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Title:

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Date:

2026-04-01

Citation:

Lundberg, K., Popovski, H. & Young, A. (2026). Justice in the streets? Towards a criminology of more-than-spatial justice. *Criminology and Criminal Justice*, 26 (2), pp.627-643. <https://doi.org/10.1177/17488958241257834>.

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Criminology & Criminal Justice

1–17

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DOI: 10.1177/17488958241257834

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Abstract

Criminology has long taken an interest in cities and in the question of justice in the streets. But what constitutes ‘justice’ in urban spaces such as city streets? We consider this question through a focus on the use of street spaces by public protesters and people experiencing houselessness, whose use of the streets is often subject to legal, social and municipal regulation. Our analysis contributes to criminology’s interest in cities and city spaces, tracing a trajectory through three conceptual paradigms: the ‘just city’, the ‘right to the city’ and recent discussions of ‘spatial justice’. Building from the concept of spatial justice, we argue for a theory of *more-than-spatial justice* attuned to the volumetric dimensions and convivial possibilities of the city and its streets.

Keywords

Conviviality, houselessness, protest, spatial justice, the street, the volumetric city

Introduction: Contested streets

Criminology has long taken an interest in cities and in the question of justice in the streets. But what constitutes ‘justice’ in urban spaces such as city streets? In this article, we trace a trajectory from the ‘just city’ and the ‘right to the city’ to recent discussions of ‘spatial justice’. Focusing on the ways street protesters and unhoused

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individuals make use of city spaces, we propose that a theory of more-than-spatial justice has much to offer.

For political protesters and for unhoused people, streets constitute a resource, or a repertoire of possibilities. For some, they provide a location in which to communicate a message. For others, they offer an environment in which to rest, seek money and socialise. These activities may well take place illegally. As an example, on 13 April 2022, a van stopped in the middle of the Sydney Harbour Bridge, and two people climbed on top of it. One, Alan Glover, unfurled a banner, and the other, Violet Coco, ignited a flare. Traffic stopped behind them for about 28 minutes. Police arrested them both. On a different day, in the centre of Melbourne, a boy and a girl sat on a folded blanket, on the pavement outside a convenience store, with a cup in front of them holding coins. Four police officers stood over them, asking questions about what they were doing. The police ordered the couple to pick up their belongings and move elsewhere, exercising discretion to remove the two young people from the city street.

Both are situations in which competing claims are negotiated in street spaces. The protesters sought to use a road traversing a bridge as a platform from which to display a banner; their presence contests the use of the bridge by commuters. The two young people seeking donations are using the street as a place to rest, converse and obtain funds; the police officers regard their presence as social problem and remove them. Events such as these show that city streets are sites of contestation with increasingly high stakes. Violet Coco was sentenced to 15 months' imprisonment for her actions on the bridge, under legislation enacted precisely to deter political protesters in city spaces. Unhoused people who receive move on notices from police eventually are at risk of incarceration through non-compliance or non-payment of accompanying fines. As Soja (2010) puts it, 'justice . . . has a *consequential geography*' (p. 1) (emphasis in original).

Both criminology and criminal justice have a lengthy history of interest in constitutive aspects of the street, such as the (sub)cultural interactions of young men which engendered a 'street corner society' (Whyte, 2012 [1943]), and Hayward and Young's (2004) proposal that 'the street scripts the screen, and the screen scripts the street' (p. 259). Recent years have seen a burgeoning of criminological research on spatial matters: the limitations and potentialities of cartography (Kindynis, 2014); the question of spaces as having borders or 'edges' (Lundberg, 2022); hauntological questions arising from spaces of dereliction and ruin (Fiddler, 2019; Kindynis, 2019); affect and atmospheres in particular spaces (Campbell, 2022; Linnemann, 2015; Young, 2019); and the affordances of street-based locations both for illicit activity and for its policing (Popovski and Young, 2023; Young and Popovski, 2023).

Although some criminological research has highlighted the ways in which the street can be a space of productive creativity (Di Ronco and Peršak, 2021; Ferrell, 2001; Fraser, 2021; Fraser and Matthews, 2021; Millie, 2017; Young, 2014), the dominant tendency in criminological engagement with spatiality has involved its governance, thanks to its association with public (dis)order. Framing spatiality as a problem for governance constructs spaces as terrains for and of regulation, entrenching notions of (il)legitimacy in a framework of permitted versus unpermitted activities and occluding consideration of

streets as locations of possibility. If our focus can move away from the question of which places or people become regulated objects, different modes of thinking become possible. In this article, we will move through three paradigms: the ‘just city’, the ‘right to the city’ and ‘spatial justice’. In so doing, we consider the findings of a 3-year research project on the use of city streets in a range of cities (London, Melbourne, Sydney, Tokyo, Adelaide, Brisbane, San Francisco) regarding contested use of streets by unhoused individuals and by protesters, in support of our argument about the value of a theory of more-than-spatial justice for criminology.

Theorising justice in the city: Three paradigms

The just city

Justice in the city has preoccupied many thinkers over the decades. Early planners pursued order, efficiency and beauty in urban spaces through ‘rational’ design (Fainstein, 2009, 2010, 2014). Nonetheless, they disagreed as to what constitutes a ‘good city’, and whether planners could intervene to create one. Intervention was recognised as risky. Historically, planning practices such as urban renewal programmes and social housing development often resulted in displacement, community disruption and unappealing projects. Additionally, emphasis on economic competition led to the perception that planning serves developers’ interests at the expense of others’ needs (Fainstein, 2009: 19–20). As a counter to profit-driven intervention, Fainstein proposed the creation of ‘just cities’ as a planning objective, with criteria for judging urban spaces against theories of justice. Theories of justice, Fainstein contends, from Rawls’ (1971) rational choice theory to Nussbaum’s (2000) capabilities approach, could thus offer valuable insights for considering planning actions and evaluating their contributions to individual self-realisation, social justice and the overall well-being of urban residents.

Community dynamics, and racial and class inequalities are important to Fainstein’s arguments for a more just city, but they are constituted as a collectivity of diversities that an inclusively liberal paradigm must incorporate in order to be ‘just’: the notion of the liberal subject itself is uninterrogated. Moreover, liberal Western theories of justice are limited in their ability to guide substantial action. The concept of the ‘just city’ leaves ‘the city’ undefined and lacks specificity in terms of both scope and practical application as a policy instrument (Fainstein, 2009). Fainstein concedes that while Western philosophical ideals might provide goals to strive for, planners, policymakers and activists who navigate complex social circumstances need a more contextualist approach in order to enact meaningful change. Connolly and Steil (2009: 1), however, argue that a ‘just city’ needs more than the development of contextualised responses to specific injustices. It requires the creation of coherent frames for action and deliberation. These would bring into relief the disparate efforts of those fighting against unjust urban conditions and would relate their struggles to each other. The result would be a global effort improvised around the single conception of justice, but capable of addressing the everyday realities, needs and differences of individuals (Connolly and Steil,

2009: 2–3). Such individuals, however, are unlikely to include the unhoused and those engaging in political dissent.

Whether negotiated contextually or initiated through citywide planning, the ‘just city’ is being construed as an asset or resource that can be made available to urban inhabitants. Discussions of the just city tend to assume the city as a singular place that can be planned, developed, intervened in and inhabited. To a certain extent, that is inarguable, but as an epistemological framework for thinking about justice and spatiality it offers limited axes for engagement and analysis. An alternative conceptualisation – that of the city as a place, experience and resource to which everyone is entitled – offers a different perspective.

The right to the city

Drawing from the work of Henri Lefebvre, the influential concept of the *right to the city* delineates the right to ‘habitat and to inhabit’, the right to ‘participation and appropriation’ (Lefebvre, 1996: 173–174) (emphasis in original). For Lefebvre, the right to the city is about more than the right to live and exist in the city; it is part of a project of autonomy and freedom for people in shaping the city in which they live. Practices such as planning and governance are therefore far less significant than the capacities of people, through their inhabitation of the city, to make and re-make it. Through an analysis of urban ‘lived’ spaces, Lefebvre proposed the city as the product of aspirations and longings, beyond mere economic incentives and objectives (Purcell, 2014). The catalytic potential of the right to the city can be seen in Harvey’s words, which form a bridge between Lefebvre’s idea of the right to the city and the ‘just city’ paradigm:

The capacity to force open spaces of the city to protest and contention, to create unmediated public spaces, so that the cauldron of urban life can become a catalytic site from which new conceptions and configurations of urban living can be devised and out of which new and less damaging conceptions of rights can be constructed. The right to the Just City is not a gift. It has to be seized by political movement. (Harvey, 2009: 49)

However, while Lefebvre, and Harvey, see the right to the city as a cry for radical change beyond both the state and capitalist interventions, contemporary versions of the concept tend simply to add it to the list of existing liberal democratic rights and rely on legal and political strategies to secure these rights from the state (Purcell, 2014). Since the contemporary Western state values private property and public order over any right to live in public places and the right to express dissent in public places, the ‘right to the city’ of both unhoused individuals and political protesters are rarely promoted by the state, city authorities and institutions of criminal justice. Neither the just city paradigm nor the right to the city approach give either Violet Coco, on Sydney Harbour Bridge, or the two young, unhoused people sitting in the street, much traction in asserting their presence in the city, trumped by the competing claims to circulation and commerce allocated to commuters, traders and consumers.

These two dominant paradigms of argument about injustice in the city share an approach which merely adds supplementary elements to existing urban relations. Within the just city paradigm, it might be argued that activities associated with political protest or with houselessness could be allowed to occur: 'a just city would permit public protest' or 'a just city would permit people without housing to sleep rough if they need to'. Similarly, when discussing 'the right to the city', it could be argued 'unhoused people have a right to the city', and that 'political protesters have a right to the city'. The former, in effect, proposes that activities be added into the roster of already-acceptable ones, while the latter asserts that two new groups of individuals be included in the list of people recognised to be citizens or lawful inhabitants of urban space.

Both paradigms maintain a relation in which justice is subordinated to a central authority – a locus of law or power – that would permit the access of previously excluded people to the city, or license activities previously deemed illegal. The assertion of justice and rights in these paradigms cannot escape the retention of a sovereign decision-maker. This is not to argue that the critiques generated within each framework are unnecessary or unimportant – far from it. Identification of specific tactics of control and restriction is a crucial aspect of mapping the securitisation of urban space, and there will be many contexts and contests in which a specific group or individual will be assisted by strategic assertion of the right to an aspect of city life, or of the necessity for a just city to provide its citizens with a range of resources and opportunities. But both rely on a centralised source of authority which possesses the power to regulate, whether by permission or exclusion.

Spatial justice

While theories of the just city and the right to the city remain entrenched within a regulatory aetiology, an approach focusing on the concept of spatial justice has the potential to afford flexible insights for analysis of urban space. As a concept, spatial justice is located in the divergence between unpredictable and autonomous everyday actions and experiences in space and regulatory visions of social order and lawful conduct in the city (Watson, 2020). Soja defines spatial justice by reference to its opposite, spatial *injustice*. He emphasises the spatial and geographical elements of justice/injustice (Soja, 2010) and highlights the unjust implications of inequitable distributions of the affordances and amenities of space: 'Spatial justice as such is not a substitute or alternative to social, economic, or other forms of justice but rather a way of looking at justice from a critical spatial perspective' (Soja, 2009: 2–3). That is to say, while all injustices encompass a spatial element, this is not the only relevant component of (in)justice.

Furthermore, Soja writes, spatial (in)justice can be understood as 'both outcome and process': as a form of injustice itself as well as the cause of injustice. Significant for the shaping of spatial discrimination are elements such as class, race and gender. However, these are also elements that shape other forms of inequalities, beyond the spatial (Soja, 2009). Thinking spatially about the concept of justice, therefore, not only enriches theoretical understandings of the same but can also lead to practical insights that benefit justice and democracy. For Soja (2009), then, all aspects of society are spatially constructed, while space itself is socially constructed and constantly evolving as a result of

social changes: he calls this ‘the socio-spatial dialectic’ (p. 2). Following this line of thinking, we argue here that a spatial perspective on justice must draw attention to the social, legal and spatial relationships that influence place-based problems, and which intervene to impede effective responses to them. Spatial justice is therefore *more-than-spatial* and struggles over the occupation of space are concomitantly *more-than-social*.

According to Philippopoulos-Mihalopoulos (2010), spatial justice is at stake ‘when one body wants to occupy the exact same space at the exact same time as another’ (p. 211):

[S]patial justice is not a solution but a question that tries to address the problem of the impossibility of simultaneous emplacement of more than one body in the same space. It begins from the violence of space: all space is violent on account of the fact that only one body (assemblage) can occupy a specific space at a specific time. (Philippopoulos-Mihalopoulos, 2014: 198)

Western history, law and politics have consistently endorsed the idea of sovereign occupation of space, on scales varying from the expansion of national empires, through the ownership of property, to the forming of orderly queues at the post office. Since sovereign occupation means that only one legal subject can occupy a specific space at a given time, spatialised conflicts arise. In these conflicts, law does not promote justice, but arbitrates a spatial contest according to notions of ownership, control and exclusion.

In order to sidestep the default authority of a centralised and sovereign decision-maker, the (un)just occupation of space must be judged *otherwise*: the law must, in some way, cede its position as arbiter. Withdrawal of law from arbitration of a contested occupation of place does not mean it is possible to have space without law. Just as Soja posited a dialectic intertwining of society and space, neither possible without the other, so law and space co-exist in a tautology in which each gives meaning to the other. This is the ‘lawscape’: ‘the grounds on which spatial justice routinely emerges, along or against the given law’ (Philippopoulos-Mihalopoulos, 2020: 161).

More-than-spatial justice

The use of the roadway on the Sydney Harbour Bridge as a place for displaying a banner and firing off a flare, and the use of the pavement in Swanston Street in Melbourne as a place to sit, converse and seek money both show ways in which the intended uses of a street can be re-purposed. As Philippopoulos-Mihalopoulos (2014) writes,

[T]he law spreads on pavements, covers the walls of buildings, opens and closes windows, lets you dress in a certain way (and not any other), eat in a certain way, smell, touch or listen to certain things, touch other people in a certain way (and not any other), sleep in a certain space, move in a certain way, stay still in a certain way. In the lawscape, every surface, smell, colour, taste is regulated by some form of law, be this intellectual property, planning law, environmental law, health and safety regulations, and so on. (p. 38)

A theory of spatial justice shows how law comes to life in space, interpreted by legal officers and practised by agents of criminal justice. However, the actions of unhoused individuals and protesters exemplify ways in which spaces such as the street can be

engaged with in ways that exceed the legal imagination, which can only default to the regulatory framework by naming such uses as illicit. It is our proposition that such instances show that space is used, made and reinterpreted by human and more-than-human subjects. For criminological thinking about space, something more than a straightforward incorporation of ideas of spatial justice is needed. In the remainder of the article, we follow the example set by Soja's 'socio-spatial dynamic' to argue for a more-than-spatial justice, whose socio-spatial dynamic contains two strands: a volumetric imaginary and the possibility of conviviality.

Volumetric streets

A street exists in relation with its surroundings: its meanings, affordances and qualities shift according to its adjacency or proximity to other urban elements. In the more-than-human environment of the city, streets form a component within a design arrangement known as a city, permitting movement, connectedness, and transport of goods and people. Streets, as with other urban components, appear to be horizontally laid out, but have depth and height; they form substantial material constructions requiring maintenance and repair. The air above the street, sometimes polluted with exhaust fumes, sometimes clear and breathable, is as important in the experience of the city as the flat path that a street makes possible.

Common imaginaries of the city derive from the aerial view of its streets and rooftops, or, after de Certeau's (1984) re-orientation of the aerial perspective to that in the city 'below', from human interactions on the streets themselves. However, both framings of the city exist on a single vertical axis. Cities are developing and expanding outwards to new horizontal boundaries and to subterranean ones; and non-human technologies and infrastructures are being fused with aspects of everyday life. Such challenges require us to reconceptualise the city volumetrically. As Elden (2013) asks, 'How does thinking about volume – height and depth instead of surfaces, three dimensions instead of areas – change how we think about the politics of space?' (p. 35).

One such change is not taking for granted its geographic composition; another is that the city's physical composition should be de-centred as the lens through which socio-spatial phenomena are interpreted. These changes mean that socio-spatial human experiences are conceptualised within an assemblage of multiple geographic axes. Within these, (im)material technologies of sound and vision expand the reach of surveillance and control, while burgeoning infrastructures of mobility and communication that contradict and complexify the 'natural' and physical composition of cities.

To communicate ideas of city spaces as volumetric, technologies such as Google Earth and Street View attempt to generate a phenomenologically immersive representation that goes beyond the limits of conventional horizontal cartography. However, they still fall short of conveying the effect and affect of urban space as a volume, with surface, depth and dimensionality, that can be occupied and inhabited. A further aspect of the ungraspability of the volumetric urban imaginary is its atmospheric nature: it is not only the material space of the street itself – its bitumen and stone – that is contested but the air above and around it. As Billé (2020) notes,

a volumetric imaginary is . . . eminently suited to exploring amorphous and seemingly immaterial realms such as radio and sonic waves or the invisible topographies of electromagnetic space, none of which overlay precisely onto a geopolitical organization of space but instead have the capacity to crisscross, bleed through, and undermine political boundaries. (p. 19)

Such an imaginary explains the shifting interests that determine the regulation of the presence and movement of devices through air. When Violet Coco ignites a flare, its smoke is an unauthorised presence in the air around the bridge. In addition, the capacity to move through airspace and observe city streets is a fiercely contested ability. The multi-directional visual affordances of drone-mounted cameras offer activists ‘modes of vision across a number of bodies, devices, and platforms, not merely as spectacle, but as a new mode of relational experience’ (McCosker, 2015: 2). Media deployment of helicopters to generate footage of protests can be restricted or banned by police and courts. When Coco and Glover stood on top of the van, media helicopters rushed to film their interruption of the airspace above the bridge. Conversely, drone and helicopter vision offer police a flexibilised visual field operating along multidimensional axes to create a dense mesh of surveillance and control.

Responses to the presence of red smoke in urban air show the need for volumetric understandings of urban space. Increasingly, urban and social scholars (such as Graham, 2016; Graham and Hewitt, 2012) are critical of the ‘flat’ and ‘one-dimensional’ representations of urban spaces. That being said, it is a fallacy to assume that such volumetric thinking is ‘innovative’, or that ‘Western’ knowledge and scholarly trends are universal. Many ideas represented as ‘new’ by Western scholars have existed among Indigenous communities for thousands of years (Todd, 2016). This is also true for ‘volumetric’ representations of space. For example, Aboriginal communities, which have lived on what is now known as Australia for over 60,000 years, tend to emphasise humans as custodians of land rather than owners.

‘Country’, as Aboriginal peoples in Australia conceptualise land and space, includes human and beyond human species in a particular territorial place (Rose, 1999): ‘Country and everything it encompasses is an active participant in the world, shaping and creating it. It is far from a passive backdrop to human experience . . .’ (Country et al., 2015: 270). For the Wurundjeri people, Traditional Custodians of large parts of Victoria in Australia, Nicholson and Jones explain, they hold a connection to Country (2020) that goes beyond the transactional: ‘Country is your body. Country is our individual and collective body, with emotions that can be triggered’ (p. 513). Country encompasses a multitude of dimensions; it is ‘multi-layered’ (Nicholson and Jones, 2020: 514).

Country is thus intrinsically more-than-spatial and includes a volumetric understanding of space. The fundamental elements of Country for the Wurundjeri people encompass six elements: Forest Country (above the clouds, the sun and spirit habitats), Sky Country (i.e. ‘where the spirits of the dead go’), Wind Country (the rainbow, rain and smoke), Water Country (rivers, creeks, dams, ocean, rain, mist, dew), On Country (‘physical and spiritual Country . . . Where we walk, dance, and conduct ceremony’) and Below Country (roots and plants) (Nicholson and Jones, 2020: 515). As Budawang/Yuin woman Danièle Hromek put it: ‘Country soars high into the atmosphere, deep into the planet crust and far into the oceans’ (quoted in Nicholson and Jones, 2020: 72). Highlighting the Wurundjeri

peoples' attachments and relations to space first counteracts the flattening ontologies and individualistic framings that once dominated theories of space in Western academia and acknowledges that many of our ideas build on long-standing knowledge traditions that far outdate our own.

Employing a volumetric imaginary of security in city streets also generates a complex sensory assemblage with multiple semiotic levels of control. Despite the oftentimes overweening nature of such volumetric power (Linnemann and Turner, 2022), something always escapes it and leads to moments of possibility such as when unhoused people adapt or resist hostile and defensive architectures, or when protesters set off a flare on a bridge, march in a street or sit down in a busy intersection. Fraser and Matthews (2021) note, regarding the spatial presence of the Umbrella Movement encampments in Hong Kong, that

in those uncanny spaces where the normative force and affective lure of *neither* the street's everyday legislative regime *nor* the camp's emergent normative order have properly taken hold of the subject, we are able to sense new modes of belonging. (p. 463; emphasis in original)

We propose, then, that when protesters and unhoused individuals engage in affectively powerful adaptive practices of occupation and habitation – in ways that are akin to the Wurundjeri peoples' attachments to and care for Country – the volumetric space of the streets is the location for an opportunity to configure the city as a *convivial* terrain in which we may sense 'new modes of *belonging*' (Fraser and Matthews, 2021: 463; emphasis added).

Convivial streets

As a term, 'conviviality' tends to be understood in a limited way. It is sometimes taken to denote eating, drinking and socialising with friends, a definition which reduces conviviality to commercial activities promoted within consumer capitalism. At other times, conviviality is understood as a desirable template for places in which multiculturalism can be enjoyed. These might include restaurants, markets, swimming pools, schools or parks, for example, in contemporary globalised cities such as London, Sydney and New York (Back and Sinha, 2016; Watson, 2020; Wise and Velayutham, 2014).

In contrast, our conceptualisation of conviviality derives from the work of Ivan Illich (2009). As opposed to the pressures imposed on people by industrial society, 'conviviality' entails a freedom to engage creatively with other people and environments: 'individual freedom realized in personal interdependence and, as such, an intrinsic ethical value' (Illich, 2009: 18). 'A convivial society' results from 'social arrangements that guarantee for each member the most ample and free access to the tools of the community and limit this freedom only in favor of another member's equal freedom' (Illich, 2009: 19). In an urban context, such ideas echo those of Lefebvre and the right to the city and some fundamental Western conceptions of liberty.

Versions of conviviality have found traction within the social sciences. Nowicka and Vertowec (2014) used Illich's work to consider the connections between conviviality and

cosmopolitanism and multiculturalism. Walking in a redeveloped public space in London, Bates (2018) ‘felt the free mingling of strangers and sensed a culture of conviviality, civic regard and cohabitation. No longer a space to be avoided or of antisocial loitering, [the square] had become a hive of relaxed and lively social activity’ (p. 5). If restaurants and cafés have dominated debates about conviviality in private spaces, parks and squares have become the paradigmatic public locations in which conviviality might be fostered (Barker et al., 2019).

For some, conviviality can promote informal social control in the regulation of public space. Barker notes that

individuals identified as risky can be excluded, pre-emptively, for behaviour that has not yet taken place or has not yet had any harmful effects, if it is deemed likely that it might do so, often because they possess certain characteristics or have previously engaged in offending. (Barker, 2017: 851)

For Barker, a ‘mediated conviviality’ would promote tolerance and situational regulation derived from context as a framework for the regulation of public spaces through ‘minimal, harm-based rules’ applied only when necessary. Barker (2017) does not eschew all regulation of conduct, but

however serious the offence, from dropping litter to wielding a knife, the normal response is to try dialogue first. This is not to say there is no place for coercion, punishment or exclusion, but these are tools of last resort and are not invoked as pre-emptive and precautionary measures. (p. 859)

Such interpretations of Illich’s ideas of conviviality risk reducing it to a tool within a regulatory frame. The occupation of public spaces such as a street or park is unquestioned when it is performed by individuals conforming to a pre-determined set of criteria that connote ‘lawful presence’. The presence of individuals whose actions, appearance, smell or movements diverge from those criteria remains subject to the approval or adjudication of agents of law, property and criminal justice. Unapproved individuals are treated as strangers, a threatening and hidden presence (Simmel, 1971). The presence of ‘strangers’ such as Violet Coco on the bridge or the two unhoused teenagers sitting on the pavement would not be acceptable within this version of conviviality. Instead, agents of formal and informal social control would be authorised to conduct what is framed as their justifiable exclusion.

In contrast, for Iris Marion Young (1990), the ‘being together of strangers’ in the city (p. 237) brings no more risk than an encounter with visibly heterogeneous individuals:

Because by definition a public space is a place accessible to anyone, where anyone can participate and witness, in entering the public one always risks encounter with those who are different, those who identify with different groups and have different forms of life. The group diversity of the city is most often apparent in public space. (p. 240)

Young’s stance on difference as the ‘being together with strangers’ has in recent years been taken up and diluted into an exhortation for planners to design ‘convivial spaces’

where multiculturalism can take place in public (Jones et al., 2015). Several lacunae can be found in this interpretation of urban diversity. First, the performance of multi-culture in restaurants and parks does not necessarily mean that individuals embrace ‘living with others’ or that society has adopted the principles of conviviality. Planners remain resistant to designing for living with others. Housing developments persistently fail to incorporate equal access to affordable housing (Trounstine, 2023). Architects fail to design for living with others: in London, for example, apartment buildings incorporate different entrances for those living in ‘affordable’ apartments so that they do not mingle with wealthier residents (Ansaloni and Tedeschi, 2016). Between neighbours, disputes borne from cultural differences remain deeply entrenched (Chaskin and Joseph, 2013). As Ahmed (2020) puts it, ‘strangers are not simply those who are not known in this dwelling, but those who are, in their very proximity, already recognised as not belonging, as being out of place’ (p. 21).

The second lacuna relates to fuzziness in Young’s notion of ‘being together with strangers’ as to *who* is the stranger. Young intended this phrase to connote ‘everyone’, in that we can all be said to be strangers to each other. However, what is made clear by the dilution of the phrase into a liberal design inclusivity is that it can also imply ‘self + strangers’. In this reiteration of the sovereign liberal subject, the self evades the fact of being a stranger to others; rather, others are the strangers to us. The ‘self + strangers’ relation is the conventional one underpinning and animating social anxieties such as the fear of victimisation in dark streets at night, racial profiling and even policies targeting entire neighbourhoods such as those derived from ‘broken windows’ theory. For criminology and criminal justice policy, then, this equation could be completed as follows: ‘self + strangers = fear/risk/ criminalisation’.

Given the affective voltage attached to the figure of ‘the stranger’, we need to imagine a convivial society without recourse to the self/stranger or same/different oppositions. We propose here that conviviality is an art and technology of life, a possible template for social organisation. As its etymology implies, it designates a mode of living. When applied in an urban context, it is about ways of *living with others* in a city, a neighbourhood, a street and on Country. In our criminological version of conviviality as organised around equal co-presence of all, we build on the argument of Young and Petty (2019). With respect to the policing of homelessness in Australia, they define conviviality as ‘learning to live with others – all others, not just individuals who resemble us or our social circumstances’ (Young and Petty, 2019: 47) and argue for convivial engagement with the unhoused in public spaces in order to foster urban belonging independent of the status that arises from having shelter or owning property. Since Illich’s vision of conviviality emphasises radical inclusion and access, urban design, security and surveillance systems should only be used in ways that serve a common good rather than targeting marginalised groups (Young and Petty, 2019). According to Illich’s framework, all homeless people are part of the community and have an equal right to public space and its amenities (Young and Petty, 2019: 47).

Such a conceptualisation aligns closely with the concept of Country for Australian Aboriginal peoples discussed above. Understandings of Country encourage us to consider access, security and well-being non-hierarchically and beyond human populations. Country thus constitutes a convivial relationship to land where well-being, custodianship

and spirituality trump industrial productivity, private property and extraction. The concept of Country thus helps us remember that in a convivial society, or city, the challenge is not how to lightly or minimally regulate the conduct of others but how to recognise co-entitlement to occupation and habitation. The two unhoused teenagers are therefore convivially entitled to sit on the pavement. Whether there are more comfortable places for them to sit (such as a chair in a café) is secondary to the initial proposition that their presence should not in itself be viewed as criminal. Similarly, Coco's ignition of the flare constitutes an event to be managed but should not be treated as a spatial emergency warranting imprisonment, since a convivial city can recognise the ability for protesters and commuters to be co-present in a street. This is not to propose that co-presence is necessarily easy to recognise or support. As Horgan and Liinamaa (2023) note, 'conviviality emerges as a complex spatial and interactional practice characterised as much by ambivalence and conflict as by connection' (p. 2).

Conviviality in urban spaces involves not the mingling of strangers but co-occupation of the city by citizens. To think thus would be no small shift with negligible consequences; rather, its potentiality is both extensive and profound. As one example, in Australia, it is easy to assume that Aboriginal land is elsewhere – in the bush, in rural locations, in the desert spaces; the overweening nature of urban development occludes the existence of Country. When, however, we consider urban environments as a space of co-occupation, it become possible to live, work and move through urban spaces as Country in places presently (and unlawfully) called 'Sydney' or 'Melbourne'. Underpinning this shift in awareness and experience is a recognition of co-occupation, not with strangers, but with other citizens, and might nudge us, as citizens, towards the recognition of Aboriginal sovereignty in a colonised nation-state. Indeed, how can we achieve spatial justice on occupied land?

On a different scale, consider the shifts in perception advocated by Popovski and Young (2023) regarding the adaptation of 'small spaces' for use by unhoused people and public protesters. The raised ledge outside a convenience store is understood to be a step by individuals whose purpose is the ingress to and egress from the shop. For an unhoused donation seeker, the raised ledge is a seat, something that is easier to sit on than the ground, when waiting for cash or food. Being able to understand a raised ledge as both a step and a seat indicates a move beyond the 'self + strangers' binary, and an acceptance of co-occupation with other citizens, some of whom exist on the streets of the contemporary city. Such an acceptance may avert outrage or anger at the presence or the donation seeker, preventing a call to the police to move the person on. In both instances, the sovereign claim to lawful presence in a space has not arisen. To approach streets as convivial spaces within a volumetric imaginary thus creates the possibility for that radical act of withdrawal – rescinding one's claim before the contest takes place – by virtue of the recognition of the simultaneous presence and claims of others (Philippopoulos-Mihalopoulos, 2010: 202).

Conclusion: Criminology and more-than-spatial justice

When thinking criminologically about struggles over public order or for public spaces, discussions often debate the probity of policing tactics, or the relative legitimacy of

claims as to presence. When we consider such struggles within the rules of law, discussions similarly devolve into considerations of the lawfulness of behaviour. In this recourse to normativity, the endgame is always already arbitration of disputed presence or conduct. The regulatory decision-maker in such a dispute, whether lawmaker, council employee or police officer, is allocated the power to judge and to police the presence of previously excluded groups or individuals in a space.

In addition, a regulatory framework promotes the making of oppositional arguments, or counterclaims, when we assert the demand for presence in the contested space to be considered lawful. Once again, the lawmaker, police officer, property owner and city employee have a situationally legislative power to permit or deny the legitimacy of previously outlawed presence. The effect, then, of the regulatory perspective in respect to urban space is the shoring up of oppositions between sovereign/citizen, self/other and law/crime: binaries are left undisturbed. When we think of spatial justice as emanating from the workings of the criminal justice system or from law, questions of spatial justice become mere aspects of the regulation of public space or momentary casualties of oppressive public order tactics.

Thinking differently about spatial justice, by remembering the volumetric and convivial character of city streets, moves us towards a more-than-spatial account of justice. A volumetric imagination means enriching linear causality with other forms of relationality, such as the diffuseness of atmospheric associations and the density of embedded intrinsic societal values. Policing in city streets might seem to take place by means of a top-down dimension of regulation, but just as significantly operates through an 'atmo-technics' (Wall, 2019) in which social control is achieved through the atmosphere of intimidation registered in the bodies of those being policed.

Volumetric thinking also shows how spatial justice and injustice can exist within, around, under and alongside the obvious controls of public order policing, legal doctrine and judicial decision-making. Similarly, while law and legal processes have accrued to themselves an association with 'justice', the practices and effects of law play out in the spatially hierarchised context of the formal locations of law, such as courtrooms, offices and mediation suites, and the informal places of negotiation, such as corridors and elevators. In all these places, the design of the location reflects and perpetuates the injustices extant within the system (Dovey, 2014; Mulcahy, 2011, 2019).

If we build on these ideas by recalling the volumetric ontology of Country, in which our presence in place is about living on, under, in, and through care and responsibility for that place, we can then also think of cities, and their human and more-than-human environments, in terms of conviviality. Conviviality in the city means *living with others*, all others, not just those who resemble us. Just as human subjects must learn to understand the responsibilities of living with others, so the city must be understood as a convivial assemblage of forms, smells, animals, insects, trash, people, dust and plants. To that extent, we would argue that Illich's ideas of 'living with others' must include non-human others, such that in cities we live with falcons, snails, feral cats and more. Such a stance aligns our reading of Illich with 'a political project that is concerned with a more broadly conceived accommodation of difference, better attuned to the comings and goings of the multiplicity of more-than-human inhabitants that make themselves at home in the city' (Hinchcliffe and Whatmore, 2006: 125). More-than-spatial justice within criminological thinking thus

emphasises the volumetric and convivial qualities of urban space and urban encounters. Volumetric thinking prompts us to consider habitation *within* spaces and *on* land or Country. Conviviality proposes habitation *with* other citizens. Both take a *prepositional* relation to urban places, offering a mode of living in the city, within, on, in and with.

Such a prepositional relation has two consequences relevant to spatial justice as a concern for criminology. First, a prepositional relation constructs a semiotic interdependence. ‘Living’ must be understood relationally in terms of space and in terms of fellow citizens. As such, the solitary sovereignty of the liberal legal subject is interrupted and, potentially, dissolved. Second, prepositions are linguistic markers of meaning through place and time. The prepositional relation is therefore one that takes its meaning as an index of space (position) and time (‘pre’: coming before). Thinking convivially allows us to occupy space with others, to locate ourselves before contestation and regulation, before the claim or counterclaim, and alongside it, viewing it obliquely. A prepositional frame removes the primary claim of the sovereign subject and opens the space of possibility for another to claim – or simply to be – in urban space. Such a frame generates ‘a radical gesture of withdrawal’ (Philippopoulos-Mihalopoulos, 2010: 202), based on recognition of the unique physical presence of other individuals. This is ‘the only way in which the law can produce justice: by withdrawing before the demands of justice’ (Philippopoulos-Mihalopoulos, 2010: 202).

A more-than-spatial justice, then, requires the prepositional relation engendered by volumetric and convivial thinking, in which a position is ceded before it can be inscribed in law or in criminal justice. Imagine, then, the possibilities. In Sydney, climate protesters could stand on the roof of a van, displaying a banner; traffic would flow slowly around them and then resume its normal speed once past. Some might read the banner and ponder its message; the protesters would not acquire criminal records for their actions. On Swanston Street, two young people would rest on a blanket on the ground; some pedestrians might offer them money or food; others might stop to speak with them. The atmosphere of the city shifts around them. Criminal justice and law withdraw in the face of their occupation of these city spaces.

Various obstacles, including neoliberal conceptions of competition, consumption, individualism and so on, stand in the way of a more-than-spatial justice and undermine ideas of conviviality, more-than-human and ecological justice. Extensive challenges remain if criminology, and (neoliberal) societies more broadly, is to embrace more-than-spatial justice. Understanding of steps necessary to achieve more-than-spatial justice in our streets remains incomplete, but a notable aspect is certainly making space for Indigenous epistemologies – as we have suggested here – as a path to convivial and volumetric ways of thinking – and living. As Harvey (2012) reminds us,

the question of what kind of city we want cannot be divorced from the question of what kind of people we want to be, what kinds of social relations we seek, what relations to nature we cherish, what style of life we desire, what aesthetic values we hold. (p. 4)

Adaptive and unauthorised uses of the streets hold opportunities for reflection on alternative ways of engaging in social spaces in our cities. Once we imagine the possibilities, the city and its citizens can live on, with, and in, its streets.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship and/or publication of this article.

Funding

The author(s) disclosed receipt of the following financial support for the research, authorship and/or publication of this article: This research project was funded by an Australian Research Council Discovery Grant DP210101812.

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