isn't at the top of that list (Local Authority 51)

The following excerpt can be said to be located in the middle.

I don't know why rent's perceived differently from mortgages or anything like that. I think rent seems to still be classed as second best, it doesn't seem to be a priority, tenants seem to focus more on other debt. So you will say to them 'why did you not pay your rent for the last couple of months?' and they'll say 'oh I was paying a credit card', and you're saying 'well you're not going to lose your home if you don't pay a credit card (Local Authority 48)

History/Culture of not paying rent

All of the sources for this section were from interviewees who worked for local authorities. Like other sections in this chapter, there are links and overlaps between the various answers. The 'need to change culture of non-payment' overlaps with the issue of 'repeat offenders'.

Probably about 50 cases in a year are probably repeat offenders who just don't seem to get the message that rent should be your priority, it's a roof over your head. I think it's trying to change the culture out there, I don't know why rent's perceived differently from mortgages or anything like that (Local Authority 48)

The language used in the excerpt above, alludes to images more suited to the criminal justice system than housing, with 'repeat offenders' whose behaviour is in need of reform. This kind of behaviour modification is, as alluded to in Chapter X, evidence of the rightward tilting of the bureaucratic field. When services, previously provided simply as a social good become a mechanism for achieving behaviour change, the result is a double regulation of the poor (Wacquant 2008, 2009).

Although most respondents who raised the issues of employment and the economic situation were largely unanimous on the fact that structural factors were the most prominent, there was still the occasional example where the tenant's own behaviour or in this case attitude towards paying rent, was openly questioned.

Well I think mostly it comes back to income, you know, source of income in particular and perhaps a bit about... I mean, ability to pay obviously is a big factor, but I think also there's a bit of cultural issue in there on how important it is to pay (Local Authority 41)

This next example of a response which places the blame on a culture of non-payment overlaps with notion of a low cost loan.

I don't know if historically or culturally there's a thing that they know that the Council as a landlord will be a bit more patient than a private landlord would be, or one of these pay day loan companies or a loan shark or whatever, thankfully, I think we can still say that (Local Authority 51)

The following excerpt suggests that non-payment of rent is not only cultural but runs in families.

Well I think there's several reasons for rent arrears. There's those who... there is a certain group of tenants whose parents never paid their rent, whose parents before that never paid their rent, whose children don't pay their rent (Local Authority 56)

Mechanisms for the management and reduction of rent arrears

When asked about the causes of rent arrears interviewees provided their views on a wide range of mechanisms for the management of rent arrears. In order to be included in this category, the data had to allude to a specific intervention which involved the management and reduction of rent arrears through a specific innovation or project. In this section, interviewees went into a great degree of detail on the multiple interventions as well as strategic approaches which landlord organisations had developed to deal with the problem of rent arrears. As well as having highly sophisticated methods for dealing with arrears, many if not most interviewees, had access to a wide array of external organisations which provided money advice, advocacy and legal representation to tenants who were in arrears or at serious risk of becoming so. Interestingly, the main themes here are effective management, efficient interventions, prompt action, innovative services, investment and control, all of which are used, to some extent, in way that justifies the process of eviction and those who enact it.

Yes we have our own welfare rights officer. We also sign post people to CAB[19], and money advice etc. That's if we get them, a lot of people just bury their heads in the sand. We visit within a fortnight of a missed rental payment, we'd probably letter them first, then do a visit. Then we just escalate the process according to our procedures, we do night visits, morning visits, Saturday

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[19] Citizens Advice Bureaux

visits, we try everything to get people to talk to us. Then we try and engage them with the WRO[20], if there's problems with benefits or anything like that so we do try everything to engage but the biggest problem is that quite often people just don't want to engage with us until they get the letter out saying you're being evicted next week, by which time it's too late. (Housing Association 20)

This next excerpt highlights the importance of welfare advice in the process of tenancy sustainment.

… yes we have a full time WRO funded by the tenant's rents who bring in £400,000 to £600,000 in extra income a year. We're moving to a situation where all housing officers and front line staff will be able to give some kind of financial advice at a basic level. Mainstream housing officers are involved in tenancy sustainment programmes (Housing Association 21)

This example mentions the effects of recent austerity cuts on the declining effectiveness of this kind of intervention.

We used to have the [….] advice centre literally next door. That got closed due to funding cuts, which is crazy. The council who part funded it closed it at a time when it was most needed. We still have the CAB which tends to be the one we use most. It's a major loss that we don't have in-house direct welfare rights officers. That's all just down to funding, the political map determines who gets what in [….] (Housing Association 22)

Early intervention strategies were also a feature of prevention work as well as tenancy sustainment.

We have a money advice worker from the CAB who works from this office. Part of the function is pre-tenancy work where new tenants can be referred so we can get in early, get people used to paying their utilities, Council Tax, rent arrears and some debt, multiple debt. So we can refer to the money advice worker who can do creditor negotiation, bankruptcy etc. Full range of money advice and we've also secured funding for another money advice

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[20] Welfare Rights Officer

worker to deals with welfare reform, universal payments etc.
(Housing Association 29)

This interviewee reiterates the common practice (particularly among housing associations) of partnership arrangements with other welfare advice providers, such as the CAB

We have a financial inclusion team[21], which has grown over the years thanks to some successful funding bids. It's basic remit is to provide advice on benefits, income maximisation, we also have a money advice worker who works for the CAB and she works with the HA and has admin, this is a fully qualified money advisor that can do all the stuff the advice shop can do including going down bankruptcy routes (Housing Association 35)

The following excerpt clearly demonstrates the range of mechanisms which are employed in the task of managing rent arrears. The important aspect to note with this one in particular is that the referrals are not made until the case is enrolled at court.

… everybody gets a referral to welfare rights when their case is enrolled in court. Now obviously that's at quite a late stage and what we've brought in through the service improvement team is, tenancy sustainment and things like that so the welfare right referrals can be done at any time but there's an automatic one gets done when the person gets enrolled in court. We've got housing support that work closely with us as well - but then what happens is when housing support go out to be involved either they don't want them or they don't meet the criteria... nowadays we're trying to refer them onto anybody, (local) Law Centre, Shelter, Tenancy Support Services, you know, anybody that can help anybody, we're trying to do that, and obviously our officers

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[21] Financial inclusion was a Scottish Executive initiative to tackle poverty and deprivation (Scottish Government 2005). This allowed social landlords to apply for funding to set up their own projects which had a range of aims and objectives all of which had the provision of services for the reduction of poverty and deprivation at their core. There was also a Wider Role Fund which made £36 million specifically available to Registered Social Landlords for various projects between 2008 and 2012 when it was replaced by the People and Communities Fund (Scottish Government 2014).

that are going out visiting, you know, they've got forms that they leave when they're visiting (local) Law Centre, Shelter, Tenancy Support, all our letters are produced with advice areas, welfare rights, homeless prevention, Shelter, Housing Support Service, Brookes Money Advice, Making Money Work, so everything's there for them but the problem is sending letters out is a lot of people don't read the letters eh, you know, when you're in debt...(Local Authority 47)

As well as referring to external agencies, some local authorities employ their own specialists to work with issues which can lead to rent arrears.
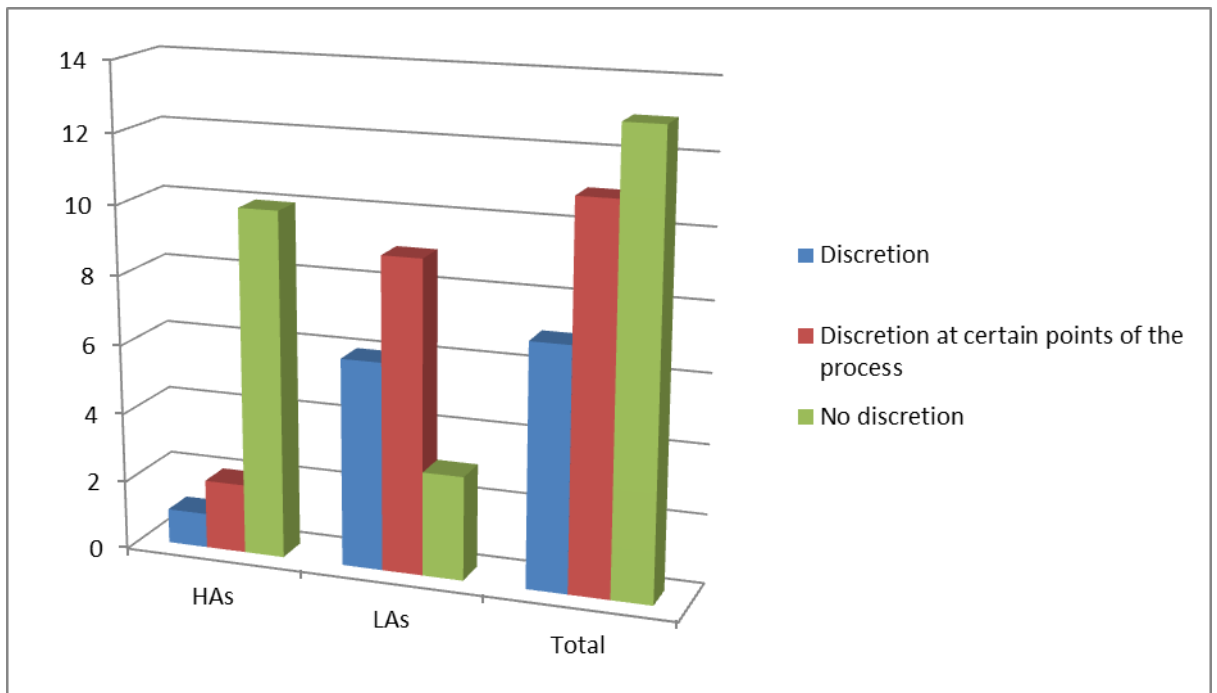
> … a number of years ago we looked at how we could improve and what we could do around rent arrears and we recognised that people weren't getting quick access to some of those services, so we actually fund two specialist housing posts within that team, so there's a housing welfare rights officer and a housing debt advisor, and they deal with tenants and people at risk of homelessness due to rent arrears. So we refer straight into those two workers and also access to other workers in the team and there's a referral system in place within our area offices to refer to that service individual tenants (Local Authority 42)

Part Two

Discretion

The question of discretion was put to most of the interviewees. Those from the local authority which had suspended evictions for rent arrears where not asked about discretion, but were instead asked about the non-eviction policy. The interviewees were asked, 'do you treat families and single person households the same throughout the eviction process, or is there a level of discretion involved?' Seven respondents claimed that they operated a discretionary system, 11 said they often operated a system with some degree of discretion, and 13 respondents claimed that they treated all rent arrears cases the same, irrespective of circumstances.

Figure 7 Discretion

Landlords who use discretion

Some interviewees from local authorities were aware of the divergent legal requirements between councils and housing associations. Some were and were also aware of the extra costs that these statutory obligations bring to councils.

> Aye, but then, I mean, they [HAs] don't have the same responsibilities that we do to re-house homeless people and all that kind of thing, they don't necessarily need to have a social conscience in the way that a local authority does, and also the expense, the huge expense of re-letting a property, the cost of a re-let, the cost of putting the damage right, you know, some of them you don't have to have temporary accommodation but when there is temporary accommodation that's another expense as well, so I think various studies have worked out something between £17,000 and £25,000 a throw to re-let a house. (Local Authority 40)

> I think that's because, obviously we have the responsibility under the homeless legislation and in actual fact, you know, that can be a much higher cost to us as a council than actually trying to sustain a tenancy, you know, I think what we found is eviction is very costly, then you've got the repairs, the arrears in the first

place, temporary accommodation, any support that needs to be set up; so you have so many additional costs that it actually is much better if we can get the tenant to stay in their home (Local Authority 49)

One interviewee shows the effectiveness of the legislative measures and guidance documents in shaping practice, particularly when applying discretion to evictions cases.

No, it's all based on circumstances, so obviously we've got the pre-action requirements that have to be met before you would lodge a case in Court. So as a council you have the seven pre-action requirements to meet, but with our early intervention protocols it's all about finding out what the personal circumstances are and it's based on that. So if the tenants are vulnerable or need further support and things like that, you would hold off considering lodging that case for a decree, right, and you would try to get support in place (Local Authority 48)

An interviewee highlights a common theme to have emerged from the data, one which suggests that local authorities were more inclined to talk of *tenants* in a community sense (where tenants are known to them personally) and housing association staff who talk about 'customers' of whom they know little about.

We deal with our cases from very small arrears right up, the housing officer continues the process right through so it means you know your tenant, you know what their circumstances are, you know what the background to the case is, so all of that would be taken into consideration before we take court action (Local Authority 45)

Landlords who don't use discretion

I would like to think that we treat absolutely everyone the same, everybody equally irrespective of their circumstances (Housing Association 36)

The interview data from the two local authorities mentioned above suggest that the cost of an eviction when re-accommodation is required is a major factor of consideration during the process. Households with dependent children will almost always have a statutory right to accommodation even if the tenant was evicted for rent arrears. This is significant as it is less relevant to housing

associations than it is to local authorities who have the continued duty to accommodate households with children. The following excerpt, from an interviewee from this study, shows this quite clearly.

> The fact that someone has a kid, I don't think is a major factor. Does the single tenant not deserve security any more than a family with children? You're aware of the consequences with children, [we] don't take the process lightly. Some housing associations absolve themselves from blame by passing responsibility over to the courts. That's not what we're about (Housing Association 22)

This next interviewee confirms the last point given above (HA22).

> No difference, the same procedures apply. If they don't pay rent, then that person needs to lose their home, don't they? The sheriff would ultimately decide. But we wouldn't treat them any differently (Housing Association 25)

In the next example, the interviewee becomes aware of the immanent change to the legislation which not only has a significant impact on the way that landlords proceed through the evictions process but has a significant effect on the potential outcome.

> At the NOP (notice of proceedings) stage, no. [Stops] When I say no, I say up till the 8th August, when the new pre action requirements come in, then we'll be treating everyone differently because they [the courts] will require to be satisfied that everything has been done before going to court. We shouldn't be using the NOP as a tool for managing rent arrears, but all the housing officers use it as a tool for management. I think the new changes will mean that NOPs will be used for what they were intended to be used for and not as just another stage in the rent arrears procedure. We'll now have to look at elderly folk, looking at people on low incomes, constantly asking ourselves, have we done all that can be done...are we making sure that everyone has spoken to a WRO, there's a hundred and one things…(Housing Association 30)

The following interviewee did not mention the Pre-Action Requirements, and from their response, it seems that they may have forgotten about their immanent imminent arrival.

I will never ask what age the customer is, whether they have children or not, whether they have vulnerabilities, etc. I would expect that the services of the staff would have met whatever needs that household have. So, I suppose that the needs, in our opinion of a young person, an elderly person, a family, a lone parent whatever, can be met by us, so when it comes to the decision to evict, I look at the case in a clinical way, rather than ask about the circumstances (Housing Association 35)

Landlords who sometimes use discretion

The two categories above provided some very unambiguous statements around the uses of discretion with housing associations being much less likely to be concerned with the households circumstances than local authorities were. The data placed in the category 'sometimes uses discretion' was less specific. The examples below come from the category 'sometimes uses discretion' and are included here because they are more representative of the institutional story which emerges from the data.

Something that a lot of our discussions have centred around just recently is the fact that we should no longer be treating everybody the same, and it's not done from the point of view 'oh that's a single man, let's make an example of him then cause we don't have to re-house him as homeless or anything like that' but it is certainly the case that... and we always have these competing instructions I suppose given from the Scottish Housing Regulator, they say you've to treat everybody the same and put procedures in place and all the rest of it, but then they will come back with criticisms that say 'you've given that person too many chances or whatever in comparison to somebody with kids' and all this kinda thing. (Local Authority 40).

The next example highlights the conflicting demands of external agencies, in this case referring directly to the Scottish Housing Regulator.

I've always felt I suppose part of the reason for it is, and with my previous hat on working with some of the RSLs in [….] under our Common Housing Register, that was part of my previous role, I think even the housing associations, a lot of the housing associations in [….] operate probably more on a

business driven model in some senses, but even there I think some of the associations in [….], we certainly had much more co-operation with them in terms of re-housing homeless households etc… But I think probably the main difference is that as a local authority we have the statutory responsibility to deal with homelessness. If we evict somebody and we haven't considered all those household circumstances, they're going to go back through the revolving door...
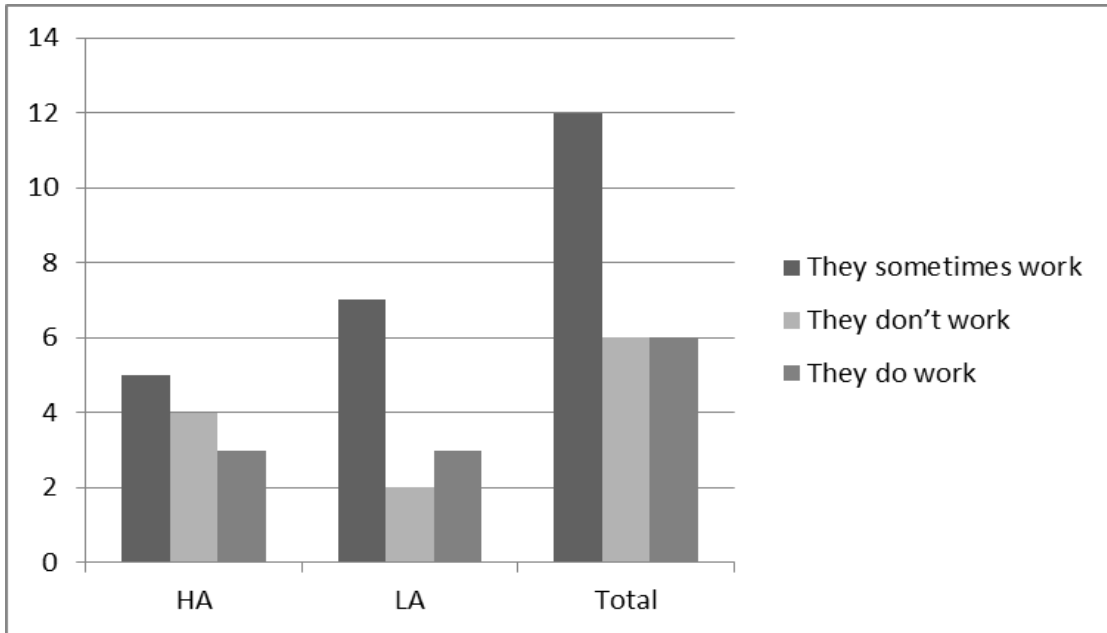
Part Three

Minutes for recall of the decree for eviction

The question, 'minutes for recall, do they work?' was asked to the majority of the respondents, but not all. The staff from one particular council, who had previously adopted a non-evictions policy for rent arrears, were not asked about recalls. Instead more time was spent talking about possible alternatives to eviction, which will be dealt with below.   After the period of non-eviction, very few cases were taken to court with the intention of seeking decree, so the question was not as relevant to this particular council. The council had agreed to fund a Shelter run pilot project, the intention being to work closely with what they called 'persistent non-payers', a move which seems to have had a positive impact on keeping the evictions figures down, and thus removing the need to go for decree and thus removing the requirement for any tenant to consider minutes for recall of decrees.

Table 5 The responses to the question were varied and mixed.

	HA	LA	Total
They sometimes work	5	7	12
They don't work	4	2	6
They do work	3	3	6

Figure 8 Minutes for Recall

There isn't such a marked difference between type of landlord as the question on discretion, although it could probably be argued that the absence of data from one particular council might have affected this figure. That said, the data still points to the fact that the number of respondents who think that recalls sometimes work is equal to the number of those who think they do and those who think they do not work combined.

The findings in this section are presented in three sections which have been grouped thematically. The first section looks at responses from landlords who saw the recall process as an effective last minute measure to sustain the tenancy, by providing a further opportunity to collect the rent owed, at a stage in the process when the landlord thought the problem to be mostly irredeemable.

The majority of respondents in this category regarded the intervention by the legal advocate as advantageous. The reason for this was that the legal advocate has to agree another court date for the case to call before a minute for recall can be lodged and served. There was some recognition that this process resulted in the legal advocate placing pressure on their 'client' to pay their rent as they would be representing them through a process, the ultimate

success of which depended entirely on their commitment to the payment plan which would be agreed at the next hearing. The second section examines the responses from landlords who viewed the process as a stalling tactic. Many interviewees believed that minutes for recall simply served to delay the inevitable and more often than not increased the level of the arrears before the household was eventually evicted. The third section is concerned with the responses from housing professionals who acknowledge that there are some success stories, but that the failure rate is still too high for the recall process to be deemed to be an effective mechanism for the collection of rent arrear.

Minutes for recall work

The responses would suggest that the six landlords who look favourably upon minutes for recall view the process as being integral to the overall system of rent collection. Indeed, of the six landlords who said that they thought that recalls 'worked', many spoke of actively referring, or advising tenants to seek advice and in some cases advocacy in order to stop the eviction, get the case back to court and open up channels for facilitating the payment of the arrears. For these landlords the process of tenant action is a welcome one, as it provides a dual benefit in that it assists in the recovery of rent and has the potential to promote tenancy sustainment.

> Minutes for recall..., hmmm. Again let me go back to my stats, (locates papers)... I think they're useful. Last year we almost tripled the number of notices of proceedings we issued, which tells you something about our different tenant base. We got a number of units transferred from the GHA who are used to a tougher approach in getting them to maintain payments, etc., of those 130 NOPs, 45 ended up with court actions being initiated… We have the […] Law Centre based here in our building, part of […]'s Prevention of Homelessness Service. We've actually walked some tenants straight in (laughs) 'here's someone who can help and give you some advice...' I just want tenants who will behave themselves and pay their rent on time. (Housing Association 21)

The respondent, from a large housing association in a large city, alludes to the practice of landlords using local law centres in their attempts to get tenants to

make payment arrangements. In this particular case the association leases office space in their own premises to a high profile law centre which deals exclusively in social welfare law, specialising in the prevention of homelessness. This would suggest that there is more to the arrangement than is perhaps being made explicit, with a tacit recognition that both organisations can benefit from their physical proximity. The argument that there is perhaps more of a 'working relationship' between law centres and landlords, than the appearance of a dispute would suggest, is strengthened by the fact that the law centre in question is part funded by several local authorities as well the Scottish Legal Aid Board, to offer strategic advice and advocacy services to prevent and alleviate homelessness across much of the country.

> I don't think they're a waste of time, but I know from experience that tenants tend to put their heads in the sand. Many simply do not believe they're going to be evicted. The minute of recall will give them another chance. Then, they realise that it is serious and they will deal with it. The court process is good at getting people to deal with the issue head on. It works, that's the thing. It prompts tenants to realise how serious it is. Once it actually goes to court, people wake up to the reality... (Housing Association 25)

This discourse revolves around the notion that the decree acts as an effective means of getting tenants to take the issue seriously. The problem is framed as solution to the problems caused by the tenant not engaging with the landlord or the numerous agencies the landlord can refer the tenant to. The low turnout at court hearings is regarded as evidence that the tenants mostly do not take the process seriously until, that is, the decree is granted and the realisation that they could lose their home spurs them into 'dealing with the issue head on'.

> It's a tool that is there to be used. I know […], the local in-court advisor, really well. I have the utmost respect for what he does and we have a really good close working relationship. A minute for recall is there, because nine times out of ten when we get decree, the tenant isn't there. But that's not our fault, we've done visits and letters. So its a legal technicality, […] can get recalls in front of the sheriff and get the case back into the system, and the tenant should have an opportunity to represent themselves, I don't have a problem with that. I've never opposed a minute for recall.

> What I always ask for is a continuance. […] is really good at laying it on the line for the tenant. 'You're getting a continuation here, you need to stick to your payment plan, you only get one bite at the cherry here, you won't get another chance. We've involved […] a lot, I've had him in here doing presentations to the staff etc etc. But no, not a problem with minutes for recall, they're there for a reason (Housing Association 30)

Firstly the respondent admits that nine out of ten times the tenant is not present at the court when the decree is granted. This is an important insight as the court rules oblige sheriffs to grant decree if the tenant or a representative does not turn up to offer a defence. The fact that the tenant was not present at the initial court hearing when the decree for eviction was granted is also grounds for being able, within the court rules, to lodge a minute for recall. The second issue is the recognition of the legal advocate as an 'ally' in getting the tenant to pay their rent arrears. The process of lodging minutes for recall is acceptable to the interviewee as the role of the advocate is seen as having a doubly beneficial function. Not only does the solicitor help in the sustainability of the tenancy, the solicitor also plays an important role in the enforcement of the payment arrangement. Failure to honour the payment agreement after the minute for recall has been lodged, will almost always result in eviction, so the advocate's role in making sure that the tenant understands this is seen by the housing professional as an invaluable means of addressing a problem which they, themselves, found to be mostly insoluble.

The next three respondents echo this sentiment.

> I think it works, I do think it works and we advise our tenants rigorously to recall the decree and I know some landlords don't, but we've always done that, we've always said recall it… we went and shadowed them [local law centre] and they were really quite hard line and quite sort of forceful with the client in doing the 'you understand that they can evict you, a Sheriff will give them a decree and you will be thrown out of your house!' and it was that way where we were pussy footing about ,they were right on the ball and they were doing it 'you will be evicted'. (Local Authority 48)

Unlike some others, we're probably a bit unique, we will actually advise tenants about their right to recall because it is their right, you know, and if we can, you know, especially if you're dealing with someone, you've obtained decree and there is an opportunity there that, you know, an advice agency are involved, there's an opportunity we could sustain that tenancy even as late as that in the process, we would actually give them advice about Minute of Recall and make sure that all our Housing Officers do that. I mean, we've had obviously issues in the past where maybe individual Housing Officers felt that well we are the pursuer, we've taken the action, we want decree, we want to evict them, but at the end of the day, you know, I think the sort of training that we've tried to instil in them is never forget that you want to ultimately prevent this from happening, cause obviously eviction is serious... (Local Authority 49)

Yeah, we'll encourage them, our staff will actively make tenants aware of that because again I think it ties in with what we've been discussing already, I think our aim is to keep people in the home, we want to get the money off them, we want to keep them in the home, so if that's the kind of last gasp resort to give them that chance to rectify the situation/to take the advice/to make a lump sum payment/enter into a regular reasonable arrangement, then we will allow them that chance, we will take that on board… And if there's outstanding housing benefit, unless it's as a result of the tenant refusing to co-operate, so they're refusing to provide evidence of Housing Benefit, they're refusing to make claims when they're due, other than in that circumstance we won't lodge a case in Court where there's outstanding Housing Benefit either (Local Authority 50)

Minutes for recall do not work

In contrast to the previous section where recalls were seen as being a fundamental part of the arrears management process, those who said they didn't work, did so mainly on the grounds that they were an ineffective means of securing the payment of rent arrears. The issue of the tenants' right to be represented, and the other legal aspects of the court rules which govern minutes for recall were largely absent from the interviewees statements in this section.

Frustrated sometimes, yes. You kind of feel sometimes that sheriffs don't realize that the only money housing associations have coming in is rent money. They really don't appreciate that, and I keep saying that to solicitors, they've got to realize, it's all very well… I mean minute for recalls are fine… some of them have worked most of them haven't, it's just a stalling tactic. (Housing Association 20)

It is important to note that after the eviction of a tenant, the only means by which the landlord can reasonably be expected to get the rent owed to them is to employ the services of a debt collection agency. After the eviction the tenant moves on and rent owed becomes a former tenant arrear which has to, in effect, be written off. The issue here is that the minute for recall is seen as something which simply prolongs the process costing the association money, as these interviewees are of the opinion that very few of them result in payments being made, in this case, HA 20, just one out of six or seven ending in successful payment. The next two examples provided by respondents mirror this sentiment.

An absolute farce. I'll give you a live case – [explains an eviction with an arrear of £3500 which was apparently unheard of in this area]. We'd invested a lot of time but we just got to the end of the road. We got decree and she got it recalled at the last minute, […] I think. Our legal rep couldn't understand why the sheriff didn't act differently, she had no kids, yet he set a proof hearing for months down the line. This resulted in massive rent arrears. This is a very long process as you'll know. The recalling of the decree cost us over £1000. She was working out of two jobs (Housing Association 22)

You're not doing the tenant any favours by letting the debt mount up. You need to close it down, we had one where a single parent woman ran up over £5000, that's not doing anyone any favours. This woman ended up in a private let and we lost the entire amount. When I worked for the council we used to hold it over tenants for up to 6 months, but that's not how it's done in housing associations. When I came here I realised that we act on decrees much quicker, we really should be executing it just after it's been granted really (Housing Association 24)

There is a general tendency for respondents to take a particular case (usually an extreme case) and talk about it as if it is somehow representative of the majority of cases they have (HA 20, HA 22, HA 24). As is apparent, the individual cases with very high levels of arrears are used to illustrate the point. This respondent also alludes to the practice in councils where they 'hold decrees over tenants' for the maximum time period as a tactic for extracting rent owed. This response would suggest that if decrees could be more readily be used as an effective tool for the extraction of rent, then they would be of much more use to the landlord.

The next excerpt is a clear example of a housing professional taking a very robust oppositional position against the mechanism.

> Personally, I detest them. The reason I detest them is…, I'll go back to processes. We bend over backwards and force our staff to jump through a lot of hoops, before they go to court. We had one yesterday where the person has submitted a minute for recall, where they are claiming that they were unaware of what was happening. We've got notes on the account which say that we've had conversations with this person in the build-up. Confirmation that the letter had been received from our solicitor, nothing we can do, the recall must go ahead. Now if some different information comes up through a recall hearing... I'm yet to see a minute for recall where I've been glad that it's been done. We understand why they are there. But when I look at – pre action requirements, the hoops are bigger and greater in number. I was a homeless officer in a previous role so I've seen it from the other side (Housing Association 35)

The next example is framed around the notion that without an effective deterrent, (losing one's home) then there will always be tenants who will refuse to pay. Once again there seems to be evidence of a respondent taking what they perceive to be a 'real' threat which they accept is applicable in only a very small minority of cases and generalising this to the point that measures are put in place which affect all tenants, most of whom will be known to be timeous payers of rent.

It's delaying tactics and really we need to almost turn that whole situation on its head, so that's going to be one of the challenges for the next six months [laugh]!

I don't think that's an option because, there is an element of people out there who will actually just say 'well that's alright then, what are they going to do?' and they'll not pay (Local Authority 41)

Minutes for recall sometimes work

Respondents in this section shared many of the sentiments from the other two sections, but ultimately, the majority were not entirely convinced that minutes for recall always resulted in the arrears being recovered.

We actually encourage people to go for them, particularly if there's a chance that we can actually get the money. We take every chance on recovering the rent owed. Frustrating at times, but that's what we do. We do object to legal aid. (Laughs) we don't think that in a sheriff court, a summary cause action, which is ultimately a civil action, we don't think that people need lawyers. We think people should get legal aid in order to fight legitimate action (Housing Association 23)

The main issue here, is the recovery of the money, a priority which seems to be the biggest factor driving the entire process. The next interviewee sees the process as being of disproportionate benefit to the tenant. It is also seen as mechanism whereby a very small number of tenants cost the landlord a considerable amount of money.

They work in the tenant's interest. They're frustrating for us as we've done all the grunt work in order to get the case this far through the court process. They can now recall right up until the eviction, so they work to protect the tenants, give them another shot. But they drag out the process for us. But sometimes we can save the tenancy but you think, 'why didn't she just come to the original hearing, why didn't she engage?' And there could have been a few months less arrears on that account. But they do protect tenants. We have a wee core of people who will not do anything until you get to that stage. Which is really frustrating, as much as you say, we're here to help, please engage, people still bury their heads in the sand till it gets to degree being granted.

> That's frustrating from a housing officer's position, because you're back at the same doors. There's a wee core group. I mean it costs us a lot of money (Housing Association 29)

This interviewee is highly sceptical of what they see as a 'cynical' procedure.

> I would say if they're used correctly... what we are seeing is solicitors using it as cheeky wee ways to get in the back door. We've got a guy just now, who hasn't paid A PENNY, he works, yet he has not paid a penny in rent for two years. And we've got a local solicitor defending that. He's used every trick in the book this guy.

> Yes and that's a big problem. This man has still not paid a penny. That's four or five months the solicitor has been representing him and he's paid absolutely nothing. We're going to proof tomorrow with it (Housing Association 36)

It is important to note that once the decree has been recalled, it cannot be recalled again.

> ...anyway. I think they may work... they give them the last ultimate chance and I think if you need to ask for decree again after that, you then prove that you have done everything that you possibly can. I think the important thing is that anybody that's going for a minute for recall has to be aware that you're only allowed that one chance (Local Authority 38)

This next interviewee highlights the ongoing tension between keeping arrears low in order to meet management targets and the moral dilemma presented by the prospect of having to evict people from their houses.

> you know, remembering that I'm responsible for performance management in my office, if we've got somebody who we've got decree, that person's maybe got a balance of £1,500 and I know that that £1,500 is going to make a big difference in relation to my arrears performance, if we get a minute of recall and then we're back at court, …. I've got no issue personally with minute of recall. If there's something that we haven't done or if that person has been able to engage where we haven't and they can sort that person out in relation to making an arrangement or getting the housing benefit form completed or whatever, then great, you know, we'll just have to take the hit in relation to that figure still being on our arrears balance (Local Authority 43)

This next example reflects what appears to be a typical 'local authority' position shared by many of the respondents who worked in councils. The statutory responsibility towards children has a large effect on the way that families are often treated differently by housing associations and councils with the latter mostly expressing concern when there are children involved in an eviction action. This statement also highlights some of the many dilemmas thrown up when dealing with rent arrears.

> I mean, I'm on the fence with it because obviously you need to think about what affect that has on children, uprooting them, you know, their schooling, what kind of affect that would have on them as a family and obviously that's something that we take very seriously and we involve, if we are going to evict, you know, if somebody's coming up in terms of decree level, then we'd be involving social services at that point or before when we're instructing court action to let them know that we're getting to that stage. But at the same token, from a landlord perspective, what do you do if someone's got children, perhaps they're not on benefits/perhaps they're working, and they just don't pay their rent? (Local Authority 44)

> And I suppose that comes down to the old issue about rent arrears where there comes a point where people just say 'oh well might as well be hung for a sheep as a lamb now I'm out' and it's kind of stick the head in the sand time, you know, and I think probably recalls already come after the stick your head in the sand time, so the fact that we can't get people to ask for a recall and Shelter can't get people to say but you've still got to go back and pay your rent even with the recall is possibly down to that fact that once it's come to that point, you know, people have said 'well I'm just mitigating my losses now, I'm just kind of getting out of this as best way as I can' and I suppose in some ways the kind of transient nature of a lot of our tenants and the short term-ness of our stock and that, you know Local Authority 51)

This is a very insightful response as it combines two important aspects of the process of recalling decrees for eviction. Firstly, in order to obtain a decree there is a requirement to demonstrate to the sheriff that the tenant has been advised to seek advice, including the type of advice and advocacy which could

result in a minute for recall being lodged, and secondly that the process is often fruitless because the underlying causes of rent arrears (poverty and increasing joblessness), persist irrespective of the level of advice and advocacy. It is perhaps indicative of the way that the Managerial frame is used in the justification process, that when talking about tenants 'burying their heads in the sand' there is absolutely no mention of why this behaviour may be so common. It was certainly my experience in my role of housing advice worker that tenants would regularly turn up with their rent arrears letters in a bag, unopened. The majority of these tenants had some degree of mental ill-health with many suffering from depression (Dean 2003, Hoggett 2006). What the findings in this section have shown is that, no matter the position taken by the housing professional on minutes for recall, the collection of rent was in every case at the very heart of the matter.

For those who thought that the process increased the likelihood of recovering the arrears, they were supportive to the point of actually encouraging tenants to seek legal representation and lodge a minute for recall. Firstly, this was seen as a last gasp attempt to obtain the rent owed when most of the options were fast running out and the problem seemed to be insoluble. Secondly, it was also seen as a means of getting tenants to engage, which given the low levels of attendance at court in the first instance, would seem to be a significant factor is sustaining tenancies and obtaining payment arrangements. Thirdly, almost all the respondents in this group thought that the interventions of the legal advocate where in alignment with their own aims and objectives with some commenting on the forceful way in which the legal representatives put a great deal of pressure on tenants to stick to the payment arrangement, agreed in court, as a condition of preventing the eviction from taking place. What this shows is that although the legal representative is often seen to be in a conflictual situation, that is, acting for the tenant against the landlord, the outcomes are beneficial to both. Many respondents, throughout the interviews, spoke of the fact that they had themselves funded the services of one of these community law centres and in one case, they gave the law centre office space in their own building.

Of the respondents situated in the group who did not think that recalls worked, the vast majority proffered responses which were polarised from those of the respondents who did. That is to say, when the first group saw the recalling of decrees as a useful addition to their own rent collection process, the group who did not deem them to be useful saw them as being not only an impediment to dealing with the issue, but one which prolonged the inevitable eviction and led to increased arrears. There is a stark contrast between the two positions, each of which is determined by the extent to which the process is seen as being an effective means of recovering rent arrears. There is an issue with the group who do not think minutes for recall work as it is apparent that this is predicated on the fact that no matter what happens, the rent will not get paid. Indeed, the view that the recall of the decree does not foster 'engagement' by the tenant and that the threat of eviction does not result in payment, would cast doubt over the efficacy of, not the recall procedure itself, but the entire system of court action and eviction. In some situations and with certain landlords this suggests a position whereby the eviction process is seen as a means by which the landlord mitigates their losses through the termination of the tenancy, closing the rent account (preventing further arrears from accruing) and ejecting the tenant from the property at the earliest opportunity.

It is in the third group, those who were more ambivalent, that the forms of ambiguity and the ethical and moral dilemmas they throw up are most evident. The responses from this section, which number those of the other two sections combined, seem to have mixed feelings about the efficacy of the recall process. There is also an acknowledgement of the difficulties housing professionals face when having to evict families with children. The competing pressures of having to manage a rent account as well as considering the rights of children presents a real challenge for housing officers, many of whom acknowledge the personal difficulties in carrying out evictions where children are present. The single issue which pervades all of the responses is, as is the case with the first two groups, the collection of rent. This is clearly the underlying priority, with many landlords claiming to accept payment right up until the eviction takes place.

Part Four

Alternatives to Eviction

Short Scottish Secure Tenancy (SSST) as an alternative to eviction

The following two excerpts talk about downgrading the tenancy to a SSST, which is a variation on a technical legal process for dealing with 'nuisance neighbours' the aim of which is to manage anti-social behaviour through 'conditionality', i.e. good behaviour will result in strong security of tenure, anti-social behaviour will result in precarious security of tenure, leading to possible eviction.

> So if you're a nuisance to your neighbours you can get a ssst, but I'd say that if you don't pay your rent, then you are as much of a nuciance to your neighbours, as they're future repairs, new kitchens, bathrooms etc are in jeapordy if you don't pay your rent. … I think there are alternatives in the grounds of down grading a tenancy, to a SSST (Housing Association 29)

> I know a number of authorities where, if someone's got into rent arrears and they've reached that stage, they will do a sort of probationary tenancy, a SSST, and that's something that you could look at to sort of monitor whether or not they engage in the support (Local Authority 49)

Moving the household to a less desirable area

What becomes evident throughout this section is the elaborate frames through which housing professionals justify their own roles and actions as well as criticising the actions or inactions of others. These frames also appear to create clear distinctions between deserving (those who can pay their rent on time) and undeserving (those who can't pay their rent) tenants.

> I must admit I did think in the past that moving someone out of their three bedroom house with a front and back garden into something less desirable could've been an option, that you're not actually evicting them but you're actually taking away the family home and moving them out of that into something different, you

know, cause what we found was... and the reason that came along is we had a period in [local authprity area] a few years ago where the majority of people who didn't pay were in the nicest areas, in the best houses with three bedrooms, upstairs/downstairs, main door houses, front and back garden and they weren't paying their rent. And then you had the poor young couple with a couple of kids living in a multi-story block, same size of flat as their house, paying their rent every single fortnight. (Local Authority 48)

Bank / Wages arrestments

When respondents flatly rejected the possibility of there being any alternative to eviction, the issue of the Sheriff Court posters was raised. These posters which adorned the walls of the court lobby and clerk's offices contained information in the form of a warning that if they did not pay their court fines they would have their wages arrested, their bank accounts frozen, or their cars impounded. Not one single interviewee was convinced that that this was a workable solution with regard to rent arrears, with the majority making the claim that tenants were not in the position financially to make this arrangement worthwhile.

For a few of the interviewees the issue was bank details, or gaining access to the tenant's bank account, either directly or via the employer.

Yeah but if we don't have bank details or if somebody's not working, you know, the house at the end of the day is the only thing that we can really take, you know, we don't have anything that we can take off them (Local Authority 55)

No, people do not want to tell you their bank details, I could go and get a wages arrestment, which would be an alternative to putting someone out on the street. That's only as good as the bank account and on-going income coming in. We have previously initiated payment decrees with wage arrestment, but what generally happens is the person ends up being sacked because the employer doesn't like the fact that we're sniffing around, wanting access to wages accounts, etc. (Housing Association 21)

For a number of interviewees, the issue came down to insufficiently low wages. The general consensus was that tenants who live in council houses are mostly

on some form of benefit, that a high level of wages would be required to facilitate either bank account or wage arrestment, and that in most cases the debt would continue to rise. There was also acknowledgement that rents were high, making the recovery process even more problematic. What is particularly interesting about the data in this section is the fact that it overlaps with much of the data contained in the previous sections, particularly the 'causes of rent arrears'. In both sections, the issue of whether or not the tenant actually has the money to pay rent is the central issue.

> Wage arrestments are an alternative but not many people around here have the kind of wages you can or want to arrest. We get direct payments etc so we pursue that when we can (Housing Association 23)

The next excerpt corresponds to the issue of part-time / insecure employment.

> The problem is, we have people on the margins, working part time, can't get enough hours, get tax credits etc. If I seize their wages then I'll get something, but the ongoing arrear continues. If anyone has any suggestions of alternatives than I'd love to hear them, but, as far as I'm concerned there are none (Housing Association 24)

The issue of benefits was one of the most prevalent in the first findings section above.

> We have tried small claims in Edinburgh before but it hasn't been very successful, so payment actions, you know, but a lot of our tenants are on Benefit so it doesn't work for us very well. It's fine if you have a tenant who's in employment then obviously you can go down that route, but the majority of our tenants are actually on some form of Benefit, so it's not easy to administer that at all (Local Authority 49)

The issue of high rents/ rising cost of living also featured frequently in the chapter on the causes of rent arrears.

> …the problem that you've got with wage arrestments on the rent side of it is that the rent's that high now, you'd get something, but you're not getting it all… you're always looking to reduce what the debt is they've got (Local Authority 45)

This next example is indicative of a recurring theme which appeared in this section, one which was built around a notion of having some kind of sanction to help with the enforcement of rental payments.

> Yeah but if we don't have bank details or if somebody's not working, you know, the house at the end of the day is the only thing that we can really take, you know, we don't have anything that we can take off them. I mean, personally, I probably shouldn't be saying this out loud but, you know, I think we need to look at things like giving people new kitchens and new bathrooms and doing... you know, we should make their house wind and watertight and we should make sure that it's safe to live in, but as far as I'm concerned, if someone owes you £2,000/£3,000/£4,000 why are you then going in and paying £5,000 to put a new bathroom in or a new kitchen, you know, you're saying to them 'you owe us this money but we'll still give you a kitchen and we'll still give you a bathroom and we'll still do X, Y and Z'. (LA 55)

No alternatives to eviction

The interviewees were of the opinion that there was absolutely no alternative to eviction, although it must be said, that some wished that here was.

> I would love to, I would, I would love to be able to, you know, have an alternative that works but I think we need to... again, like, just what I was saying, I think it really... if we feel we've done everything that we possibly can and I think as a council we do, I think I probably do as much as I possibly can, and then at the end of that road if there's nothing more that can be done, I really don't know what the alternative would be? (Local Authority 46)

As with the first section on causes of rent arrears, the majority of interviewees invoked a mixed approach to justifying their evictions practice. This was, to a very large extent, viewed through a frame which focused on the efficacy and effectiveness of their own policies and procedures. The data suggests that the more comprehensive they considered their intervention and management strategies, the stronger the justification of their own actions as well as the stronger the criticism of tenants who don't pay rent. This produces a regime of justification and criticism which is almost circular and self-reinforcing.

> I think it is a combination of their circumstances, but I think we feel if we've done everything we can to try and prevent that eviction, at the end of the day if they're not going to engage, work with us and pay their rent then there isn't any alternative, and I think if you don't have that then other people would just see and then that has implications for the council's rental income (Local Authority 42)

In this next excerpt the interviewee invokes their critical capacity against the non-paying tenant to such a degree that they almost completely exonerate themselves from any responsibility for the eviction action at every stage of the process. Blame is entirely shifted towards the tenant who doesn't pay. This is obviously questionably contradictory, since many interviewees have made it clear that in a large number of cases, structural factors and not indeed individual choices, are the main causes of rent arrears.

> In my opinion there is one alternative to eviction only and that's to pay your rent. We're in tough times as everybody knows, the fact that people that don't pay their rent is damaging their own neighbourhoods as much as if they were say, drug dealing or causing a nuisance.
>
> We never make a decision, to carry out an eviction the customer makes that decision for us. They will make that decision by definition of their actions. You know, it's never up to us what happens it's always up to them.
>
> Ultimately the decision is the customer's decision, do I want to keep my house, yes, then you need to talk to us, we will make an arrangement that is acceptable to us and affordable to them in a way that covers the middle ground. (Local Authority 29)

The next statement prioritises early interventions such as those mentioned when asked about the causes of rent arrears.

> If there was any (alternative) surely some clever bugger before now would've found it, would be my off the cuff answer to you! The alternatives to eviction can only be tenancy sustainment measures like putting in tenancy support at an early stage, being more intensive about that, making sure that people's income is maximised through whatever means possible (Local Authority 40)

As well as a means by which housing professionals shift responsibility for the eviction from themselves to the tenant, the notion of the irresponsible individual who jeopardises the collective interest of the community of tenants through the selfish act of refusal to meet their financial obligations features in a large number of interviews.

> I think the problem is the alternative to rent arrears debate... alternatives to eviction debate turns around on we should never evict anybody for non-payment of rent. It's like, well but that's just not true, and nobody believes that. If somebody takes a property and wilfully refuses to pay their rent, everybody is clear the action is termination of that tenancy. Nobody would ever argue when you push them all the way through it that a non-evictions policy for rent arrears is in any sense reasonable, because you always run the risk of the individual who just says 'well in that case I'm going to help myself' so even the folk that would advocate a non-evictions policy don't believe in a non-evictions policy (Local Authority 47)

The interesting point is the notion that rent arrears are accrued by tenants who 'wilfully refuse' to pay their rent. This is in stark contradiction to the other respondents, many of whom made the claim that poverty was such a problem as to render almost unworkable, any alternative to eviction that involved forcibly getting money from tenants through wage arrestments and by accessing bank accounts.

> I mean, there is that option but these days what I would argue is 'yeah, we're going to do that, but if you're simply refusing to pay your rent then what you've said is that you don't believe you need to abide by your tenancy agreement and on that basis it's cheerio time' and we would go to the Sheriff and say 'this guy said... we're getting the money in as best we can but he's making us work for it, he signed the contract saying he will pay, now he refuses to pay, we have to go to Court to get our money' (Local Authority 47)

The interviewee evokes the notion of an almost contractual-like commitment between the landlord and the tenant which goes beyond the position (taken by the majority of respondents) that the collection of the rent, however difficult to obtain, is the one thing that will prevent the tenant from being evicted. The shift in terminology, from tenancy agreement to contractual relationship is

accompanied by similar changes in how subjects and objects are framed, such as when tenants become customers and rent collection becomes income maximisation. The right ward tilting of the field of social housing is accompanied by managerial tropes which promote the marketization, commodification as well as individualisation of housing services. Not only does the contractualisation of their relationship shift 'responsibility' from landlord to tenant it also epitomises the essence of the privatised distribution of resources. The next excerpt shows the costs involved in collecting late rent.

> It adds to the cost in what is a £16M/£16.5M revenue account, we probably commit a million/a million and a half, certainly a million pounds minimum to the effort of collecting the rent. And I don't mean processing the cash payments or running the direct debit system, I mean going out talking to folk who haven't paid their rent and trying to persuade them that they should paid their rent, a million pounds, at a substantial additional burden of tenants, many of whom are on low incomes anyway, in order to get the rent in. Nine Housing Officers, four Income Max Officers, one Solicitor full time effectively on this, a Paralegal on this, you know, so...(Local Authority 47)

Only two interviewees were explicit about aspects of the process being about sending a 'message' to other tenants the one below and the in the next section looking specifically at one council's policy of non-eviction for rent arrears. This message has two facets, one that nonpayment of rent will result in eviction, and the other in order to make tenants feel more reassured that their own efforts to pay rent aren't in vain and that those who don't or can't pay rent are punished accordingly.

> There's an aspect of sending 'the message' out to other tenants that nonpayment will not be tolerated. We've been doing a lot of door knocking and maybe its the Daily Mail attitudes but there are increasing numbers of tenants who would talk about thier neighbours in terms of 'I'm going out to work and they're in there all day drinking, they don't have to work, both of us have to go out to work longer hours just to pay the rent so there is a bit more prejudice. That's not always been the case, so they feel vindicated if one of their neighbours has been evicted for non-payment of rent (Housing Association 23)

One council's non-eviction policy for rent arrears

One Council's decision to suspend evictions for rent arrears and the circumstances which lead to the policy being abandoned have been shrouded in controversy with claim and counter claim being made by various parties. What is notable from the data is that not one single interviewee thought that this Council's non-eviction policy was in any way desirable.

> We could never adopt that policy. That would never work for us. People get to know that, and I'm sure that in […] people got to know that they were never going to evict. There are so many other things that people have to pay, that come first. Especially when people are chapping their door, Brighthouses and credit cards, it would never work, our board would never agree to that, the arrears would be sky-high and we'd never be able to do the capital works we promised to do. We would never adopt that policy. (Housing Association 20)

The following is an interesting excerpt from an interview with an arrears manager and a para-legal worker. It is also fairly representative of the dilemmas which housing professionals working in the management of rent arrears have to deal with.

> I don't think it's fair on paying tenants. You've got people who pay their rent week in and week out and you've got people who don't pay their rent at all. We need money in order to do up people's houses. (Interviewee 1).

> Ideally in an ideal world you wouldn't want to put someone out on the street. I saw a guy last night when I was out for my walk, a guy we evicted. I couldn't even look at him, I feel responsible. But I also know I did everything I possibly could. I worked with this guy for over two years. The business mind says you have to keep going, but morals...(Interviewee 2)

> INT - Are councils and housing associations different in this respect? - is there a difference in position?

> Yes and that's why we've changed, as I said at the start of the interview, we were the council we were still linked with the

obligation, say people were living in a hell hole, we were taking them out of that and placing them somewhere else. We have a responsibility now to bring in money to maintain the standards of accommodation, okay we get funding to bring properties up to standard but we still need rent as well. So from a business mind, you have to say hang on a minute, we can't continue letting people off with their rent, if we say we won't ever evict you we're saying...(Interviewee 2)

(Interviewee 2 - Housing Association 29)

HA 29 above alludes to two distinct approaches, namely a business approach embodied by the Managerial order and one involving morality, contained within the Civic order. Although there are clear compromises between the two orders of worth (Boltanski and Thevenot 1991, 1999), this is evidence that in certain situations, the two are incommensurable. It would seem that this area of incompatibility relates the actual eviction itself.

This next excerpt highlights the fact that sometimes 'failed' policies also have unintended benefits.

No. For me, I mean, eviction's always been a last resort and, I mean, [.......] was saying that the reason for us going non-eviction, like, it was felt as draconian kinda thing, I felt that in my job I always done the best I could. I mean, for me, if someone was evicted from their property I never felt any guilt because I'd done the best I could kinda thing, but on the other side of the... come back from the non-eviction thing, now I see our procedures are, 'more support'... where maybe different Housing Officers wouldn't have kinda went down that route and done the best they can, it's now written into the procedures. So for that it's been a benefit of the non-eviction policy (Local Authority 54)

The next excerpt is from a local authority solicitor. Most councils have a team of solicitors to deal with generic council work, but few councils have their own specialist in housing legislation (itself a distinct and somewhat arcane field of law). The comment below provides a very strong example of the extent to which the Civic order of worth is used to construct a perspective where the landlord has a responsibility to prevent, as far as possible, their less well-off tenants getting into debt. The Managerial order is utilised to create a frame

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through which the arrears management system becomes a mechanism whereby the landlord can deliver its own duty of care, towards its tenants, through the prevention of debt augmentation and thus the prevention of homelessness.

> No, absolutely not. The arrears went through the roof in some cases. I would say it's about the culture and I think it's about responsibility to individual tenants as opposed to a larger policy argument. I mean, a lot of these people have nothing or have very little, live on an extremely limited income and have extremely limited resources in every sense of that word, I mean, personal resources, family to fall back on, problems in terms of reading and writing, long term unemployment, niggling chronic illnesses, you know, these things go right across the board. Now, Housing Officers might disagree with me, I don't think people sleep at night with that kind of debt, and when it reaches a stage where it is un-payable...(Interviewee)

The following interviewee frames the issue around the 'responsibility of the landlord' not to encourage or allow the accumulation of arrears.

> No, definitely not, it was the worst decision ever. My personal opinion is it encouraged tenants to get into even more debt than they were already in. That is my personal opinion and that's exactly what's happened. Along with other factors, people being made redundant, economic climate and things like that, but on the whole it encouraged people to get into debt and we should be ashamed. (Local Authority 52)

Unlike the other three findings sections, the interview data on alternatives to eviction had elicited something of a broad and general consensus. There was almost complete unanimity among the interviewees that no 'real alternatives' existed. The reasons for this position differed between interviewees as well as between landlords and indeed different areas of the country, but any notion that a workable alternative existed was simply absent from the interview data. There is certainly a suggestion here that having the threat of eviction makes the issue of rent arrears easier to manage for the housing professional.

Like the other findings sections, this one contains an array of contradictions and anomalies. There is the habitual tendency to state on one hand that

alternatives to eviction such as wages arrestment, freezing and seizing bank accounts or impounding cars are simply unworkable due to the fact that most people with arrears have neither the resources nor the income to make it worthwhile (or indeed possible), yet on the other hand the simultaneous claim is made that evictions are essential to ensure that most people at least, will make the effort to pay their rent.

What remains therefore is to deal more extensively and in much more analytical detail with these issues, exploring the ways in which housing professionals 'frame' what is already a socially constructed problem, in order to justify their own role in evictions. The point of this type of frame analysis is to gain access to the relationship between objectivity of the first order and the subjectivities of the housing professionals who made up the 35 interviewees. This will be done by teasing out and capturing, in concrete form, the shared norms and values that housing professionals utilise when they have to defend against criticism as well as to justify their role in the evictions process.

6. Analysis Chapter

'Censorship is never quite as perfect or as invisible as when each agent has nothing to say apart from what he is objectively authorized to say: in this case he does not even have to be his own censor because he is, in a way, censored once and for all, through the forms of perception and expression that he has internalised and which impose their form on all his expressions' (Bourdieu 1991: 138).

The chapter will present an analysis of the findings in two parts. Part One will apply a frame analysis to the interview data in order to make sense of the collective conventions, the shared norms and values as well as the categories of perception which subjects apply to objects within the field of social housing. Part Two examines the *twofold truth of the work of the housing professional,* returning to the subjective position from which it was necessary to break in order to construct the object of study, in this case, to gain access to first and second order objectivity. The reason for this return to the subjective position will be explained in the exposition below.

Exposition (v)

Against Utilitarianism

An important aspect to understanding the subjectivist viewpoint, is that it tends to take the relationship between the agent and the field, completely for granted (Bourdieu 1998).   Fields, being relatively autonomous, and thus having their own internal logic, common language, and forms of capital are sites of competition between agents who seek to either transform or conserve the structures of the field in accordance with their own dispositions and their own particular interests. This interest that agents have, in any particular 'game', varies in accordance with the material and symbolic profits each field has to

offer. This interest in the game, is what Bourdieu calls *illusio*, an investment in the 'game' itself, that which makes it worth playing, worth the effort. The fact that each field has its own entrance fee, either a set of skills, a range of credentials or formal qualifications specific to that field, means that those outside its boundaries are often blinded to the stakes on offer. Bourdieu (1998: 78) refers to a sculpture in the Auch cathedral, in the Gers, of two monks struggling over the prior's staff. The point is that this struggle is only meaningful for those who are in the game, who are caught up in the meanings that the game offers, in the case of the monks, those who have invested many years of their lives, working and studying in this particular monastic universe (and for whom the prior's staff is an object of significance, one worth struggling for). The struggle, Bourdieu (1998) argues, seems completely pointless to those outside of the religious field. And so it is with all fields, many of which require that a significant amount of agreement exist over most aspects of the game, in order that a significant amount of contestation be directed towards (what appears to those outside of the field as) an almost insignificant feature of the field and thus, the game.

Agents become 'possessed' by the game, they are 'taken in' by it, and therefore develop a more or less adequate feel for the game, a feel for not only where the profits (material and symbolic) are, at that particular moment, but where they will be at some point in the near future. This feel for the game, tempered by the double naturalisation caused by the relation between objective structures and the mental and bodily schemata to which they accord, gives the illusion that the relations within the field are natural, legitimate and could not (and indeed should not) be otherwise. This subjectivist view from inside the field, Bourdieu (1998) claims, is responsible for the fact that agents tend *not* to find the dominant order problematic, which in itself is wholly problematic from an objectivist point of view.

This has led Bourdieu to develop two arguments against the utilitarian position. Firstly, that the utilitarian approach has to pretend that 'agents are moved by conscious reasons, as if they consciously posed the objectives of their action and acted in such a way as to obtain the maximum efficacy with the least cost'

(Bourdieu 1998: 79). The second problem which the utilitarian position presents is that it tends to 'reduce everything that can motivate agents to economic interest, to monetary profit' (Bourdieu 1998: 79).

Instead of there being conscious calculation on the part of the agent, Bourdieu (1990, 1991, 1998) claims that the relationship between the agent and the social world, consists of an infraconscious, infralinguistic complicity in which actors, through practice, constantly pursue 'goals', 'aims' and 'objectives which are never posed as such. Although the objectivist position sees clear 'ends' in the practices of others, the third parties themselves are rarely if ever consciously aware of them. Those who have developed a 'feel for the game', those who have embodied the gamut of practical schemes of perception and appreciation relevant to the field, do not need to pose the objectives of their practice as ends. Drawing from the phenomenological literature, Bourdieu (1998) shows how social agents are not *subjects* faced with an *object* (or a problem) in a cognitive sense, rather they are so absorbed by the world in which they are immersed, that the 'end' perceived by the objectivist view as a 'project', is for the social agent, 'inscribed in the present of the game' (Bourdieu 1998: 80).

In the same way that a footballer moves to the space, not where the ball is, but where it will be, or who passes the ball, not to where his team mate is, but where he will be, the social agent develops a *feel for the game*, a practical mastery which is embodied in the notion of *habitus*. Breaking from the Cartesian subject/object dichotomy, the phenomenologists have shown that rather than following rules, agents have strategies which only very rarely have 'a true strategic intention as a principle' (1998: 81). The *habitus*, that durable yet flexible set of mental and bodily dispositions, which orient action (including taste, cultural preferences, ways of walking and talking etc.) is the incorporation of the external world through the internalisation of the structures of that world. This is why when objective structures accord with mental structures, the world (which is mostly taken for granted, unquestioned and unchallenged) tends always to go without saying, simply because it comes without saying (Bourdieu 1990, 1991, 1998, Bourdieu and Wacquant 1992). This 'double naturalisation'

which, embodied by the relation between the objective and subjective structures of the social world, are everywhere manifest in what Bourdieu (1990, 1991, 1998) calls *objectivity of the second order*.

The aim of this chapter is to capture the second order of objectivity by analysing the collective conventions, the shared norms and values as well as the categories of perception that housing professionals apply to their world (the world of housing services), in both making sense of it and in turn remaking that world, through the forms of professional practice which being-in-that-world has shaped.

Once the objectivity of the second order has been analysed using Boltanski and Thevenot's (1990, 1999) *economies of worth* model it will be necessary to return to the subjectivist position, from which it was necessary to brake in order to see the objective truth behind the social relations (which turn out always to be power relations) and which mask the fact that their legitimacy is founded on the misrecognition *of* these power relations. Because of their limited perspective (their 'specific' point of view) agents rarely have access to the objective world in which they are located. It is therefore necessary to include their 'personal' experience of this world in the final analysis, in order to understand their two-fold truth. This completes the study by accounting for all three dimensions of how reality is structured. Chapters Two, Three and Four, account for the objective reality within which the object of this study is located. In this chapter, the interview data will be analysed in a way that accounts for the various collective conventions which arise from the dialectical relationship between the subjective experiences of agents (their mental structures) and the objective reality out of which they arise. The following chapter will reconstruct the subjective experience of the housing professionals in order to account for the fact that their 'being-in-the-world' precludes an objectified vision of that world, creating instead a set of common conventions which are both the result of the 'internal logic' demanded by the external world (history objectified in things i.e. the target driven culture prescribed by the regulation and inspection regime) and their own sets of durable dispositions (history objectified in bodies, and mental structures).

Objectivity of the Second Order

This section will apply Boltanski and Thevenot's (1991, 1999) *economies of worth model*, (as a form of frame analysis), to the interview data in order to explicate the trends as well as the shared norms and values, contained within collective conventions which arise from the dialectical relationship between objective and subjective structures.

From personal convenience to collective convention

At the critical moment (the point of disagreement) in a situation, people are forced to justify their position, which they do by creating a 'reality test' which the justification must pass in order to be taken as credible. Part of this justification process requires that people also criticise, particularly those who criticise them. This framework of justification and critical capacity is represented by Boltanski and Thevenot's (1991) *economies of worth* model, six broad regimes which, emanating from political philosophy have, they argue, gained a collective social coherence in the contemporary world.

This 'order of worth' model relies on the postulation of a 'common good', a moral element which through regimes of engagement needs to be put to a reality test where it is realised in the evaluation of some performance (Boltanski and Thevenot 1991, 1999). This test requires that individuals shift from 'personal convenience' to 'collective conventions', from a world which is specific to them, to a generality whereby intersubjective interaction is made possible. Dispute during this process leads parties to make reference to the most legitimate collective conventions. Indeed the arguments and the evidence which agents utilise to back up their claims, rely on conventionalised linguistic terms and concepts (Thevenot 2001).

It is these conventionalised concepts which, together in groups, form shared frames such as those involved in justification and criticism. These frames are formed in what Bourdieu (1990, 1991, 1994) calls objectivity of the second order, which refers to systems of classification, mental and bodily schemata such as thoughts, feelings, judgements as well as justifications and criticisms.

These are the structured structures, structured in the sense that they are formed through the dialectical relationship between mental structures and the material and symbolic structures of the social world around them.

Objectivity of the second order, for the housing professional, includes the mental structures which are more or less adequately adjusted to the physical and social structures and include all forms of judgement, and classification (vision and di-vision in Bourdieusian terms) as well as the shared 'norms and values' that are forged in groups and which create the possibilities of intersubjectivity.

The political and economic changes (brought about by the shift in the balance of power from landed classes to industrial capital to finance capital) which have lead to a shift in focus from social rented housing to owner occupation, from social security to social insecurity, from regulation to de-regulation (or more accurately as Wacquant 2012 calls it 're-regulation in favour of firms'), have all had a profound impact on the way that persons experience the world in both first and second orders of objectivity. In the case of housing professionals, for example, the shift towards the orthodox notion that markets are the best means by which public goods are defined and distributed has had a profound impact on, not only how housing services are managed but by how they are distributed, to whom and on what grounds. In other words, changes in the objectivity of the first order affect change in the objectivity of the second order. The structures of the external world have a bearing on the mental structures of those who occupy it (*we make the world that makes us* to use Bourdieusian phraseology).

When challenged to defend the practice of evictions, housing officers tend to employ two justificatory regimes, depending on the situation in which they have to justify (Boltanski and Thevenot 1991, 1999). When having to justify why rent arrears management is important the Civic order is invoked and housing professionals talk about the importance of rent to the sustainability of the housing service and therefore, the community of tenants. When having to justify evictions, housing professionals tend to invoke the Managerial order

which uses the 'efficiency' and 'effectiveness' of the rent collection system. Given that both orders have the collection of rent as a necessity, the management of rent arrears is prioritised and landlords are continuously improving the means of 'engaging' with tenants who are in arrears through either funding or supporting various third sector initiatives such as money advice and welfare rights projects. Some interviewees reeled off a long list of agencies from law centres to Citizen Advice Scotland who served the function of making the process more 'effective' and 'efficient'. From the interview data it seems clear that in most if not all cases, the interviewee held the belief that all that could be done to maximise rental income, was indeed being done. It was when the interviewee could satisfy themselves that the mechanisms and interventions, deployed to maximise rental income, were both 'efficient' and 'effective', that they could be said to be justifiable, that is to say that they passed the REALITY TEST in a Managerial order of worth. As Boltanski and Thevenot (1991) argue, the most common compromise is between Civic and Managerial orders, an accommodation which is, they claim, at the very heart of the welfare state, as well as the wider provision of public services.

The construction of rent arrears

As the data in the first findings section shows, the majority of interviewees saw the problem of rent arrears as being structural in nature, that is to say, they framed the issue in ways that mostly avoided placing the blame upon individuals for their predicament, (poverty, lack of secure employment, multiple indebtedness etc.). That said, there is also a great deal of evidence where, not only do housing professionals attribute the problem of rent arrears to the causes of individual failure and irresponsible action, but often do so after having given a structural account of the problems earlier in the interview. This disparity suggests that although structural causes of rent arrears are seen as being the principle problem, they are rarely seen as being exclusively so, as there is often some evidence in the data of a perception that the problem can be partly attributed to the 'individual' tenant. This is nowhere more common than in the data dealing with housing benefit claims, an activity which not only involves dealing with an 'inefficient' and 'ineffective' system (framed within the

Managerial order) but also requires the applicant to have the skill and motivation to engage with what is still seen (despite its failings) as a 'common good' (Civic order). The disparity between answers can also be said to strengthen Boltanski and Thevenot's (1991) argument that persons move between frames of justification depending, not solely on their social position (as classical sociology would suggest) but also depending on the situation that they have to justify themselves from.

From the interview data it appears that the Civic order of worth is used as direct criticism of the 'irresponsible individual' who, (refusing to pay rent lawfully due), harms the collective interests of the entire group of tenants. One interviewee (LA 29) equates the damage done to neighbourhoods by 'not paying rent' with any other form of anti-social behaviour and cites drug dealing and neighbor nuisance as comparable examples. The Civic notion of 'fairness' to the collective group is also evident in the data with references to people 'who pay rent week in and week out' (HA 28). There is evidence to suggest that the Civic order is also used to create a strong sense of (in)justice framed in such a way that constructs the rent paying tenant as the victim and the non-rent paying tenant as someone who needs to be punished, even if only to create the appearance of economic justice. HA 23 talks of '*sending a message out to other tenants that non-payment will not be tolerated*'. The sentiment in this interview was that paying tenants feel 'vindicated' when they see non-paying tenants being evicted.

For the interviewee LA 52, the non-eviction policy was seen as a shameful abrogation of responsibility by the landlord towards the tenant, insofar as they claimed that by removing the threat of eviction, the policy encouraged people to get into debt. It is evident from the data that the Civic order is used to construct a number of justificatory positions one of which places the landlord in a position of 'responsibility' (towards the 'collective' group of tenants) while at the same time critically placing the tenant with rent arrears in a position of 'irresponsible individualism' (which harms the 'collective interests' of the 'community of tenants').

'Individual' causes of rent arrears were mostly framed through the Civic order, with interviewees criticising tenants in arrears who didn't want to pay rent, didn't see rent as a priority, and also criticising those tenants who were seen as coming from a culture of non-payment ("*there is a certain group of tenants whose parents never paid their rent, whose parents before that never paid their rent, whose children don't pay their rent* (LA 56)").

The framing of this problem as an individual one might come from an issue of perception. Many of the housing professionals interviewed worked directly (or at least in some capacity) in arrears management. A focus on a single issue (such as rent arrears) may skew the perception of the housing professional for whom the rent-paying tenant is not so visible or at least who doesn't occupy such a prominent position in their conscious awareness. This, combined with the fact that the regulation and inspection regime focuses on the management of rent arrears, with set targets and key performance indicators, can arguably result in the relegation of structural factors (for which the housing professional can do little) in favour of a more 'pathological' and individualised view of the problem of arrears. For the housing professional tasked with the job of managing rent arrears, the focus is clearly on the issue which the housing professional can best, or at least most 'efficiently' and 'effectively' deal with, managing rent arrears. This leads on to the next section which looks at Managerial mechanisms for dealing with the problem of rent arrears.

Mechanisms for the management and reduction of rent arrears

The concerns of 'irresponsible individuals' not paying their 'fair share' are addressed through what appears to be a highly comprehensive array of interventions and mechanisms to both manage rent arrears and to provide advice and assistance to tenants who are in financial difficulty or economic hardship.

These Managerial mechanisms include an array of 'professionals' and 'expert advisers' (SUBJECTS) such as money advice teams, and welfare rights officers who use 'tools', 'resources' and 'methods' (OBJECTS) in their pursuit of 'effective' and 'efficient' (STATE OF WORTHINESS) levels of income

maximisation that not only benefit tenants but ensure that landlords have a much higher success rate at obtaining rental payments (THE REALITY TEST). Some landlords employ their own 'in-house' money advisors and welfare rights officers in teams which operate exclusively for their own tenants, and some landlords will use local services such as Citizens Advice Scotland as well an array of local resources such as community law centres and drop-in services. There was a great deal of funding made available to landlords and other community organisations during the Scottish parliament's first seven or eight years, opportunities which, according to the interview data, many landlords took advantage of by incorporating financial inclusion services into their own management practices. Many landlords, however, lamented the loss of much of this funding after the financial crash of 2008 removed a number of these services in some cases, and reduced their availability in others. Despite the acknowledgment that 'austerity cuts' had compounded much of the structural problems which tenants faced, there seems to be a general consensus in the data that there were still sufficient services and adequate mechanisms in place to deal with the economic and financial issues of those tenants who were most in need.

One important aspect which appears in the data is that these interventions (and indeed much of the funding that was made available to landlords for such interventions) were all aimed at helping the tenant to cope with financial difficulty and economic hardship as well as to deal more effectively with a benefits system which was universally seen as being overly complicated, a matter made worse by the increasing levels of wage-work insecurity, reduced hours and part-time working arrangements. Arguably this type of 'strategic policy' redirects the focus from the causes of poverty and marginality (at a structural level) on to the tenants themselves with the interventions designed to help the tenant cope better with rising unemployment, austerity cuts to services and welfare as well as the rising cost of living.

This 'policy focus' might explain why the vast majority of interviewees gave structural reasons when asked what the causes of rent arrears policy in their area were, yet there was a disproportionate emphasis on 'individual' reasons

for the accumulation of rent arrears in the data, once interviewees began to discuss the matter in more detail. As will be seen in the following sections the balance between the two regimes of worth is, in most cases, dominated by the Managerial order, an explanation for which will be explained below.

The REALITY TEST in a Civic sense revolves around the question; 'does this benefit or damage the collective interests of tenants?' If it benefits the 'collective' then it is seen in a positive light, if it is deemed to be damaging to the 'collective' then it becomes vulnerable to the critical capacity of the housing professional. The Managerial order has different concerns which centre around the 'effectiveness' and 'efficiency' of the rent collection methods (OBJECTS) and the experts, advisors, and professionals (SUBJECTS) who are engaged in their operation (RELATION OF WORTH).

Discretion

As the next interviewee's comment shows, the Civic order is used to justify what is in some cases, a failure to adhere to government guidance on using discretion, although this failure is rarely acknowledged explicitly by interviewees who claim not to use any discretion during the eviction process. As seen above the Civic order tends to favour treating all citizens equally, having a tendency to reject the prioritisation of 'special cases', that is to say, favouring some people over others.

> *I would like to think that we treat absolutely everyone the same, everybody equally irrespective of their circumstances* (HA 36)

The first thing to note is the fact that this approach not only runs counter to the Government's guidance on good practice, but could actually be deemed to be unlawful as it does not comply with the pre-action requirements as prescribed by the Housing (Scotland) Act 2010. It would appear that this lack of understanding of the law is justified by the interviewee through the application of a Civic order of worth, which places the requirement to treat all tenants 'the same' before the need to meet a set of statutory obligations, which privileges the needs of some over others (vulnerable over non-vulnerable, those who have children over those who do not have children).

HA 22, as well as HA 25 take a strong position against treating families with children any differently.   Again this approach, although of the Civic order, would be deemed to be unlawful practice at the court stage had a sheriff followed the requirements of the 2010 Act, in order to satisfy himself that everything had been done to make sure that not only was eviction a last resort, but that all relevant circumstances had been taken into account.

Despite the fact that HA 25 echoes the same sentiment on 'equivalence' the frame changes to represent more of a compromise position between the Civic frame which prioritises 'equality' and a Managerial order which privileges the 'procedures' aspect. The interviewee HA 25 takes a strong position which claims that irrespective of household composition, non-payment of rent '*must result in the loss of the home*'. The excerpt in the Discretion section of the findings chapter states that '*the sheriff would ultimately decide. But we wouldn't treat them any differently*'.

What the data shows is that both Civic and Managerial orders of worth were used to justify practice at various stages of the evictions process. The collective interests of 'responsible' tenants were prioritised when a Civic order was evoked and the 'effectiveness' of 'procedures' was used in a Managerial form of justification to show that all that could have been done, had been done.

The next excerpt is perhaps the best example of the way in which housing professionals utilise Managerial frames in order to justify their actions.

> *I will never ask what age the customer is, whether they have children or not, whether they have vulnerabilities, etc. I would expect that the services of the staff would have met whatever needs that household have. So, I suppose that the needs, in our opinion, of a young person, an elderly person, a family, a lone parent whatever, can be met by us, so when it comes to the decision to evict, I look at the case in a clinical way, rather than ask about the circumstances* (HA 35)

Almost every aspect of this discourse is Managerial in form. Tenants become 'customers', meeting the needs of vulnerable tenants or those with dependent

children are already 'built into the procedures' which lead to the case getting to court, the entire 'operation' becomes 'clinical' rather than discretionary.

Although the local authority position was almost unanimously contradictory to that of housing association staff, the same Managerial frames were used in almost the same way to justify what was an almost entirely different approach to the use of discretion. LA 48 talks about basing the process on the personal circumstances of the tenant, and where necessary delaying the court procedure while support (in the form of 'professionals', 'advisers', 'advocates' all SUBJECTS in the Managerial order) is put in place.

The data here suggests that the Managerial order is an essential means by which housing professionals can both assess their own STATE OF WORTHINESS as well as the RELATION OF WORTH which is determined by the relationship between SUBJECTS ('expert's, and 'professionals') and their OBJECTS ('tools' and 'resources' for doing the job).

Interestingly, it can be said that the Managerial order is not only necessary for the housing professional to justify their actions to both themselves and their colleagues, but that this 'justification' has evolved into an essential 'objective' element which a sheriff has a statutory obligation to enforce. In order to successfully obtain a decree for eviction, the landlord must prove to the sheriff that they have exhausted all options designed for the reduction of rent arrears, through effective rent collection mechanisms and procedures (see the prescriptions of the Housing (Scotland) Act 2010 in Chapter Three). The sheriff must be satisfied that all managerial interventions, offers of support and referrals for advice, have been appropriately considered as well as all personal circumstances, including vulnerabilities and type of arrears (i.e. housing benefit issues such as non-dependent deductions, over payments etc.) before considering granting a decree for eviction.

The requirement to prove that a wide range of managerial interventions had at least been considered was already being realised by most of the local authorities, but a fewer number of the housing associations had adopted the policy before they were required to by law. This suggests that financial

considerations, imposed by the statutory obligation on local authorities towards households with children, were a major contributory factor.   In other words, the data suggests that the discrepancy between local authority practice and that of housing associations has the unequal cost of rehousing vulnerable households, or households with dependent children, at its core.

The very fact that the pre-action requirements were legislated for in the 2010 Act (but didn't come into effect until 2012) implies that the government did not want to leave the issue of discretion exclusively to the landlord and legislated for the imposition of a discretionary approach which introduced a greater level of managerial responsibility (and of course managerial discretion). It could be tentatively argued, therefore, that the disparity in practice between types of landlord meant that legislation was required to foster parity between them in evictions practice, that is to say, to prevent housing associations from using eviction as a management technique rather than as a measure of absolute last resort.

There appears, from the data collected in these interviews, to be a strong external influence upon housing professionals, in the form of legislation and statutory guidance on good practice, to adopt a compromise position which frames their reality in both Civic and Managerial orders of worth. It seems apparent that the strong emphasis on rent collection, including its managerial requirements, such as meeting targets, achieving key performance standards, complying with regulation and inspection regimes, concerns over financial sustainability and fiscal responsibility as well as the need to maintain and develop current and future levels of stock, results in a compromise which leads to the domination of a Managerial over a Civic order of worth.

The HIGHER COMMON PRINCIPAL in the Managerial order is determined by how the organisation 'performs', the STATE OF WORTHINESS is that it should be 'functional', 'reliable' and 'operational'. The STATE OF UNWORTHINESS is when the system is 'unproductive', 'inactive' and 'unsuitable'. The SUBJECTS in this world are the 'professionals', the 'experts', the 'specialists' and the OBJECTS are the 'resources' and the 'methods' which are employed to make

everything function 'effectively'. The RELATION OF WORTH is embodied by the ability to 'control', to 'manage' and 'organise' processes 'effectively'.

From the data it appears that THE REALITY TEST, in a Civic sense, hangs on the notion of 'fairness' to the 'collective' and is underpinned by the question; 'why should this individual be treated any differently to the rest of the group of tenants?' If the interviewee believes that eviction will incur a high cost at the expense of the wider collective of tenants, then there seems to be more of an effort made to ensure that eviction is absolutely a last resort. This goes some way to explaining why more local authorities exercised discretion than did housing associations. Again this seems to be a disparity of practice which has the unequal distribution of re-housing costs at its core.

From a Managerial perspective THE REALITY TEST is of course the effective management of rent arrears. What seems to emerge from the data in the section on discretion is that; if the housing professional can be wholly satisfied that their procedures are 'efficient' and 'effective', that the resources have been put in place and that the entire staff team is working professionally in a way that they can 'organise', 'control', 'stabilise', 'anticipate', 'determine', 'measure', 'optimise' (RELATION OF WORTH), then they can justify to themselves and to others (although not sheriffs and not in court) that not exercising discretion, even when this is a legal requirement, can be justified. It would appear that the power of the Managerial frame in the context of rent arrears is such that it can supersede other orders of worth (such as fairness, or matters of legality) in certain circumstances. This point also highlights the importance of 'context', that is, the importance of understanding the 'situation' in how frames are used and to what ends.

Minutes for recall

In this section on minutes for recall, interviewees used a wide range of Civic and Managerial frames as well as something of a compromise between the two.

> *The court process is good at getting people to deal with the issue head on. It works, that's the thing. It prompts tenants to realise*

how serious it is. Once it actually goes to court, people wake up to the reality... (HA 25)

The examples HA 21, HA 25, HA 30 LA 48, LA 49, LA 50 in this section of Part Three of the Findings Chapter, are all compromises which allude to the Civic notion of the tenant's right to 'representation' (RELATION OF WORTH) in a 'legal procedure' in 'the courts' (OBJECTS) while at the same time using a Managerial frame through which to view the 'expert' lawyers (SUBJECTS) who, because of their investment in the process, become an added factor in ensuring the 'effective' and 'efficient' collection of outstanding rent (STATE OF WORTHINESS). What emerged from the data was the notion that minutes for recall were encouraged when the interviewee saw the legal advocate as an ally in the process of rent collection. Indeed, it can be said that once the legal representative has lodged the minute for recall a new court hearing is set and immediately, the legal representative has a stake in the game. The legal advocate must return to court with an agreed payment plan which is put before the sheriff and the landlord's own legal representatives. If this arrangement is broken and payment is missed, the landlord's lawyers will once again seek decree, only this time a minute for recall will be out of the question as it can only be lodged once. It is through this process that even the most critical legal representatives, not to mention the often radical and outspoken community law centres, are at once co-opted into the very system which many of them position themselves against, both politically and morally. There is an acknowledgement in the data that housing professionals are often acutely aware of the fact that the legal representatives make the process very clear to their clients, a fact which those who thought minutes for recall worked, seemed to think added to their chances of recovering the outstanding sum of rent monies owed.

> *It's a tool that is there to be used. I know […], the local in-court advisor, really well… we have a really good close working relationship… […] is really good at laying it on the line for the tenant. 'You're getting a continuation here, you need to stick to your payment plan, you only get one bite at the cherry here, you won't get another chance'.* (HA 30)

The interviewees who claim that recalls do not work take more of a Managerial position with little or no Civic compromise. HA 20, HA 22, HA 24 all claim that the process is simply 'inefficient' and 'ineffective' at recovering the outstanding rent (STATE OF UNWORTHINESS).

The interviewee (HA 35) in the minute for recall section of the findings chapter echoes the sentiments found in the section on discretion, that there is no need for the recall process as all eventualities will have been covered in the 'interventions' and 'methods' (OBJECTS) implemented by the 'expertly' trained staff (SUBJECTS). The interviewee (HA 35) says '*Personally I detest them… We bend over backwards and force our staff to jump through a lot of hoops, before they go to court*'.

The most common position among interviewees in this section on minutes for recall is the general opinion that they sometimes work. This is where the compromise between orders is most prevalent. HA 23 talks of encouraging tenants to go for minutes for recall but objects strongly to them getting legal aid, viewing the issue through a Managerial frame, prioritising the recovery of rent, over the 'legal right' to 'representation'.   However, the interviewee moves to a critical position whereby the Civic notion is invoked. The 'legitimacy' of the type of action is questioned and an objection raised to legal representation (RELATION OF WORTH) in what is ultimately an 'individual' civil action (STATE OF UNWORTHINESS).

The Civic order is used to criticise the individual non-rent-paying tenant (a minority group of six or seven households), and a Managerial frame is used to show how the hard work of housing professionals (SUBJECTS) and the 'effectiveness' of 'procedures' (OBJECTS) are mostly in vain. HA 29 in chapter seven states that the recall process is frustrating because it benefits the tenant by giving them another chance and drags out the process for the association.

The following excerpt shows the dilemmas which housing professionals face when carrying out their day-to-day responsibilities, particularly those governed by targets and overseen by an independent regulation and inspection regime. The tensions between a Managerial order (rent account targets) and the Civic

notion of the housing advocate stopping the person (a human being) from becoming homeless are clearly visible.

> *Well I've got to... remembering that I'm responsible for performance management in my office, if we've got somebody who we've got decree, that person's maybe got a balance of £1,500 and I know that that £1,500 is going to make a big difference in relation to my arrears performance, if we get a minute of recall and then we're back at court, you know, sometimes... from a human point of view/selfish point of view, your heart sinks because that might take you over your arrears performance target and, you know, you're disappointed from that point of view, but at the end of the day it's a human being we're talking about here and if that housing advocate has arranged for a minute of recall then they've stopped that person from becoming homeless which ultimately is a good thing* (LA 43).

THE REALITY TEST for whether or not minutes for recall work, centres around whether or not they are regarded as an 'effective' and 'efficient' means, by which to recover rent owed to the landlord. The Civic order is used to justify why rent is important in the first place, the Managerial frame determines the STATE OF WORTHINESS of the 'methods' (OBJECTS) employed by the relevant 'professionals' and 'advisors' (SUBJECTS). For those interviewees who said that they did work, THE REALITY TEST had been satisfied insofar as rent had been recovered and the tenant had remained in their tenancy. For those who had little or no faith in the recall procedure, the process failed to satisfy THE REALITY TEST as experience showed that little or no money was ever recovered.

It can also be argued that the landlords who spent time and money making the recall process work, through providing community law centre's with funding and premises, had a greater chance of seeing some tangible return on what they saw as an 'investment' in the process. Landlords who had committed resources to ensuring that tenants had access to legal representation and advice, and who worked in partnership with the in-court advice teams who were employed by local community law centres, were much more likely to see the process as a success.

Alternatives to eviction

Of the 35 of the housing professionals interviewed not one of them thought that there were any 'viable' alternatives to eviction. The alternatives to eviction discussed were largely rejected on the grounds that they were seen by the interviewees as being wholly 'ineffective' and highly 'inefficient' in a purely Managerial sense. When asked about bank or wages arrestments as a means of obtaining rent owed to the landlord, and thus providing an alternative to eviction, the responses were all negative.

HA 21, HA 23, HA 24, LA 45, LA 49, LA 55 all dismissed the idea of wages or bank account arrestments as a workable alternative, giving answers which ranged from the fact that people in rent arrears tended to have neither adequate wages nor bank accounts, to answers which questioned the effectiveness of such methods in the rent recovery process. Similar to the other findings, the interviewees tended to frame the problem within a predominantly Managerial order of worth, prioritising the 'efficiency' and 'effectiveness' of the process of rent collection. There is some evidence in the data to suggest that the contradiction here arises from a failure to consider the issue through a form of compromise with the Civic frame. To acknowledge the fact that tenants with rent arrears have no money which can reasonably be recovered (wages and bank account arrestment) and to continue with the eviction, is only possible when the almost exclusive use of the Managerial order frames the issue.

The responses from LA 40, LA 42, LA 46, suggest that when landlords believe that everything that could have been done to prevent the eviction had been done, then eviction can be justified. The more interventions and mechanisms for rent collection and the more 'efficient' and 'effective' these are thought to be, the more justifiable eviction action becomes. LA 29 takes the Managerial frame to an extreme level when they abrogate all responsibility for the eviction, stating that they never make decisions to evict, and that the decision *to be evicted* is always made by the tenant when the 'choice' is made *not to pay rent.*

None of the interviewees stated that they thought the adoption of a non-evictions policy for rent arrears was a 'good idea' with some stating that it was a

'disaster'. The data shows that the non-eviction policy invoked the Civic order in the justification of evictions and the criticism of tenants with arrears.   The conversation between a senior housing officer and a legal officer (HA 29) in the finding's chapter on alternatives to eviction is a good example of how the two orders combine to justify the need for evictions as an 'ultimate sanction'. Fairness to other tenants and the landlord's responsibility to maintain the stock, which is only possible through effective rent collection, are all notions that have a strong Civic sentiment. The interviewees go on to talk about how they have to justify the eviction to the sheriff in order to obtain decree for eviction, mainly by showing (in accordance with the Managerial order of worth) the extent of their interventions and methods of engagement and support. There is acknowledgement that the introduction of a 'pre-court' procedure has had a positive impact on arrears figures. The blurring of the two orders is most evident when the interviewees (HA 29) talk about the need to '*send a message out to tenants' that we will evict*', and when they talk about tenants '*playing mind games*'. The Civic order seems to be evident (in a show of indignation) when it is highlighted by the interviewee that the person with rent arrears is working, (sometimes '*out of two jobs*'), which makes this kind of response incommensurable with responses which do not engage with the Civic order. What this type of analysis strongly suggests is that in almost all cases, the issue of rent arrears and evictions are both guided by and seen through a lens which has more of a Managerial than a Civic focus. The Civic order is important as it creates an overarching sense of meaning and purpose in the role of being a housing professional, but it is clear from the data that in a crisis situation (when the housing professional is confronted with ineffective and inefficient rent arrears management), the Managerial order is more often than not elevated to a position of priority in how the 'situation' is viewed and governed.

The next excerpt provides an example of how the compromise between Civic and Managerial orders is used to create an interchangeable yet comprehensive set of justifications and criticisms in order for the housing professional (in the case below, a senior housing manager) to account for their actions. This

excerpt is in response to the point that tenants might have grounds for complaint about a political and economic system that often ignores large scale tax avoidance (see Shaxson 2011) but is seen to come down hard on a few missed rental payments.

[Key – if the section is in bold *italics* it is representative of the Civic model. All other underlined sections (not italicized) are reflective of a Managerial polity.]

No, there was an issue of ***fairness,*** there was an issue of a ***collective*** here whose service is provided in a very particular way and everybody has to accept their ***responsibility*** within them, but actually I would rationalise it in a much cruder way. Housing is not a complicated activity and it revolves around a very simple document which is the tenancy agreement. Now we've turned the tenancy agreement into a 35 page event, at its core it's a very simple agreement and it is that ***the tenant will live in the house, not damage it, not annoy the neighbours*** and pay their rent, and in return for that we will protect their occupancy, maintain the condition of that property and a wider range of services at local government context, improve that house and keep it to a particular standard, ***and defend their peaceful occupation against those who would disturb it, so we will deal with their neighbours if their neighbours - tenant or not - seek to harass them or disturb them in their home***. And that's the deal, it's a very simple one but it's a contract for services and if you do not pay for the service you are receiving then there is no other service - and I will have that conversation/I will say that to tenants, 'help me out here, you've effectively not paid, you owe us £2,500, that's a year's rent, go through the bills that you have in your head, so you've got a phone, you've got TV, you've got

> gas, you've got electricity, how many of those services would you still be receiving a year after you last paid for them? And the answer is in every single case absolutely none, the house is no different, you have to understand this is something you need to pay for'. (LA 47)

This excerpt is striking as it begins with three of the key concepts central to the creation of a Civic frame; namely 'fairness', the 'collective' and individual 'responsibility'. Then the interviewee switches to a Managerial order, focusing on the contractual nature of the tenancy. The fact that such a 'simple document' has been made into a '35 page event' is itself indicative of an attempt to Managerialise something which previously existed to inform the tenant of their rights and responsibilities as prescribed by the relevant pieces of housing legislation, by turning it into a means for managing tenant behaviour. Combining both Civic and Managerial orders allows the interviewee to justify the council's position on evictions while at the same time allowing for a degree of critical capacity to be leveled at the tenant who 'does not stick to their end of the deal'. The conversation continues thus, adding more interchangeable justifications and criticisms within frames which interchangeably correspond to these justifications as the discourse develops.

> … but in the meantime my job's to get the rent in. If I don't get the rent in I can't deliver a service. *Every one of our tenants signed an agreement, they said 'I'm going to live in this house and I'm going to pay the rent' they signed an agreement*. Now in any world, it does not matter what system that world is run under, people can reasonably be expected to be held to account for the agreements that they make and the promises that they make, and people can also reasonably expect to have to pay for the services they receive. It is as simple as that. *So the bottom line is that paying your rent is an obligation that you take on, it's a social obligation, it's an obligation you make to other tenants* effectively and

if you don't make that explicit, <u>rent's to pay for this service</u>, you know, ***if you don't pay your rent somebody else is paying it for you,*** <u>we do not constrain our investment programme because of our rent arrears, we do not limit repairs because of the rent arrears,</u> the only sanction you will get is that where you were entitled to a declaration allowance, for example, a cash payment to help you after capital works, basically we put that to your rent arrears instead of giving it to you in money, and that's it, ***so you're still getting the service and you're not paying for it, that is not acceptable, you're taking money from your neighbours' pockets*** and I put that in front of folk.   I mean, I deal with all the other highfaluting stuff around that if you like, but this is the real problem. (LA 47).

This extended excerpt is a good example of how the experienced manager, working at a very senior level, has 'learned' to talk about the problem (in this case rent arrears and evictions) in a way that almost seamlessly combines sentiments from both the Civic and the Managerial orders of worth. The Civic order is used to justify the landlord's position through emphasising the values that underpin public services while holding the 'non-paying tenant' responsible for '*not honouring their side of the bargain*'.   The Civic order allows the housing professional to easily construct a frame around the 'common sense' acceptance of the need for everyone to comply with their obligation to pay rent (as per the popular rhetorical discourse which claims that "we're all in this together", and that "everyone should pay their fair share"), in the 'interests of the entire community' and to do so in such a way that renders vulnerable to severe criticism, those who are in arrears of rent (framed in the Civic order as the 'irresponsible individual' who places in jeopardy the interests of the entire community of tenants, through their refusal or inability to pay their rent).

What the data shows (LA 47 above in particular) is that an 'accommodation' between Civic and Managerial orders (which often takes the form of a continual fluctuation between both), within the field of social housing provision, has

resulted in a carefully constructed discourse which fosters the justification of its own practices while at the same time utilising the critical capacity which issues from the combined effects of both orders ('community of tenants' – good / 'irresponsible individual' – bad, 'effective systems' – good / 'inefficient methods' - bad). This is what Bourdieu (1991) refers to as the sets of 'epistemological couples' which make up the categories of perception through which we make sense of, interact with and understand the social world around us. The political construction of 'common sense', as well as the categories of perception that sustain it will be dealt with in the following chapter, for this section it will have to suffice to say that, each field has its own rules and strategies, its own language and logic as well as its own profits and risks which make it unique in the wider bureaucratic field. A person's position within the field is an influential factor, but it is the situation that persons find themselves in, more than the person's social standing, which largely determines the frames used. In this case, housing professionals combine elements of Civic and Managerial orders of worth for two discernable (objective, that is to say, 'material') reasons. The first is the importance of rental income. For many, if not most landlord organisations, (particularly housing associations) rental income represents the most significant means by which they can fund their respective enterprises. Decades of steady erosion and in some cases eradication of various social housing subsidies has greatly lessened the ability of councils, and less so housing associations, to absorb even low levels of rent arrears. Secondly, the level of rent arrears constitutes a key performance target which is routinely scrutinised by the Scottish Housing Regulator. These two material influences arguably represent two sides of the same coin. The need to obtain rent and the requirement to prove, through the system of regulation and inspection, that this is being done effectively and efficiently, create a situation which privileges a Managerial over a Civic order, turning tenants into customers and tenancy agreements into contracts, elevating arrears recovery mechanisms and prioritising interventions such as income maximisation and welfare benefits advice. It is, as will be argued below, the dialectical relationship between the objectivity of the first order, (i.e. the structural constraints embodied by austerity cuts to budgets, increasing levels of conditionality and social control, and the relegation of social

housing and the privileging of owner occupation) and the objectivity of the second order (the shared frames, Civic and Managerial that agents employ in their justification and critical capacity) which to a large extent determine practice in the wider objective sense as well as the categories of perception which agents use to sustain it.

7. The Twofold Truth of the Work of the Housing Professional

"Objectivation has a chance to succeed only when it involves the objectivation of the point of view from which it proceeds" (Bourdieu and Wacquant 1992: 68).

For Bourdieu (1998, 2003, Bourdieu and Wacquant 1992), participant observation can only be of value to the objectivist point of view, if the point of view of the researcher is itself objectified. It is not enough to ask questions about the conditions of possibility which lead to social phenomena, these questions must be turned upon the researcher him/herself. The aim of this approach to is to uncover the researcher's pre-reflexive social and academic experiences of the world, which, through recognising their effects, helps prevent the researcher from unconsciously projecting them into the agents s/he is studying.

The following exposition, a reflexive self-analysis, is an attempt by the researcher to explore the relationships that forged the subjectivities which structured the way in which the problem of evictions was understood, while the researcher was employed as a housing aid worker for the rights-based homelessness charity, Shelter. This analysis also shows how the researcher's transition from the field of practice to the field of academia, from common sense, subjective knowledge to scientific, objective knowledge, has shaped not only the research question itself, but how the subject of evictions is constructed and understood.

Exposition (vi)

Participant Objectivation - a reflexive self-analysis

The transition from the field of practice to the academic field resulted in a total transformation of the way that I conceptualise and think about housing practice and housing practitioners, particularly in the context of evictions. When I worked at Shelter, I clearly misrecognised the practical logic of the social housing system and those who operated within it, leading me to conclude that housing professionals who presided over evictions must be acting 'immorally' (or, in a purely egoic sense, *less morally than I*). At that time I held the housing professionals morally responsible for what I always considered to be an act of great social injustice (and on occasion, and more melodramatically, as an unforgivably cruel act of barbarism). I was also, on occasion, a little frustrated by the lawyers employed by Shelter, who (in my 'sociologically' naive view) took a very 'legalistic' approach to everything, the effect of which was to largely depoliticise the entire process.

It was not until I began studying social theory and took a general interest in sociology that I began to understand the relationships between the three groups: why they existed, on what terms and with what consequences. In fact, by understanding the relations within and between the fields it is possible to gain an even more nuanced understanding of how the different fields work and interact with each other.

The relation between Rights Worker and Lawyer

Housing Aid Workers employed by Shelter were required to possess a practical mastery of the specialist principles of housing law, particularly the legislative acts which deal with homelessness and evictions. Although not a qualified lawyer, it would be almost impossible to spend as much time as I did (almost 10 years) working for an organisation such as Shelter and not have developed a very profound knowledge of this highly specialised area of the law. As such, I

was always aware of the different positions which advice workers, lawyers and housing professionals 'took-up' in relation to eviction practices.

The relations between lawyers and housing advisors was mostly (mis)recognised in its manifest form as a power imbalance between those who have legitimate knowledge of the law (lawyers) and those who are practitioners (housing rights advisors). In most cases the lawyers had the highest levels of legal competence, but there was one advisor (whose knowledge was so advanced and developed) from whom lawyers often sought advice, particularly on housing benefit issues. Lawyers, it seemed to me at the time, did two things simultaneously. Firstly, the issues surrounding evictions were de-politicised, that is to say, they were stripped of political content through an absolute insistence on the strict application of legal categories of perception. The second, was that lawyers tended to de-moralise the problems which centred on the evictions process, that is to say, they robustly refused to acknowledge the moral dimension, again favouring legal remedies over any notion of 'justice' or 'fairness'; notions which they proactively resisted.

I distinctly remember a number of cases where, being completely exasperated at the inadequacy of the 'law' to protect vulnerable households, I would substitute my legal arguments with academic ones[22]. These cases involved bringing to the attention of the landlord the findings of academic research which showed that their course of action (evicting tenants or housing them in areas they did not want to live) was empirically proven to be more costly to the local authority than other possible actions (not evicting the household or allocating accommodation where they did want to live). When academic arguments were unsuccessfully received (as they mostly were), I often resorted to arguments which revolved around the immorality of the eviction of children (for example, highlighting the fact that innocent parties were being made homeless, through the actions or inactions of someone else). What is interesting for me to now recall, is the extent to which the solicitors employed by Shelter's Housing Law

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[22] During my time at Shelter I was a self-funding MPhil student at the University of Glasgow's Urban Studies Department studying Urban Policy and Practice.

service, were opposed to any attempts at making moral arguments when negotiating on behalf of our clients (if moral arguments were deemed inappropriate, political arguments were simply out of the question, and therefore 'unthinkable'). On more than one occasion, the Principal Solicitor felt obliged to remind me that we needed, always and at all times, to focus clearly on the 'efficacy of the law'. The lawyers, it seemed, approached each case in a more clinical and detached fashion than the advice workers (a few of the latter being political activists and vociferous campaigners for the rights of the homeless and badly housed). 'Professionalism', was the trait to which I attributed the fact that lawyers never seemed to have the same sense of 'injustice' when the law failed our clients and we were unsuccessful in our endeavours to prevent an eviction or secure someone settled accommodation. After we failed to prevent the eviction, the rights workers (including myself), were often angered by the injustice (more so it seemed, than the lawyers were). Having applied a sociological approach to understanding evictions, I can now account for why lawyers always seemed 'disinterested' while right's workers appeared to be more politically and emotionally engaged.

The question which needs to be asked is; why do lawyers, insisting on using only the law; exert a depoliticising effect on the field? One of the reasons is that the law always presents itself as being neutral, which it does through the neutralising effect of third party negotiation (Bourdieu 1987). Tenants are known in the legislation as 'subjects', and court custom utilises third party questions and statements such as 'how does the plaintiff plead?' or, 'would the accused please stand' etc. This neutralising effect masks the power imbalance between landlord and tenant by obfuscating the unequal nature of the relationship between citizen and the state, which it does through the neutralising practice of third party mediation (Bourdieu 1987). The interaction of third parties (lawyers) always gives the (false) impression that the struggle and its stakes take part in an entirely 'disinterested' arena between 'disinterested' third parties.

The importance of the prescriptions of housing legislation in the entire process of evictions, as well as the favourable position occupied by the 'lawyer' in the

field, ensures the law's continued domination over how cases are dealt with. Lawyers also have an interest in their 'disinterested' approach to the law, insofar as they are able to reap the symbolic profits associated with the possession of a high degree of legal competence. Another hidden dimension is the tendency of the law (enacted through lawyers) to promote solutions which accord with its own strengths while (without too much conscious awareness) relegating other approaches which are excluded for being 'illegitimate'.

> The establishment of properly professional competence, the technical mastery of a sophisticated body of knowledge that often runs contrary to the simple counsels of commonsense, entails the disqualification of the non-specialists' sense of fairness, and the revocation of their naïve understanding of the facts, of their "view of the case" (Bourdieu 1987: 12).

The internal logic of the legal field, as well as the professional dispositions which the field inculcates, makes the symbolic violence exercised by the lawyer (the manifestation of which is a submission to the efficacy of the law itself), appear in misrecognised form as the 'legitimate' way to deal with all such matters of dispute (and thus acting to thwart other approaches). In order to maintain this legitimacy, the juridical field must actively oppose alternative and often opposing means by which to settle disputes (such as appealing to morality and a sense of justice). The process of the imposition of 'legitimacy' also serves to highlight the difference between the vulgar vision of those who are subject to the law, and the professional vision of the expert witness, the lawyer or the judge (Bourdieu 1987). It explains why the attempts by rights workers to employ alternative methods in dealing with eviction cases, particularly when the legal route proved unfruitful, were met with disapproval from lawyers. It also explains why the law is 'unquestionably' seen as the legitimate (and therefore correct) way of dealing with such matters (to the almost total exclusion of all other means).

Bourdieu's (1987) work on the Juridical Field offers a general explanation for the differences between the practices of lawyers and 'lay advisors'. The next section will examine the ways in which the justificatory regimes and critical capacity of rights workers and housing professionals might lead to conflictual

relations when challenges are made by the former on the latter on behalf of their clients.

The relation between rights workers and housing professionals

My personal experience as well as my empirical work (see Crawford 2015, Crawford and Flint 2015) on the relationships between rights workers and landlords strongly suggests that the former deem the latter to be wholly responsible for what they regard as immoral practices, while housing professionals often see rights workers as 'troublemakers' who, failing to see 'the bigger picture', indulge in practices which challenge the very foundations upon which the compromise between Managerial and Civic orders of worth are built (Crawford 2015)

For the agent working in the voluntary sector (in a rights-based homelessness charity for example) their professional concerns are mostly those of their clients. Most voluntary organisations of this type also have a campaigning function, but the principle concern of their front-line workers is the welfare of their clients, usually vulnerable individuals or single households. Boltanski and Thevenot's (1991) model would suggest that this world is most easily apprehended through the Inspired frame. According to Boltanski and Thevenot's schema, the Inspired world which has its origins in the disseminated ideas from St Simon's *City of God*, represents an evangelical approach to a life which sits in opposition to 'the rigid and restrictive world of logic and reason'. 'Dreamers' and 'activists' populate this world and their SUBJECTS *are those whom society has shunned* (the archetypes of the 'madman' and the 'artist' take a central place in this imaginary), their OBJECTS have a strong mind/body connection and their purpose (INVESTMENT) is to 'call into question' taken for granted notions, particularly those which are regarded as being responsible for the production and reproduction of inequality, oppression and exploitation (Boltanski and Thevenot 1991).

Why this frame and not any of the others? Arguably it is, to a large extent, determined by external factors which are embedded within certain situations. Regimes cannot be applied to situations where they have no relevance. For

example, the voluntary sector worker, advocating for homeless people cannot take a position of helping only those who are well known or having, as a requirement for assistance, some qualifying feature (other than 'housing need') as the World of Renown has no relevance in this context, leaving the rights worker unable to justify their actions to either themselves or anyone else. The charity worker could never justify taking money from clients for the provision of services as the Market order has no place within this world. They cannot justify assisting family members to gain an advantage in the social housing sector as the Domestic order is of no relevance in the world of rights-based legal advice. The single 'client' or 'household' and the vulnerable position that they often find themselves in when they approach Shelter for assistance makes the World of Renown the most likely choice as a regime for justification as well as critical capacity (i.e. criticising those who, when viewed through this frame, appear to be acting in a thoroughly heartless and cruel fashion).

The Inspired order of worth (in opposition to the World of Renown) cares little for the opinions of others, prioritising the needs of the unfortunate individual who has lost his/her way, and requires help (needs to be saved). This places the advisor or charity worker in direct opposition to the housing professional who cares little for the vulnerable 'individual' prioritising the interests of the entire community (which needs to be protected from the reckless behaviour of the 'irresponsible individual').

As researcher, both the sociological work of Bourdieu and the *economies of worth* model of Boltanski and Thevenot (1991, 1999) have facilitated a much better understanding of the tensions and conflicts which I experienced as a rights based housing advisor working for Shelter. What strikes me as important in further understanding the reasons why these practices create tension and conflict are the influential ideas of phenomenology, particularly the fact that there exists within one reality a number of very different and distinctive 'worlds'; social universes within which agents are situated and within which they interact with subjects and objects, yet are rarely aware of the division between the two. Clearly the sociological contributions of both Boltanski and Thevenot (as well as Bourdieu, of course) have been influenced by the concepts developed by

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Husserl and Heidegger (as well as Schutz and Merleu-ponty), particularly in understanding the extent to which agents are beings 'in-the-world'. It follows that when they are immersed in these different social worlds they do not easily think outside of them and are therefore mostly oblivious to what goes on within other fields. What I have discovered, through this research project is that it is so easy to be immersed in a particular 'world' and because of this, it is difficult to grasp the internal logics which power other 'fields'. This approach to understanding practices, in their settings, accounting for the collective conventions and inter-subjectivities which construct the categories of perception that agents apply to the social world, dissolves a great many of the tensions and conflicts which arise from the fact that even researchers can find themselves 'trapped' (more easily than most would like to admit) in a *scholastic universe* (Bourdieu 1990b, 2000).

Ultimately, this approach allows the researcher to protect him/herself against the symbolic violence which agents can get caught up in, thus overstepping all that is normally (mis)recognised as being the '*way things are done*' in the thoroughly '*natural order of things*'; and to penetrate the political dimension of the everyday mundane activities and practices within which agents live out their lives. By excavating the reasons which belie conflict between and within fields, it becomes possible to seek out the truly political dimension of the problem, that is to say, to unmask the forms of exploitation and domination, which are almost always hidden under the cloak of *nature, benevolence and meritocracy*, in order to expose the wholly arbitrary foundations upon which all forms of power are exercised.

The Twofold Truth of the Work of the Housing Professional

In order to account for the twofold truth of the work of the housing professional it is necessary to return to the subjective position from which it was necessary to break in order to construct the object of study (in this case objectivity of the first and second orders). The researcher cannot satisfy him/herself with an objectivist vision which merely highlights the 'illusory nature of reality' (as it

presents itself to sensory perception). Rather, the researcher must insist on returning to the subjectivist view in order to highlight the twofold truth of the social world. In other words, having historicised the conditions for the development, and then the demise of both social housing and the welfare state, exposing the connection between the material and symbolic aspects of a particular economic system (landed, industrial, financial, rentier) and the stakes of the struggles which preoccupy agents and fields, it is necessary to return to the world as experienced by the agent, in this case the housing professional. The objectivist position is privileged insofar as *it has time on its side* (Bourdieu 2000), and can therefore take a 'point of view' of reality which accounts for *processes* rather than just looking at *things*. This temporal advantage, embodied by the scholastic point of view, that is, *a point of view on the point of view*, (Bourdieu 2000), can better account for *relations between things* more effectively than a short term focus on *the state of things (in themselves)*. Taking this approach, however, provides access to only half the picture. We need to return to the world in which agents are situated, and see it through their eyes. So, having presented an analysis of the data in a form of frame analysis, this section will explain how this informs the notion of the two-fold truth of the housing professional.

Bourdieu's (2000) example of the twofold truth of the gift is important for understanding the levels of individual and collective self-deception which underpin day-to-day practices. This 'case study' (Bourdieu 2000) shows how the giving of a gift is always experienced (or intended) as a refusal of self-interested exchange, yet represents for both the giver and the receiver, an event which can never quite fully shake off the logic of 'normal' exchange. The truth that everyone knows but that no one wants to know (Bourdieu 2000) is that, rather than being a selfless unrequited act, the gift is the stage of a relationship (there is an expectation that the gesture be returned). Indeed, it is the time that is allowed to lapse between gifts exchanged (too short causes insult, too long causes anxiety) which allows the entire process to be recognised and thus misrecognised, to foster a form of self-deception which is only made possible through the proliferation of a collective self-deception. This

is what Bourdieu calls '*common miscognition'*, to designate this game in which everyone knows – and does not want to know – that everyone knows – and does not want to know – the true nature of the exchange' (Bourdieu 2000: 192).

If this then paints a picture of persons being both the deceivers and the deceived (with regard to their generous intentions), then this is because their deception (which actually deceives no one), is met with the complicity of both giver and receiver, as well as any third party observers. Bourdieu (1990, 2000) attributes this twofold truth of the gift to the fact that everyone involved in the exchanges, including any observers, are immersed in a social universe where such acts form an economy of symbolic goods. This objective 'fact' however is entirely insufficient for understanding the twofold truth of the gift which requires that 'generosity' is seen as a *disposition* which is acquired by the habitus in social situations, in other words the initial gift, which then results in a series of exchanges, is not the conscious intention of an individual but is the result of an embodiment of *generous practices*, which tend '*without explicit or express intention towards the conservation and increase of symbolic capital'* (Bourdieu 2000: 193). It is the scholastic bias, this intellectualist error, which sees the exchange as nothing other than two *conscious and calculating individuals* deliberating over the potential benefits and costs of entering into an exchange which, when we double back and see it from the subjectivist position the gift seems, for the giver, to be *the only thing to do, the right course of action to take*. Gifts, particularly in primitive or archaic societies have a number of social functions, such as that of binding relationships and cementing marriage strategies, but also for the purposes of control through the creation of obligation (a gift that can never be returned) eliciting prolonged gratitude and power over those who receive such gifts.

Applying this to the twofold truth of labour (Bourdieu 2000), it is possible to begin to account for the fact that workers rarely focus on the objective truth represented by the exploitative nature of their work, instead building in a subjective sense of meaning, of worth and of purpose into their endeavours. The scholastic view (the point of view on the point of view), when it fails (as it most often does) to take account of the *subjective point of view* often sees the

entire process of evictions as submission, by the housing professionals themselves, to a punitive regime imposed from above, which is designed to punish the poor for being poor, by evicting those who do not conform to market norms. Although, as Bourdieu (2000) argues, this might indeed seem like a perfectly feasible conclusion to draw, and as Wacquant (2008, 2009, 2012) demonstrates, it largely is, it is nonetheless only partial as it does not account for the view of the housing professionals themselves, and therefore falls short of understanding practice from the practitioner's perspective. The objectivist position sees housing professionals as calculating and rational individuals, making choices which weigh up moral and practical concerns arriving at some form of compromise. This, as Bourdieu (2000) explains, is true only to a certain extent (it represents only half the picture). The real strength of Bourdieu's model is that it allows the researcher to account for the fact that much of practice is not indeed conscious, but is embodied.

From the interview data it appears that housing professionals derive a great deal of meaning from their work, evidenced in the proliferation of frames that are of the Civic order of worth, which are applied when talking about 'the common good'. The objectivist position shows that, agents make decisions which are limited by the immediate situation at hand, and which arise from mental structures that are more or less adequately adjusted to objective structures, and perceived through categories of perception that emanate in large part from discourses generated through institutions of the state.   These collective conventions, particularly those which are most relevant to specific fields, become the shared values and norms of the individuals and groups, the more so, the more proximate they are in social space. Knowing one's place and the place of others is a direct effect of symbolic violence (Bourdieu 2000) which is the soft violence which occurs when dominated sections of society (mis)recognise the arbitrariness of their own domination through attributing, as natural, the very qualities in those who dominate them, qualities that are not only socially constructed, but are also socially determined (Bourdieu 1990, 1991, 1998, 2000).

It would be a mistake, however, to assume that this process is largely conscious. Breaking from the notion of *false consciousness* Bourdieu (2000) stresses the importance of understanding *bodily knowledge*, a concept which he uses to help account for the fact that much of what persons believe is determined by the historical process of the internalisation, often bodily as well as cognitively, of the objective structures within which persons are located. Indeed as Bourdieu (2000: 180) warns 'It is quite illusory to think that symbolic violence can be overcome solely with the weapons of consciousness and will'.

If the conditions which give symbolic power its efficacy are durably inscribed in bodies in the form of dispositions which are expressed and experienced in the logic of notions of duty, love, respect etc., then they can also outlast the social conditions of their production. What is being stressed here is the fact that beliefs are as much conditions of the body as they are of the intellect (Bourdieu 2000). This perspective highlights the fact that passions and opinions, viewpoints and beliefs, are largely the effects of an internalisation of objective structures, in other words, they are to a large extent, embodied.

Communities whose traditions emerged through active (and therefore bodily) participation in community events such as school plays and ceremonies, gala days and fairs, local fetes, workplace Christmas parties for the children of employees, boy scout and girl guide summer camps, school trips to the country, benevolent funds, playgroups and community centres, local brass band and church choir concerts, craft fairs and jumble sales in aid of charity and good causes, are evidence of the social conditions which would have produced (and to some extent still do produce) a collective belief in the kind of Civic values which underpin the commitment to welfare, social housing, trade unionism and, in its broadest sense, 'collectivist notions of community'. Despite the widespread dismantling during the 1980s of many of these institutions, and the institutional social capital they provided (Wacquant 2009), the Civic notions of duty to the community, respect for the elderly, the need to provide a safety-net for the less fortunate, as well as forms of social housing and universal welfare and healthcare, still persist in the collective conventions and shared norms and values of the groups. Groups who may owe a debt of gratitude to both the

postwar consensus and the social conditions which provided them with the levels of cultural capital required to become housing professionals, many of them very senior managers in large organisations commanding high levels of recognition as well as remuneration. It seems clear from the interview data that the majority, if not all of the housing professionals interviewed, held a sincere belief in, and commitment to, the system of social housing, as well as a respect for the collective will and the need to put the interests of the community before the interests of any individual.

This is where a return to the subjective position provides a more heuristic understanding of practice. It would appear from the data that most if not all of the interviewees drew meaning from their role as a housing professional by investing in the Civic values attached to the job of providing a social 'good' in the form of a 'service' to the wider community of tenants. The Civic tropes made visible through the application of the frame analysis above are testimony to the endurance of the structuring structures (Bourdieu 1991) which make tasks like housing the homeless, supporting the elderly in their own homes, or providing sheltered housing to the less able to cope, or more commonly, by providing good quality affordable housing in an effective and efficient manner, all the more meaningful.

It was not until the Conservative government took power in 1979 that the tropes of 'individualism' served as an effective opponent to populist notions of universal welfare, nationalisation and redistribution (Sayer 2015). Thatcher's public position, that *there was no such thing as society*, echoed loudly across the legitimate institutions of the day, the effects of which can still be seen in contemporary discourse.

> I think we have gone through a period when too many children and people have been given to understand "I have a problem, it is the Government's job to cope with it!" or "I have a problem, I will go and get a grant to cope with it!" "I am homeless, the Government must house me!" and so they are casting their problems on society and who is society? There is no such thing! There are individual men and women and there are families and no government can do anything except through people and people look to themselves first. (Thatcher 1987)

There is no doubt that the relentless drive towards individualisation which has taken place over the last 30 years (Manzi 2007, Sayer 2015) has had an impact upon the dispositions of housing professionals, perhaps eroding, or at least diluting some of the Civic habitus that they have inherited and brought to the field. Indeed it can be argued that the period from the early 1980s onwards was characterised by the relentless drive away from collectivist notions of welfare towards individualism and the individualised society (Beck 1992, 1999, 2000, Giddens 1999, Bauman 2001). Bourdieu and Wacquant (1992, see also Bourdieu 1998, 2003, Wacquant 2009, 2012) are both skeptical of notions of the 'Risk Society' warning instead that the state is the creator of social problems (and their solutions) which academics such as Beck, Giddens and to a lesser extent Bauman, simply ratify whenever they take them over as sociological problems (Bourdieu and Wacquant 1992, 2001). For Bourdieu the dominance of notions of the 'individual' is the direct result of the victories of the various struggles of those for whom tropes of individualism and responsibilisation bring a range of material and symbolic profits. For Wacquant, the trope of individual responsibility is a key institutional logic of the Neoliberal Leviathan (2009, 2012) and is also doubly determined. First of all 'individualising' creates a 'vocabulary of motive for the construction of the self' (Wacquant 2009: 307) as well as promoting notions of difference and distinction which are central to all forms of consumerism (Bourdieu 1984). Secondly, the cultural trope of individual responsibility legitimises the proliferation of competition in more and more aspects of public life, while at the same promoting its counterpart, 'the evasion of corporate liability and the proclamation of state irresponsibility' (Wacquant 2009: 307).[23] This quote from the Prime Minister David Cameron strengthens this point:

> Why does the single mother get the council housing straightaway when the hard-working couple have been waiting years? There are currently

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[23] The planned Transatlantic Trade and Investment Partnership (TTIP), if implemented, will not only make corporations less accountable, but will mean that governments can be sued if the democratic process, for whatever reason, reduces the profits of large corporations.

210,000 people aged 16–24 who are social housing tenants and this is happening when there is a growing phenomenon of young people living with their parents into their 30s because they can't afford their own place- almost 3 million between the ages of 20 and 34. So for literally millions, the passage to independence is several years living in their childhood bedroom as they save up to move out. While, for many others, it's a trip to the council where they can get housing benefit at 18 or 19— even if they are not actively seeking work there are many who will have a parental home and somewhere to stay—they just want more independence (David Cameron 2012, quoted in Crawford and Flint 2015).

What cannot be doubted is that these cultural tropes of individual responsibility will have had an effect on both objectivity of the first order (the way that public goods are defined and distributed), as well as on objectivity of the second order (the mental categories which, having issued from a wide range of state institutions, create a pre-conscious fit that in turn fosters the acceptance of these as 'natural', by hiding the alternatives they thwart and exclude).

On one hand it could be argued that it is testimony to the robustness of the Civic polity that it is able to absorb this emphasis on individualisation and responsibilisation applying it almost wholesale to the greater needs of the community of tenants by 'criticising' irresponsible individuals for representing a clear threat to the collective interests of the community of tenants. On the other hand it can be argued that problematised 'individualising' tropes target only those who occupy the lower regions of social space, when as Shaxson (2012), Raco (2013), Sayer (2015) and Piketty (2014) argue, it is the individualism of those who constitute the top one percent who are the most problematic.

If the two-fold truth of Bourdieu's (1977, 1990, 2000) gift can function within an economy of generous practices, then the two-fold truth of the work of the housing officer must function within an economy of civic practices. The data suggests that, rather than 'generousness' as the key stake in this particular game, notions which accompany *public service* such as 'selfless devotion', 'self-sacrifice', and 'professional integrity' feature within the field of housing services (see Bourdieu 1998). The data shows that the housing professional is immersed in a social universe where these practices form an economy of symbolic goods. The Civic polity (and the Managerial order) provides forms of

capital which agents compete for and which they struggle over the definition, and relative value, of.

The existence within this field of a Managerial order of worth arises from the dialectical relation between the Civic habitus, gained through what Berger and Luckman (1966) call primary and secondary socialisation and the imposition of Managerial categories through the endless interventions, policy and practice innovations and reforms which arise from the various governance strategies which determine (through mechanisms such as regulation and inspection regimes) how housing services are managed on a day-to-day basis. As demonstrated in Chapters Two and Three, regulation and inspection regimes, instigated at senior civil service level, contain what could be called a clear *Managerial bias* evidenced by the fact that they are designed to allow tenants access to statistical evaluation and comparison of landlords in order to hold them to account, yet ironically they require a very sophisticated knowledge not only of spread sheets and data analysis but of the professional categories (of perception) by which landlords and their regulators define good and bad practice. So if there is an economy of 'Civic duty', then its complementary companion is the accumulation of Managerial capital, not just for senior staff members who manage other staff, but for street-level bureaucrats (Lipsky 1980) who are required to manage the housing stock, manage the tenants who live in them (through conditionality measures such as Acceptable Behaviour Contracts, Anti-Social Behaviour Orders and welfare benefits), to manage rent arrears as well as overseeing a growing list of responsibilities such as debt advice, money advice, employability practices, tenancy sustainment measures and responsible allocation policies. The data strongly suggests that it is only by achieving a high degree of Managerial competence (especially with regard to evictions), that the housing professional can fully justify their own part in the process (using both regimes of justification either simultaneously or interchangeably).

It is, arguably, these two economies of worth which in a combined compromise, create the very conditions within which agents construct the 'meaning' of their role as housing professionals. Bourdieu's model would suggest that the volume

and structure of capitals (Civic or Managerial) will vary depending on the position which the agent occupies in the field. Dialectically, the volume and structure of capital determines the location, which the agent occupies. Senior managers will have a different volume and structure of capital than, say, their personal assistants, or indeed the staff whom they manage. Although it cannot be forgotten that the field is a site of struggle, it is a mistake to think of the housing profession as a ruthless competition between ambitious managers in a field where careerists consciously act in ways which have their own promotional interests as their principle motivation. It is perhaps prudent to acknowledge the fact that although the symbolic profits on offer within the bureaucratic field are founded upon disinterested practices such as, self-sacrifice, devotion to the common good, dedication to public service, etc., for some (particularly those who can be said to pursue career ambitions), these disinterested practices mask a deep rooted set of 'personal' interests.

> Without doubt the social universes within which disinterestedness is the official norm are not necessarily governed throughout by disinterestedness: behind the appearance of piety, virtue, disinterestedness, there are subtle, camouflaged interests; the bureaucrat is not just the servant of the state, he is also the one who puts the state at his service… (Bourdieu 1987: 87)

Bourdieu's (2000) notion of *illusio* accounts for the stakes of the game which the agent invests in and from which the agent derives meaning (manifesting as identity, social role, status etc.), and does so by rejecting outright, the idea that agents tend to work solely for monetary gain. What is being suggested here is that agents, in this case housing professionals, seek some form of meaning in their work, through for example, fostering a sense of purpose which arises from the appropriation of the symbolic profits associated with professional engagement in 'good works'[24]. The satisfaction derived in part from the

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[24] When I was previously involved in the recruitment of students for the Housing Diploma, a full time professional housing qualification, it was not unusual, when at interview that the answer to the question 'why do you want to work in social housing', was framed around the notion of public service, of 'giving something back to the community', and by doing so, working in a profession that gives 'job satisfaction'. Many if not most interviewees gave reasons which I now recognise as being structured by notions which are firmly rooted in the Civic order of worth.

recognition given by others for performing a role which certain groups see as 'worthy', provides an added sense of value to the job and by extension, a person's life. It is this symbolic dimension which is the key to understanding, not only the ways in which housing professionals understand their world and make it meaningful, but also for understanding the correspondence between the objective (material structures) and subjective (bodily dispositions, including categories of perception) that appear to be the most natural account of the world that exists (and therefore 'right, 'correct', 'obvious').

Not only is there a compromise between Civic and Managerial orders of worth within the practices of housing professionals, there is also a compromise which takes place within the field itself whereby the housing professional can either 'take advantage of the possibilities the field offers, in order to satisfy their drives and desires, or the field uses their drives and desires for its own ends by forcing them to subject or sublimate themselves in order to adapt to the structures and the ends that are immanent within them' (Bourdieu 2000: 165). As Bourdieu goes on to argue, both are observed in what becomes something of a compromise, the extent to which each is dominant or dominated being largely dependent upon the dispositions of the agent and the field within which they are located.

Evictions are a highly emotive issue. There can be little doubt about the fact that the policy of non-eviction was seen by many, particularly organisations like Shelter (whose economy of worth is founded on different orders), as a very 'progressive' move, even if it was opposed by a majority of housing staff who held that without a deterrent, the problem, as it was perceived by the housing professionals interviewed, could become 'unmanageable'. This is the key to understanding and making sense of what the data presents. The compulsion, for housing professionals to manage 'effectively' and 'efficiently' in order that they can provide a good quality service to the community of tenants is built into the very structures, both mental and physical, of the world of social housing. As mentioned above, the collective conventions, the shared norms and values, the categories of perception that those who occupy the various positions of the field of social housing, being adjusted to the structures from where they have issued,

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tend to accord with the logic of the field which, in this case, centres around the provision of as sustainable a public service as possible, through managing it effectively and efficiently. The logic of evictions practice is understood only through the dialectical nature of the process. The housing professional, to a greater or lesser extent (depending mainly upon their length of service in the field) is a product of the field itself, a field which the agent then in turn shapes as they invest themselves in it, in the eternal quest for capital and recognition (often imperceptibly small). The expectations and ambitions of agents tend to be adjusted to the possibilities offered by the field for their realisation (Bourdieu 1991, Bourdieu and Wacquant 1992). The ability to justify their actions and to do this often by criticising others, particularly those whom they are defending themselves against (that is, those who criticise them), is essential in any field, none more so perhaps, than in the field of social housing, and especially with regard to such an emotive subject as evictions of families for arrears of rent.

For housing professionals, it can therefore be posited that, justifications for evictions are doubly determined. Firstly the need to obtain rent (the requirement to prevent arrears from accruing in the first place) is justified using a Civic order of worth. This entails the invocation of the notion that social housing is a common good, enjoyed by the community of tenants, whose interests are jeopardised by the 'irresponsible' individual who doesn't (for whatever reason) pay their rent. This is framed within a binary which favours the collective over the individual, the responsible tenant (who abides by the rules of the community) over the irresponsible individual (who represents a threat to the entire community, not least to the jobs of housing officers themselves).

The second form of justification applies to the process itself. Given that the question of the importance of rent is taken care of in the first level of justification, the process of rent arrears management itself becomes the source of justification. If, and when, the housing professional is satisfied that all that can be done has been done, then they can justify, both to themselves and to others, the need to advance to the next stage of the procedure. This Managerial order of worth allows housing professionals (who are subject to

regulation and inspection regimes) to satisfy themselves that the responsibilities of the landlord towards the tenant are being met to the best of the landlord's ability. This gives the appearance of serving the tenant's interests, evidenced by the fact that many interviewees talked about the landlord's responsibility not to allow the tenant to get into unmanageable levels of debt. It also affords the housing professional the ability to make claims about serving the interests of the organisation, which indirectly, according to the very logic of the field, benefits the collective community of tenants who do pay their rent diligently (that is, in full and on time).

The two-fold truth about the justificatory regime which housing professionals apply to evictions for rent arrears therefore encompasses both moral and economic dimensions. As argued throughout, in order to understand social housing it is necessary to account for the transition of power from the landed classes to industrial capital where, among other factors, cheaper forms of housing were needed to maintain a competitive edge in industry and manufacturing. In order to understand the shift from social to private forms of housing as the dominant tenure in the UK it is necessary to account for the shift in the balance of power from industrial to finance capital, which not only removed the requirement of cheap housing for workers, but which reversed the trend through the market's demand for continual expansion and growth and therefore for increasingly expensive housing (Harvey 2012). The interview data has shown that these objective facts have indeed had an effect on the subjectivities of housing professionals who are still left to interpret the social world they are in, an interpretation which nonetheless shapes the collective conventions that in turn shape the categories of perception that are applied to it, in a thoroughly dialectical process.

Since the object places no demands upon the agent to interpret it, the interpretation is always one which is constructed socially, the structures of which both determine, and are determined by, the *habitus* of the agents who populate the various spaces in the field.   Bourdieu's (1990, 1991) analogy is one of a force field, or better, a magnetic field which exerts varying degrees of force over everything. It verges on a social law of attraction, one where like-

unto-like, is drawn. As Bourdieu (1984) reminds us; as feathered creatures are more likely to have wings than non-feathered creatures, people with high levels of cultural capital, are more likely to be found in museums and art galleries. Housing professionals similarly, will have certain dispositions that attract them to (and hold them in the bounded space of), the field. These shared values are themselves political constructs, the products of decades if not hundreds of years of symbolic struggles between agents and fields. The categories of perception (the new dominant categories) are imposed by those who win the symbolic struggles and are legitimated through disguising the fact that there even was such a struggle, simply by removing the need, for individuals and groups, to consider the possibility of there being an alternative.

Thus, the false dichotomy represented by the structure/agency antinomy, has been dissolved. It is possible now to see that the objective structures structure the collective conventions which both shape and are shaped by, the subjective experiences of housing professionals when, they seek meaning from the work that they do.

Taking seriously the meaning that housing officers derive from their work allows the researcher to escape the scholastic fallacy of interpreting the agents' inability to suspend the immediacy of their situation, to break from their own 'being-in-the-world', as a form of submission to the dominant order, no matter how 'true' this objective analysis appears.   That is not to say that housing professionals aren't manipulated by events, or that they don't succumb to pressure from above or indeed that some do not, from time to time, engage in cynical practices (see Crawford and Flint 2015), but it does mean that the fuzzy logic of practice (Bourdieu and Wacquant 1992) can best be understood through the double analytical lens provided by the conceptualisation of the two fold truth of the work of the housing professional.

8. Conclusions

'The established order and the distribution of capital that is its basis, contribute to their own perpetuation through their very existence, through the symbolic effect that they exert as soon as they are publicly and officially declared and are thereby misrecognised and recognised' (Bourdieu 1990: 135).

This last section draws conclusions from the various strands of this research in order to arrive at a more coherent understanding of what is evidently, 'the fuzzy logic of practical sense' (Bourdieu and Wacquant 1992: 19) embodied by eviction practices in the social rented housing sector. The focus is widened to account for both the macro and micro levels of social reality represented by the relations between the state and its citizens.

Before concluding, there is a requirement for some circumspection with regard to the limitations of this study. Firstly, the modest number of participants, just 35 in depth semi-structured interviews, presents a limitation in terms of scope. Although I believe that the number is sufficient to draw many firm conclusions, given the consistency of the answers, the study cannot make definitive claims. A larger sample would be required to further the assertions and conclusions to a more satisfactory level. There was also time pressure on the housing professionals who participated. Although the interviewees all seemed willing and in some cases eager to participate, the limited amount of time hindered an even deeper understanding, which in different circumstances, an ethnographic approach might have overcome. Indeed if an ethnographic method had been adopted, there is little doubt that the data would have been richer and more robust. The second set of limitations exists within the sociological approach through which this particular object of study was apprehended, analysed and understood. Had the word and time restrictions of the PhD been less constraining, then the combined approaches of a number of disciplines, might have yielded stronger data, thus making a stronger case to argue.

Exposition (vii)

State, Market and Citizenship

For Bourdieu (1998, 2000) and Wacquant (2008, 2009, 2012) actually existing neoliberalism is not a narrow economic project but a set of institutional logics which are political insofar as they represent 'an articulation of state, market and citizenship, where the first is harnessed to stamp the mark of the second onto the third' (Wacquant 2012: 1). Wacquant's (2009) comparative study of urban marginality in the US and France demonstrates that they are very different cases, each driven by their own distinct logics. Emphasising the rise of the penal state, Wacquant (2009) focuses on the law and order dimension of the rightward tilting of the state, claiming that punitive penal measures are required to enforce markets and low status work, by removing any alternatives which might be sought through informal, alternative local economies.

This concluding section will argue that in the UK at least, the harnessing of the state, to enforce markets and market conditions on those at the margins of the employment sphere is achieved, more through civic regulation than through direct forms of coercive punishment and criminalisation. This is linked to the growth in what Raco (2013) calls 'regulatory capitalism' a regime of privatisation which promotes a managerialist approach to running almost every aspect of welfare and welfare services.

At first glance, the interview data suggests that the REALITY TEST, that is, the efficiency attached to the recovery of monies owed, is evidence that economic concerns are the most pressing for the housing professional tasked with reducing the levels of both rent arrears and eviction actions. Although this is mostly true, attention must be brought to bear on the possibility of evictions serving a wider function than simply obtaining the rent owed by those in arrears. Given the contradictions thrown up by the competing demands of the Regulator and the Government, it could be argued that perhaps evictions have a wider role (in an objective sense) than most housing professionals are aware of (from their subjectivist position).

The first point to evidence the wider role of evictions is that eviction actions cost much more than the rent owed. The second point is that we know from the data that in one local authority; £1.6 million is spent bringing in one million in rent for those deemed 'hard to reach', over and above the running costs of the housing department including the standard rent collection function. It would seem that eviction actions are not actually underpinned by economic concerns (since much more money is irretrievably lost in the process) and therefore must provide some other function. The apparent economic contradiction lies in the fact that, once the eviction has been carried out, the landlord has to consign the amount to former tenant arrears where, as many interviewees pointed out, they are rendered mostly unrecoverable. Some interviewees did claim that they passed the case onto debt collection agencies after the tenants were removed, but none conceded to this being a successful means by which to recover the monies owed. Remarkably, not one single interviewee believed that there exists a viable alternative to evictions. Many of the interviewees gave an answer which alluded to the notion of the need to have an 'ultimate sanction', suggesting that eviction practices act as something of a deterrent, as a visible reminder to other tenants that if they do not pay their rent they could lose their home.

This is certainly evident in the data, particularly from respondents in the local authority which suspended evictions for rent arrears. It was widely held among interviewees, that if tenants believed that no eviction action would take place, they would simply stop paying rent. To remove the threat of eviction may be seen by housing professionals as surrendering the only effective mechanism they have for managing rent arrears. A non-eviction policy represents, therefore, the wholesale surrender of the principle means by which the housing professional can maintain their STATE OF WORTHINESS in both a Managerial and Civic context, leaving them without an 'efficient' and 'effective' means by which to collect rent, thus undermining the 'collective' interests of the 'community' of tenants. From the data it seems apparent that the suspension of evictions greatly reduced their ability to justify their role in rent arrears

management but that it also greatly reduced their ability to meet the targets set by the Scottish Housing Regulator and the Scottish Government.

However, this research cannot ignore the glaring fact that despite a great deal of pressure placed upon those at the bottom of the social scale in the form of punitive and conditional welfare, life for those at the top of the social structure is, as Wacquant (2009, 2012), demonstrates, much more liberating and indeed liberal. Understanding this notion of what Wacquant (2012) calls 'the Centaur State' is the final part of the current analysis, and one which locates the field of housing within the wider field of power.

The logic of the (contemporary) field of social housing is dominated by the need to obtain rent, in full, and on time, from all tenants. The notions of Civic worth provide the very foundations upon that which gives the Managerial order its efficacy within the field. However, the competing demands of the Regulator and the Government create tension between, on the one hand the need to manage arrears, while on the other hand prioritising the prevention of homelessness from occurring in the first place. The fact that (the threat of) evictions are seen by the housing professionals interviewed, as an essential mechanism for the management of rent arrears, coupled with the pressure to reduce court procedures, creates an internal contradiction for housing professionals. The 'recognition' (the awareness) of the contradiction is obfuscated through the housing professional's ability to segue between the two logics, the ease of transition between each being aided by the structures created through the Civic and Managerial orders of worth.

The transformations which undergird the transition to a political economy which, while accommodating both prioritises Managerial over Civic orders of worth, have received the help and assistance of the numerous discourses, initiatives and cultural tropes which involve the enmeshing of reregulated social welfare markets and the forms of what Bourdieu and Wacquant (2001) call neoliberal newspeak. This, a technocratic language developed to promote the marketisation of welfare and welfare services, by disguising punitive measures

as 'progressive tropes' is everywhere pervasive (Bourdieu and Wacquant 2001, Bourdieu 2003, Wacquant 2009, 2012).

> Its vocabulary, which seems to have sprung out of nowhere, is now on everyone's lips: 'globalization' and 'flexibility', 'governance' and 'employability', 'underclass' and 'exclusion', 'new economy' and 'zero tolerance', 'communitarianism' and 'multiculturalism', not to mention their so-called postmodern cousins, 'minority', 'ethnicity', 'identity', 'fragmentation', etc.. The diffusion of this new planetary vulgate -- from which the terms 'capitalism', 'class', 'exploitation', 'domination', and 'inequality' are conspicuous by their absence, having been peremptorily dismissed under the pretext that they are obsolete and non-pertinent -- is the result of a new type of imperialism whose effects are all the more powerful and pernicious in that it is promoted not only by the partisans of the neoliberal revolution who, under cover of 'modernization', intend to remake the world by sweeping away the social and economic conquests of a century of social struggles, henceforth depicted as so many archaisms and obstacles to the emergent new order, but also by cultural producers (researchers, writers and artists) and left-wing activists who, for the vast majority of them, still think of themselves as progressives' (Bourdieu and Wacquant 2001).

Raco's book *State-led Privatisation and the Demise of the Democratic State* (2013) shows how modern concepts of 'citizen empowerment', as well as contemporary tropes on 'good governance' through 'co-production' and 'partnership working' serve as a disguise for a new form of *regulatory capitalism* which has ushered-in state controls for aspects of people's lives which were previously unregulated, as politicians and elected officials continue to voluntarily hand over more and more of their powers and resources to corporate interests and economic elites who promise to deliver services more 'efficiently' and 'effectively' (Raco 2013). It is the rhetoric of 'good governance', Raco (2013) argues, that has been used to legitimise the wholesale transfer of welfare assets and services from the accountability of the public domain to the unaccountability of private groups.

Wacquant (2009) argues that this reregulation of welfare has altered the relationship between the state and those at the bottom of the social structure who are treated not as citizens but as clients outlining, in unambiguous terms, their behavioural obligations as a condition for continued public assistance.

This is evident in the almost complete reregulation of welfare in the UK, with the Conservative Liberal coalition introducing extreme welfare sanctions (Stewart and Wright 2014) where benefits are stopped for up to three years if conditionality requirements aren't rigidly met. This also includes the Under-occupancy Penalty, a bedroom tax which decreases inversely with the increase in spare bedrooms (Streeck 2014), and the introduction of Universal Credit which not only reduces the overall amount of benefits a person can receive, but provides them in one single payment, the objective being, to encourage *financial responsibility*. In order to receive the highly conditional Universal Credit payment, the claimant must sign a 'Claimant Commitment', a contractual agreement between the state and the welfare subject, outlining the tasks a claimant must complete in order to continue to receive the six means tested benefits now contained in one single payment, made directly to the recipient (Scottish Government 2015). Arguably, eviction is also a form of welfare conditionality. It clearly attempts to influence behaviour (and also creates the categories of perception that are applied to the judgement of behaviour) in relation to an action which is assessed on how closely it relates to a 'responsible' model of consumerism. You pay for X, in full and on time, or you will be deprived of your exclusive enjoyment of X.

There are clear overlaps between Wacquant's (2009) institutional logic of the *reregulation of welfare* and the promotion of the *cultural trope of individual responsibility*. This growing emphasis on responsibility and responsibilisation is evident in the micro level analysis section of Chapter Six, outlining the social construction of the various dimensions of social housing, particularly the social construction of the social housing tenant. This *cultural trope of individual responsibility* is accompanied by a discourse which seeks always to divest the state of accountability in matters social and economic, as well as actively promoting the evasion of corporate liability through the removal of legal obligations towards corporate responsibility (Wacquant 2009).

What becomes clear from the historicised account outlined in this chapter and in Chapter Two is that the ideological illusion of actually existing neoliberalism

presents itself under the notion of 'small government'. The illusion constitutes the state as:

> A lean and nimble workfare state, which 'invests' in human capital and 'activates' communal springs and individual appetites for work and civic participation through 'partnerships' stressing self-reliance, commitment to paid work and managerialism (Wacquant 2009: 307).

But the reality of the neoliberal state, as Wacquant (2009) points out, is different. What is often overlooked is the stark divergence in the treatment by the state of those who occupy opposite ends of the class structure. Undoubtedly influenced by Hobbes's Leviathan, Wacquant conceptualises the state as a living creature, with a head, a body, a heart, limbs etc.   The name Wacquant (2008, 2009, 2010, 2012) ascribes is the Centaur State, a 'Janus Faced' institution with a double visage, one which looks kindly upon those who occupy privileged positions in social space and one which looks menacingly at those who occupy the margins of the social and employment spheres. This also embodies what Wacquant calls the liberal/paternal state, that is, one which practices liberalism for those at the top of the class structure and punitive paternalism for those at the bottom.

Conclusion

The research data presents three problems. Firstly, the objectivist position exposes the punitive and regulatory function of welfare, a model which includes evictions as a mechanism for enforcing forms of moral behaviourism onto those sections of society which occupy positions that, reflective of the fact that they are shorn of economic and cultural capital, are largely stigmatised and functionally powerless.

The second problem is that from the subjectivist position, social housing is seen (by those who work in it), not as a means by which the behaviour of tenants is modified (through processes, such as the threat of eviction), but as the delivery of an essential 'social good'. The housing professionals interviewed, regarded social housing services, as well as their own role in its provision, as vitally

important. They considered social housing services as requiring efficient and effective management in order to, not only provide the best service to tenants, but to make sure that what they see as the actions or inactions of 'irresponsible individuals' do not threaten the collective interests of the entire community. The third problem is characterised by the contradictions which led to the suspension of evictions by one particular local authority, namely the fact that evictions cost much more than the money owed in rent arrears, and therefore don't make any 'financial sense'. An explanation for this third problem presents itself not in the objectivist or subjectivist view, but through the relation between the two, the intersubjectivities which make up *objectivity of the second order.* The scholastic mistake, Bourdieu (1998, 2000) suggests, is that the researcher looks upon the reasons for eviction as being the 'actual theoretical reasons' held by the housing professionals themselves. They are of course, merely ways in which, the housing professional deals with the immediate and practical 'world' in which they inhabit. From the scholastic perspective, these practices do not meet the requirements of 'logical sense', because they are not those of the logician but are, rather, matters of an entirely practical nature. The practical sense employed by housing professionals when engaged in evictions, is never posited as a logical set of outcomes, adjusted to some form of 'grand plan' or 'overarching strategy'. Rather, these practices exist within a context which does not account for the totality of relations (in the way that the objectivist position does), and which does not follow some logical progression while taking into consideration all relevant facts and factors. The housing professionals are blinded to the objective truth, represented by the policies, regulations and laws that combine to enforce practices which harness the state to impose market conditions on its citizens. The regulation and inspection regime is (almost) always taken at face value. It is (mis)recognised through the disfiguring veil of managerialism, where efficiency and effectiveness not only produce 'results' but also act as forms of capital, the command of which can reap significant symbolic profits for those who have a particular stake in this game (such as senior managers and those with career aspirations).

This has implications which extend beyond this study. As this research has shown, housing professionals comprehend their role in an entirely different way than, say, housing advice workers (see Crawford 2015), for the very simple reason that the internal logics which drive what they do, despite their apparent commonality, exist broadly in opposition to each other. Housing officers see themselves as serving the community, protecting it against the actions or inactions of the 'irresponsible' individual who either causes direct harm to the community through their behaviour and conduct or indirectly through their refusal (or more accurately), or inability to pay their rent. Housing advisors often find themselves acting at the behest of the same individual which housing officers have deemed a danger to the peace and enjoyment of the community of tenants to whom they owe a duty of care (Crawford 2015).

The complex mechanisms which housing professionals have developed for 'managing' claims on their stock by individuals from certain groups appear to housing advisors as both unlawful (they are failing to meet their statutory obligations) and immoral (evictions for example are seen as necessary by housing officers yet as callous acts of barbarism by housing advice workers). Not only does this explanation have important implications for understanding why partnership working may not produce its intended effects (Crawford 2015), it also brings into question notions that underpin the 'what works' agenda.

In order to determine 'what works' (in a housing context, for example), there has to be some degree of consensus on the function of housing ('what is housing for?'). Paradoxically, this study, as well as that of Crawford (2015) shows that such a question is rendered pointless insofar as the answer will always depend upon who is being asked. Given that the internal logic differs between fields which on the surface often appear homologous, then the justifications and criticisms which govern the field will vary also. There are broad homologies between this perspective and that of McLaughlin, Muncie and Hughes, whose research suggests that there is an important relationship between 'unrelenting managerialization of criminal justice and the on-going politicization of law and order' (2003: 1)

As highlighted earlier, the frames which agents employ in order to justify their own actions and criticise the actions of others depend more on the situation which they find themselves in, than their social position, as classical sociology might suggest. What the 'common sense', positivist or empiricist view fails to account for is the fact that even slight differences in the homologies between groups can result in considerable variation in how their internal logic structures the way they justify what they do as well as the ways the criticise those who criticise them.

To return to the question asked at the beginning of this thesis: why do social landlords evict their tenants? The short answer, based on the research findings, is that most housing professionals (a broad rubric which can be extended to those located within the field of social housing) sincerely believe they have no other viable alternative. This intersubjective belief has as much to do with both the *struggles between agents* within the field for various forms of recognition as it does the *external pressures* imposed by both the juridical field (in the form of housing law) and the bureaucratic field (such as the regulation and inspection regime).

To clarify the first point, when agents within the field of housing are said to compete with each other for the various forms of capital and for recognition, they do so according to the internal logic of the wider bureaucratic field within which they are located. This, as Bourdieu (1998) points out, operates in an economy of disinterest, that is, it renounces all forms of personal economic gain, in favour of an economy of civic practices. This economy of civic practices is a direct representation of the economic world in reverse.

> The Hegelian philosophy of state, a sort of ideal bureaucratic self, is the representation that the bureaucratic field seeks to give itself, that is the image of a universe whose fundamental law is public service: a universe in which social agents have no personal interests and sacrifice their own interests to the public, to public service, to the universal (Bourdieu 1998: 84).

Given that there are as many forms of 'interest' as there are fields, every field, in producing itself, produces a form of interest which appears as 'disinterestedness' for the simple fact that the subjectivist position is not only

unable to account for objective reality, but because it is too immersed in its own world to be able to adequately account for the intersubjectivities which arise outside that world. So for the rights-based charity worker, eviction practices seem on one hand barbaric (immoral), and on the other hand senseless (they represent an economic contradiction), while at the same time seeming to be perfectly rational and indeed wholly justifiable from within the field of housing.

The 'disinterested' forms of recognition, over which housing professionals compete, depend on the position the agent occupies within the field of housing. Some seek to be regarded as *professional,* that is, they wish to promote themselves as having certain 'qualities' such as being diligent, reliable and conscientious. Some have an interest in being regarded as '*doers of good works*', that is, they seek to promote themselves as compassionate, fair and responsible. Others have an interest in promoting themselves as *effective managers of both people and resources,* seeking to command respect, and to appear authoritative and decisive. Within the structures of a limited plurality, agents can seek some or all of these forms of symbolic profit at various moments, depending on their position and trajectory within the field. These dispositions, which agents bring to the field are, as a result of all the imperceptible little struggles for recognition, either augmented or diminished through time. They are also often (mis)recognised and thus (mis)understood by an objectivist view point, and are therefore mostly always taken for granted within the field from which they have been intersubjectively constructed.

As this thesis has highlighted, it is necessary to have access to these collective conventions, the intersubjectivities that agents use to justify and criticise, and to have access to the processes by which they were created. As Bourdieu (Bourdieu and Wacquant 1992) reminds us, the principle error of the symbolic interactionists is that they fail to adequately account for the historical development of the concepts that agents apply to the world. Although most social constructivists incorporate within their methods, these categories of perception, few adequately account for the objective structures from which the categories of perception issue (school/university, the media, the civil service etc.).

Marx's (1854) assertion is as follows;

> The ideas of the ruling class are in every epoch the ruling ideas, i.e. the class which is the ruling material force of society, is at the same time its ruling intellectual force. The class which has the means of material production at its disposal, has control at the same time over the means of mental production, so that thereby, generally speaking, the ideas of those who lack the means of mental production are subject to it. The ruling ideas are nothing more than the ideal expression of the dominant material relationships, the dominant material relationships grasped as ideas.

Even with Marx's thoroughly objectivist and rigorously materialist approach, this observation is as relevant today as at any period since. What Marx's model doesn't do, however, is account for the subjective position of agents who are embedded in the process of the means of production, placing too much emphasis on the material side, at the expense of the symbolic, and placing too much importance, it seems, on the role of consciousness in governing practice. Although Marx's objectivist position is very difficult to refute, it simply does not account for why agents take the social world within which they are embedded, so completely for granted. It fails to explain the processes which naturalise ideological tropes, making them so completely and unreservedly accepted as to appear legitimate, and thus go entirely unquestioned and unchallenged. Indeed, Bourdieu (1984, 1990, 2000, 2003) overcomes this deficiency by demonstrating the extent to which domination is embodied, a factor which he claims displaces the notion of false consciousness almost completely.

Bourdieu's (1977, 1984, 1990, 1991, 1994, 2000) notion of doxa is extremely important in gaining a more profound understanding of the problem often referred to as *ideology* in the Hegelian/Marxist tradition, or as *hegemony* in Gramsci's (1971) more nuanced notion of elective domination. For Bourdieu (1994: 15) 'doxa is the particular point of view of the dominant when it presents and imposes itself as universal'. Although doxa is an important concept for understanding why 'the many are so easily governed by the few' (Hume quoted in Bourdieu 1994: 15), it is limited insofar as it cannot account for practice on its own. This is because practice (including all forms of action, sets of beliefs and values etc.) cannot be understood as an exclusively cognitive activity. Practice

and practical sense are also *embodied,* as is domination, a relation which involves submission to the dominant order (more thoroughly than through coercion).

The research findings highlight the objectivist point of view which postulates that eviction is a form of regulatory mechanism with many jurisdictions. Firstly, it exists as a measure for the enforcement of rent, that is to say, as a constant threat that non-payment of rent will result in the loss of the home. In this sense it is also a 'deterrent', a visible reminder to everyone belonging to the community of tenants, that non-payment will not be tolerated. Secondly, it enforces the ethic of markets through a process of individual responsibilisation, which places the tenant's obligation to pay, at the centre of the process. The benefit system has evolved in such a way that tenants have been given greater 'responsibility' for the delivery, direct to the landlord, of the housing rent subsidy in the form of housing benefit. Indeed, unfurling a 'radical doubt' (Bourdieu 1991, 2000) over the current Government's policy agenda, it is arguable that the bedroom tax simply passed the responsibility for the housing shortage onto tenants themselves. It placed a requirement for the tenant to actively seek to rationalise, that is, to move to a smaller property, or pay a financial penalty. The Market order of worth runs through all the official justifications for these innovations, but it is the requirement to adopt a strict Managerial polity in order to efficiently and effectively organise this new privatised, financialised and, most importantly in this case, individualised system of welfare provision. Universal Credit (which is being rolled out at the time of writing) is arguably the innovation which most reflects a Market and Managerial order compromise. By combining all benefit payments into one single payment, Universal Credit is made directly to the tenant, who then has the responsibility of not only budgeting, but actively (that is bodily) delivering the payments to their intended destinations (either in person or electronically). It would be difficult to argue, in the current epoch, applying contemporary categories of perception, that the move towards Universal Credit is little more than an ideological innovation, the intention of which is to foster, in an entirely coercive manner, consumer behaviour at the very margins of the social structure, where incentives are weakest. Rent

arrears management and evictions practice cannot be analysed outside of this political context.

Back, then, to the subjectivist position. The housing professionals, many of them senior managers, who participated in this study, not only took the provision of social housing services seriously, but did so within a robustly constructed moral framework. Their 'being-in-the-world' and their immersion in the daily routines of housing management make it difficult for housing professionals to gain an awareness of the objectivist position to which the researcher has privileged access. The orthodoxies of managerial practice, the doxic notions of responsibilisation and market tropes, as the most efficient means by which to deliver public services, all serve as the foundation upon which housing services are delivered, including how eviction practices are conducted. As the data illustrates, there is a dialectical relationship between the housing professional and the social housing profession. The dominance of the Managerial model, which owes its efficacy to the domination of economic capital over cultural capital, (Bourdieu 1991,1994, 2000) structures practices in which managerial forms of organisation also dominate. That aside, the relation being dialectical, means that it must at all times contend with the categories of perception, the shared norms and values, the collective conventions of those who bring to the job, not only a potential to accumulate forms of Managerial capital, but who arrive with a substantial amount of Civic capital in what is, to a large extent, embodied form. There is no doubt that evictions and eviction practices served as an ongoing challenge, both morally and in a managerial sense, to the housing professionals interviewed as part of this study. In the end, however, practical concerns almost always outweigh moral ones which, through the process of justification and the effortless transfer from one order of worth to another, are easily mitigated. Civic values serve as the very foundation of welfare provision, and create the justification for social housing, and the existence of social housing management. The Managerial order has evolved from the economic policies to which social housing owed its rise and subsequent demise. This also included the shift from industrial to financial capital, the shift from collectivist notions of organisation to individualist forms of

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consumption, and from social security to social insecurity (Wacquant 2009, 2012).

Evictions cannot be examined beyond the parameters of the political and economic conditions within which they arise. They cannot be comprehended but within the wider practices of regulatory capitalism. Evictions and eviction practices accord with the welfare conditionality agenda which pervades all forms of social policy discourse insofar as it enforces payment and acts as a wider deterrent (against non-payment) for the community of tenants. It is shaped by the demands, in the form of benchmarking targets and inspection audits, of the regulatory regime, itself obsessed with managerial concepts and techniques for mostly managerial ends.

There is no invisible hand of the market, only the invisible hand of the powerful (Bourdieu 2000). The state occupies the most influential position when it comes to the creation of markets, and market conditions, seen by the shift from housing policy which favoured the mass building of social housing to the explosion of the growth in the mortgage market. This was not, of course, by an accident or happenstance. The public phase of capitalist accumulation, embodied by the Fordist-Keynesian model of full employment, which followed the Second World War, delivered a rise in wages and an improvement in working conditions, fostering a Civic polity which has endured long after the conditions of its genesis were dismantled. This public phase of capital accumulation contracted in the 1970s and was replaced by a more financialsed regime of surplus value extraction, replacing subsidised housing with private housing as price bubbles inflated and burst in a more or less cyclical pattern.

As the main beneficiaries of wealth extraction became those who had a vested interest in prioritising shareholders over both producers and consumers of goods (Piketty 2014, Sayer 2015) inequality rose sharply after 1979, assisted by the unequal distribution of wealth caused by housing assets being realised by some groups (homeowners) and not others (social renters). This created a strong regulatory culture of managerialism (see Raco 2013) which in turn had a significant effect on the definition and delivery of welfare provision. Although

this study has highlighted the dialectical nature of the relations between the state and its citizens, between agents and the fields within which they are located, it is clear that the objective reality, that is, the operation of social relations as power relations, is always more powerful than mere subjective or indeed intersubjective reality, when it comes to the struggle for the monopoly over the right to *make* the world by dominating the right to *name* the world (Bourdieu 1991). These struggles, over the *principles of the principles of domination*, dictate, to a large extent, how the social universe is perceived, by constructing the forms of vision and division, and the ways in which they become constituted as 'legitimate'. The outcomes of historical disputes, between dominant and dominated groups, are everywhere manifest in the categories of perception that structure thought, and which are reproduced through 'official discourse' (Carlen 2008).

As this study has shown, professionals at all levels (mis)recognise much of their own world, they constantly euphemise and self-censor (without too much conscious awareness of doing so) and they often act in ways that serve their own interests, blinded to the methods they employ in doing so while at the same time unaware that these interests even exist. This is the strength of Bourdieu's reflexive sociology. It accounts for the objectivist vision as well as the subjectivist point of view, but most importantly, in examining the relation between the two, it strips the social world of its false antinomies and offers the researcher a rare glimpse into a world in which power, as well as mechanisms for its reproduction, are normally hidden from direct human experience.

This allows the researcher access to the truly political dimensions of the social world, beyond the classification struggles which obfuscate the reality of social relations as power relations, uncovering the hidden forms of domination and exploitation which are masked by notions of nature, merit and benevolence (Bourdieu and Wacquant 1992). Wacquant's (2009) assertion that neoliberalism isn't an economic but a political project which is articulated by state, market and citizenship, where the first is harnessed to stamp the mark of the second onto the third (Wacquant 2012:1), is founded upon a tacit acceptance of Bourdieu's (1977, 1990, 2000) theory and logic of practice.

It is the task of political sociology, therefore, to look not at individual action, but at how practices become 'normalised', 'taken for granted', accepted as 'legitimate', within fields. In short, political sociology must take as its object of concern, the *structural construction* of reality, that is to say, sociology must focus on the extent to which social reality is constructed within the structural limitations of economic and political possibility. This is evident in the data presented in this study which shows the extent to which practices, (particularly eviction practices) are largely influenced by the political economy within which they arise (more, it would seem, than they were influenced by the *habitus* of housing professionals).

To reiterate, it is necessary to move beyond social physics and social phenomenology and to focus on the dialectical relation between the two (Bourdieu and Wacquant 1992). This study has used the collective conventions which structure the *economies of worth* (Boltanski and Thevenot 1991), pervading the entire field of housing provision and which form the justificatory regimes which housing professionals apply to their role in eviction practices for arrears of rent. The relation between these justifications and criticisms from the housing professionals interviewed, and the logic of the wider bureaucratic field can only be understood by dismissing the utilitarian logic of action. Agents involved in the endeavours of the state, that is, those who occupy positions within the bureaucratic field, tend not to act according to consciously calculated aims and objectives, but as an indirect result of (unconscious) strategies, which arise from embodied practices and beliefs. Secondly, a certain section of senior managers apart, they tend not to act, as rational choice theorists would claim, in accordance with economic interests (see Polanyi 2001). In order to gain a degree of recognition, agents operating in the bureaucratic field act in ways which seek the disavowal of economic interests, favouring a more 'disinterested' approach to obtaining not monetary but symbolic gain through recognition.

Having exposed the limitations of logic of action approaches, this research makes no policy recommendations as such. However it concludes by raising some general concerns, addressed to the subjectivist position, access to

which, is generally denied. The data collated and analysed in this study suggests that evictions of families and individual households for arrears of rent, is an indication that rent levels are too high, and wages are too low. The solution to this problem is straightforward and could take the form of bigger and better housing subsidies combined with a much higher minimum or living wage. Any suggestion of how this can or should be achieved will be voided for the simple fact that it remains an important facet of research, that academics avoid getting caught up in the classificatory struggles which consist of the binary forms of thought that structure the highly political world of common sense (in the case of evictions, concerns such as; too many/not enough, for too little an amount/allowing too much to accrue etc.). Researchers should, exercising a radical doubt, be able to ask the question why, when life for those at the top of the class structure is liberalised and de-regulated, does it become so punitive and 'regulated' at the bottom?

The issue here is an entirely political one. In our socially constructed world (Berger and Luckman 1966, Bourdieu 1990, 1991, 1998, 2000), power can only be exercised by masking the arbitrary that founds it. The limited access to this reality, which arises from the subjectivist perspective, not only further obfuscates these arbitrary foundations, but in failing to account for the historical struggles which produced them, tends to make them seem 'natural' as if they could not be otherwise, as entirely taken for granted, normalised and accepted without challenge. It is through his/her thoroughly reflexive endeavours that the political sociologist can insulate him/herself from all the doxic notions, the taken-for-granted tropes, the norms and values which are imposed through the media and other state institutions, including the university. This clears a small space for the limited exercise of freedom from the tyranny of internalised forms of domination.

Rather than changes to the material structures of the world, the claim that this research project makes, is that the solution to a fairer and more equitable and humane world, lies not in changing policies, and laws per say, but in gifting populations access to the universal which is largely denied them by denying them the competence to understand the ways in which the ideas of the

dominant live (mostly unnoticed) within them. Bourdieu himself makes no recommendations as to how we should change the world; he does not appear to see that as his role in the sociological world. He simply provides the tools to uncover all the hidden forms of domination and exploitation which disguised as merit and nature, trap agents within worlds which serve the interests of the very few at the expense of the very many. In order to break out of these chains, we need to break out of the taken-for-granted, normalised world of common sense, mainstream tropes, which have all emerged from the struggles between the dominant and the dominated over decades if not centuries.

The process will take a long time because, as Bourdieu (1994) and with Wacquant (1992) point out, changing the levels of collective consciousness is only half the battle. What is required is that the collective political endeavour of refusing to submit to the ideologically informed doxic notions which saturate our everyday, mundane, commonplace activities will, through the process of dialectical change, transform the bodily dispositions and mental schemata which unconsciously structure the very practices which lead agents to participate in their own domination.

In a stratified and grossly unequal society, the importance of raising awareness of the two-fold truth of the social world cannot be stressed enough. Although it is not sufficient in itself to merely change consciousness by raising issues of truth, doing so can represent the beginning of the processes required in order to reverse the historical domination of both mind and body. Evictions take place, the objectivist position shows, because their two-fold truth is always obfuscated, masked, hidden under a cloak of nature or meritocracy. This two-fold truth is also disguised in tropes which promote political notions of individual responsibility and the promise that merit will reward those who work hard, conform, and who serve what they mistakenly believe to be society's wider interests (which almost invariably turn out to be nothing other the specific interests of specific groups). These 'normalising' tropes, which are both enforced and reinforced by daily practice, emanate from institutions which have been captured by specific groups. Bourdieu provides the intellectual tools to

expose the fact that 'common sense' is never anything more than particular views presented as universal and widely accepted as such.

The role of academics and researchers in uncovering the hidden 'facts' about the world are important. Shaxson (2012) for example does well to outline, in painstaking detail, the extent to which tax avoidance is responsible for the persistence of global poverty. Raco (2013) shows how state-led privatisation has eroded democracy and currently represents one of the biggest forms of wealth transfer from public to private accounts. Piketty (2014) highlights how inequality is built into the capitalist system and how only state intervention can reign-in the growing gap between a small economic elite at the top, and the rest of society. Sayer (2015) claims that the drivers of inequality are already so 'out of hand', western democracies can no longer afford a continuation of the steady flow of public monies into the tax free accounts of the super-rich. Oxfam (2015)[25], in a recent publication, state that as soon as 2016, the world's richest one percent will own more than the other 99 percent combined, heralding a period of inequality which is estimated to be higher than at any time in the history of humanity.

Contrast this with tenants of social housing. Despite the fact that it would be cheaper to allow tenants to live rent free than to forcibly remove them, households, often with children, are summarily evicted from their homes for arrears of rent. In a decade where every single man, woman and child in the UK effectively handed over £45,000 in bank bailouts following the crisis of 2008, a sum they will spend their entire lives paying off in income tax and VAT (Sayer 2015), the poorest and most marginalised in society are put under more and more pressure to pay rising levels of rent, failure of which results in them being made homeless.

This level of consciousness-raising is important, but it does not go far enough. Another, more deeper level of consciousness is raised when human beings are

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[25] https://www.oxfam.org/en/pressroom/pressreleases/2015-01-19/richest-1-will-own-more-all-rest-2016

awakened to their two-fold truth. The outer, external world of the pitiless and relentless struggle for the recognition of one's fellows takes place in an entirely socially constructed arena, with socially constructed stakes and socially constructed profits. Taking charge of these constructions could herald the emergence of a new social movement; one which recognises the fact that social relations are almost always relations of power. This requires a conceptual shift, not only in how society is organised, but in how it is thought about and indeed 'experienced'. It requires, as Malloch (2013) suggests, an entirely new paradigm. One which radically rethinks the future in ways that not only learns lessons from the past, but which restructures these to include our social reality represented by the external world of power relations, as well as including notions of 'inner contentment' in the creation of a new consciousness.

This is not to suggest that people stop playing the games that they play, only that they recognise them as such. The world is important because we make it important. Bourdieu has gifted humanity with the power to free itself from the illusion of 'disinterestedness' and in so doing has opened up a space for critical reflection on our obsession with the 'self' and our own 'self-interest'. By identifying egoic drives in our own endeavours, we can, through self-reflection, raise our own consciousness (in both mental and bodily form) and move, collectively, towards the radical acceptance of our intersubjective reality, that is, to submit to the profound truth that, contrary to what individualising tropes lead us to believe, we are as much a part of everything, as everything else. As Munro (Malloch and Munro 2013) points out, our failure to construct a positive vision of our political future is not a failure of our imagination, but is rather, due to the constraints that bind us to the present. It is by breaking from the unconscious, internalised and embodied forms of domination that we can begin to imagine a new utopian vision.

This thesis, by bringing together original empirical data from housing professionals, with an in-depth analysis of the historical dimensions of housing and housing law, while at the same time developing the frameworks of both Bourdieu and Boltanski and Thevenot in a series of seven theoretical 'expositions', has added new insights to the housing studies field as well as

political sociology. By calling for further analysis which allows us to go beyond the political limitations of the present it points out how this, it is here concluded, should make up an important aspect of future work on theory and method in the field of social policy research, housing studies being no exception.

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Appendices
Appendix 1

Information Sheet

I am a teaching fellow from the University of Stirling and I am currently engaged in doing a PhD on the subject of evictions. This is a wide ranging and exploratory study which has, at its core, the question of why social landlords evict their tenants, and what possible alternatives (if any) could exist. **What will taking part in the research involve?**

I would like to talk with you about your professional experiences of evictions, whether you raise actions on behalf of a housing organisation or whether you are an agency defending evictions at the behest of the tenant (your client).

I am particularly keen to find out your views about the practice of eviction, its wider purpose and to briefly discuss what you think could be viable alternatives to eviction for rent arrears when there are families involved.

If you are willing to take part I would like to interview you (for about 30 minutes) to ask you some general questions about this.

What can you expect?

1. I will give you information about the study and answer any questions you have about it, either now or any time during the study.

2. Your name won't be on anything (written or recorded) so no-one looking at the information will be able to identify you.

2   When I write about the study, I will make sure that no individual can be identified.

3   All information will be stored securely, so that no-one else will see it.

4   Any information I obtain will be confidential. That means I will not pass on information about or from you to anyone else. The exception is if information comes to light which suggests someone, particularly a child, may be in danger.

5   If I can get in touch with you, I will let you have a copy of the report from the study or share with you any relevant information within my power under the Data Protection Act.

If you would like to speak to someone regarding any concerns you may have you can speak to Alison Bowes, Head of Department, 01786 46 7695.

Your help is very much appreciated.

Joe Crawford

University of Stirling

Appendix 2

Research Consent Form

Please tick the boxes below to let us know your views on taking part in the research.

I agree that I am willing to participate in the PhD research of Joe Crawford, University of Stirling on the subject of evictions, and that I have read the information sheet and that I fully understand my right to withdraw from this research at any time.

Yes ☐   No ☐

I am willing to be interviewed by Joe Crawford in relation to my work in the field of evictions

Yes ☐   No ☐

I agree that the interview can be recorded.

Yes ☐   No ☐

Signed ……………………………………………………..Date …………………………………………

I can be contacted at:

…………………………………………………………………….

……………………………………………………………………..

Thank you.

Appendix 3

Formulating the Interview Questions

Question 1 - what are the causes of rent arrears in your area?

Much of the discussion in Chapter Three which covered the legal and policy contexts revolved around the impact of recent initiatives to reduce evictions in the social rented sector as part of a much wider strategy of managing the numbers of homeless applicants. This, it was argued, primarily arose from the need to take action to ensure a legislative commitment to end homelessness, made at a time when the demand for social housing was expected to fall as the steady growth in the mortgage market was predicted to continue. The economic instability which resulted from the banking crisis of 2007/2008 and the ensuing austerity measures brought in by the coalition government saw an end in the growth of house building in the private sector which increased demand for social housing at a time when there was a clear commitment to provide every unintentionally homeless person with settled accommodation. As shown in Chapter Three, the priority for the Scottish Government became the prevention and alleviation of homelessness, an initiative which saw legal measures put in place to ensure that eviction action was always a measure of last resort. The most comprehensive piece of research on the subject of Evictions was undertaken collaboratively by Glasgow and Heriot Watt Universities (Pawson *et al* 2005) at the behest of the Office of the Deputy Prime Minister. The research set out to explore a number of areas where our understanding of evictions required further depth and analysis. The report (Pawson *et al* 2005) begins by noting the fact that the number of evictions had doubled over the last decade, with 93% being the direct result of arrears in rent. The report states that these increases (numbers of evictions and numbers of households unable to pay rent) are principally the effects of three connected 'structural' causes, namely, rising levels of multiple indebtedness, the over-complication of the housing benefit system, and the weakening of employment conditions (job insecurity, low pay, unsocial shift patterns, etc.) and that these factors combined; "paradoxically increased tenants' vulnerability to serious rent arrears" (Pawson et al 2005 p7).

Given that evictions for rent arrears dominates the statistical account for why households are evicted from their tenancies, it was deemed wholly necessary to account for the causes of rent arrears in the first instance. This was the first question asked of respondents after stock was taken of their housing profile and where they saw themselves in terms of the national average for numbers of eviction cases.

Question 2 – Discretion

This question 'do you treat families and single person households the same throughout the eviction process, or is there a level of discretion involved?' was chosen in light of the obligations placed upon social landlords by the Housing (Scotland) Act 2001 which prescribes that: when eviction is sought from a Scottish Secure Tenant, the sheriff must always take into consideration whether it is 'reasonable' to grant an order of eviction (Shelter 2009). These include;

- the amount of the arrears

- the likelihood of the tenant being able to repay arrears and meet future rent repayments

- the length of time the person has been a tenant and their record as a tenant before the arrears arose

- the reasons for the arrears arising, for example, sudden loss of employment, problems with Housing Benefit

- duties of the local authority that may arise following an eviction under the homelessness or social welfare legislation, such as the Children (Scotland) Act 1995

- the implications of eviction for any 'innocent' joint tenant

- any action taken by the landlord to assist the tenant to address the cause of the arrears.

In all cases the tenant's personal circumstances and those of their family are potentially relevant. The sheriff, if he/she feels there is not enough information available to make a decision on reasonableness, can use their statutory powers to adjourn a case. This would usually be because the tenant is not present or is not represented.

Question 3 - Minutes for Recall, do they work?

This question was chosen for a number of reasons. Firstly, it is the right of every tenant who is subject to a summary cause action seeking a decree for eviction to be represented either in person, or by a third party representative (mainly a lawyer). If the decree is granted *in abstentia* (which the data suggests happens in the majority of cases) then the decree can be recalled and another court date set to allow the tenant to lodge a defence of the action. The second reason originates from my own time as a practitioner who regularly recalled decrees and represented tenants throughout the process. It was my own experience which led me to draw the conclusion that landlords had divergent approaches to the process of recalling decrees and I wanted to understand why. The third reason was borne out of academic curiosity as to whether or not there was a divergence in practice between the two types of landlord, assuming that if there was there would be 'structural' factors which could help account for this (such as variation in the financial cost borne out by the need for authorities to accommodate after the eviction).

Question Four – alternatives to eviction

This question was chosen because at the time of formulation, it was an extremely topical issue with one Scottish local authority adopting (on a trial basis) a policy of non-eviction for rent arrears. This move was supported by Shelter who had been actively campaigning for alternatives to be found for eviction. Shelter also supported this local authority, working directly with tenants who were in arrears of rent, as well as encouraging other landlords to follow suit.

When I was sitting in on Sheriff court eviction cases, prior to starting the fieldwork, I noticed signs (notices and posters) around the court stating that non-payment of fines would not be tolerated, and that failure to pay fines in full would lead to bank/wages arrestment or alternatively cars would be impounded and sold. Given that Shelter had been calling for wages arrestments, and car impoundments, I thought this would be a good example to put to the interviewees.