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Law and hostile design in the city: Imposing decorum and visibility regimes in the urban environment

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Abstract

The aim of the paper is to examine new trends in the regulation of access to public space, looking at the legal implications of the adoption of hostile architecture and objects as a widespread tendency in urban design. The paper approaches the rising interest in hostile architecture and design with the aim to show the normative aspects of such a trend and how law contributes to shaping an urban space more prone to the insertion of hostile urban objects in it. I begin with a brief discussion of attempts to define and understanding hostile architecture through some examples and showing how the topic matters for legal and socio-legal studies. Then, drawing on examples from Italian legislation, I analyze how the link between "decorum" and hostile architecture shapes public spaces and how this helps to create a specific regime of visibility and expulsion for certain categories of people. Finally, I make some concluding remarks on how hostile design represents a challenge for re-thinking cities in more inclusive terms.

Key words

Hostile design; law and urban objects; decorum; visibility regimes; right to the city

Resumen

El objetivo del artículo es examinar las nuevas tendencias en la regulación del acceso al espacio público, analizando las implicaciones jurídicas de la adopción de la arquitectura y los objetos hostiles como tendencia generalizada del diseño urbano. El documento aborda el interés creciente por la arquitectura y el diseño hostiles, con el

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objetivo de mostrar los aspectos normativos de dicha tendencia y cómo el derecho contribuye a configurar un espacio urbano más propenso a la inserción de objetos urbanos hostiles. Comienzo con un breve análisis de los intentos de definir y comprender la arquitectura hostil a través de algunos ejemplos y mostrando la importancia del tema para los estudios jurídicos y socio-jurídicos. A continuación, basándome en ejemplos de la legislación italiana, analizo cómo el vínculo entre el "decoro" y la arquitectura hostil da forma a los espacios públicos y cómo esto contribuye a crear un régimen específico de visibilidad y expulsión para determinadas categorías de personas. Por último, hago algunas observaciones sobre cómo el diseño hostil representa un reto para repensar las ciudades en términos más inclusivos.

Palabras clave

Diseño hostil; derecho y objetos urbanos; decoro; regímenes de visibilidad; derecho a la ciudad

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1. Introduction: Law, space and hostile architecture in the city

The configuration of space is not only a physical phenomenon but also a social and political process (Lefebvre 1991, Massey 2005). The formation of space does not occur in a neutral and abstract way: it is a product, among other factors, of the interaction between regulation and the shaping of space through architecture, planning and urban design, in which law plays an important role. The attention to law was for a long time overlooked due to the lack of interest in legal aspects in urban studies. It can now be considered definitely established in the scholarly literature due to the affirmation of a "spatial turn" that made its way into legal studies (Blomley 2008, Blank and Rosen-Zvi 2010). As one of the most important social spaces, urban space is a space where the law, in various ways, becomes more present, intensifies and manifests itself: this happens at many levels of signification, sometimes destined to intertwine with each other. Cities are a product of those who design and build them, but they are also influenced by different actors and elements, law being one of them (Auby 2013, p. 13, Sudjic 2016, p. 27). Law shapes how it is possible to appear, participate, and access a certain space or portions of it. Law contributes to the normative regimes that ultimately also ground the distinction between private and public space, the latter identified by Bauman as the space where "men and women can enter without being previously selected for admission" (Bauman 2005, p. 56).

Due to these features, the urban domain is a powerful point of observation for the practice of rights (Oomen *et al.* 2016). While the protection of rights has traditionally been associated with jurisdictional institutions linked to the state, cities and local governments are now recognized as being key actors in enhancing, securing and promoting human rights (Grigolo 2019) as well as shaping how rights in the city are practiced, enhanced, protected, claimed and, very often, denied (Nitrato Izzo 2017, Mohr 2019). This approach reinforces the idea of a correlativity between urban space and rights enjoyment. Having this relationship in mind, as well as the influence that the built environment exercises on the urban experience,[1] we see the fruitfulness of looking at new forms of regulation at the intersection of law, the social dimension of urban space and architectural design (Duneier 2000, pp. 231–289). The very regulation of space can be understood as a problem of architectural exclusion (Schindler 2015). According to Schindler "Regulation through architecture is just as powerful as law, but it is less explicit, less identifiable, and less familiar to courts, legislators, and the general public" (p. 1940) adding that architecture as a form of behavior regulation has been overlooked in the legal literature (p. 1943). Architecture is not only central to the analysis of social control institutions such as prisons and other places of detention (Foucault 1977) but can have a direct relationship with how and where law regulates behavior or imposes normative meanings. Courthouse architecture, for example, plays an important role in sustaining the social order in the urban form, in a mirror game between the city and the court, directly influencing access to law and justice in the city, especially for certain types of users (Branco 2019). Law, space and architecture contribute, in their mutual interrelation, to making certain classes of subjects vulnerable (Bernardini and Giolo 2021,

[1] According to Sennett it is this basic distinction "… the built environment is one thing, how people dwell in it another" (Sennett 2018, p. 1) that characterizes the difference between the French terms *ville* and *cité* that best expressed this urban peculiarity (Sennett 2018, pp. 15; 63-92).

p. 8), creating an imposed order against undesired behavior and/or individuals even when these have no specific intention or capacity to be socially dangerous.

In this article I explore issues of normativity in urban space, focusing on how they arise through urban objects and their design, targeted at influencing behaviour with a normative purpose. I explore how some urban objects are designed in a certain *hostile* way and aim to influence behavior targeting specific social groups. I focus on a phenomenon of growing interest, namely the increasingly widespread practice of exclusionary urban design, called by a variety of terms such as *hostile architecture* or *unpleasant design*. It is a label that in recent years made its way into the media, especially across urban forums and activists' movements. It attempts to account for a trend that can be found in urban design in different geographical contexts and is widespread in various parts of the world. It is an expression of a global tendency now also evident in the European context. Given the relative "novelty" of the phenomenon – even if the social and regulatory framework in which it emerges has been noted as more longstanding (Petty 2016, p. 70) – the scientific literature on the topic, although increasing, is quite fragmented.[2] There is a lack of consideration for legal issues in the scholarship and there are few explicit references to connections with legal implications and normative meanings.[3] This paper aims to contribute to filling this gap and fostering such a research direction. It explores how hostile architecture contributes to establishing a legal urban order based on "decorum" and how this exclusionary urban design inserts itself in an urban legal space. These spaces are increasingly characterised by tendencies towards securitisation, expulsion and hostility that strongly interfere with rights enjoyment in public urban space.

The paper is structured as follows. I begin with a brief discussion of attempts at defining and conceptualizing *hostile architecture and design*, offering some examples and showing how the topic matters for legal and socio-legal scholarship. Then I note the use of the concept of "decorum" in Italian law and analyze how it is linked to law and hostile architecture in shaping public spaces. This is seen to create a specific regime of visibility and expulsion in urban space for certain categories of people. Finally, I make some concluding remarks on how hostile design represents a challenge for re-thinking cities in more inclusive ways.

2. Hostile design and its relevance for the law

Urban design involves a variety of objects and infrastructures that are present in the public space and that contribute to how urban experience takes place, how space is molded and can be experienced and what limits users can be subject to. Everyday objects like pipes, sewers, road lights, benches, contribute to this as they influence behavior and our freedom in the city, applying an "agency of material things" (Joyce 2003, p. 12). Addressing "objects" in the urban realm means that they are not relevant simply because they are located in the city but rather how they matter theoretically for critical urban thinking in context (Lieto 2017, p. 569). Artifacts and technologies are usually assessed for their technological necessity and benefits they provide, but this does not exclude the relevance of moral and political reasoning in assessing how they embody forms of power

[2] For an ideal starting point for further research and a comprehensive bibliography see Rosenberger 2020.
[3] The most notable exception is Rosenberger 2017 but see also as relevant Schindler 2015, Petty 2016.

and authority (Winner 1980, p. 133). In legal scholarship there has been a new interest in the contribution of materials and objects of legal significance and how they matter for law or are transformed into *legal* materials (Kang and Kendall 2019). Now an investigation into the normative and legal significance of urban objects is needed. The specific practice of hostile urban design offers an initial opportunity for this research.

As a matter of definition, *unpleasant* or *hostile design* is intended as a set of techniques and strategies in the urban design of specific characteristics of objects and places, targeting social control and behavior. Such a set of design tools is specifically addressed to making people uncomfortable or to interfering with their use of public space (Savičić and Savić 2013). Understood in this sense, hostile design seems to easily be categorised as one of the available methods of crime prevention, in particular the "situational" one. This type of architectural and urban planning aims to protect certain goods, usually those legally defined as property. These include obstacles aimed at protecting property – *offendicula* in Latin – which can include fences, iron grates, walls, barbed wire, spikes, and glass fragments on a wall. However, this only captures to a certain extent the peculiarities and specificities of hostile design. Rosenberger (2020, p. 2), in his definition of hostile design, highlights a connection with group vulnerability, defining as "hostile" those "objects within public spaces that have the effect of targeting vulnerable groups, and which have garnered criticism (or should be criticised) for this hostility". Rosenberger's proposal emphasizes the conceptual break in hostile design. Drawing on a philosophy of technology that is phenomenologically inspired, where technologies are seen as expressions of "multistability", open to multiple uses and meanings, Rosenberger labels these kind of objects "callous objects" (2017). As this qualification of "hostile" is not an objective description, it could be called a "connotative" terminology. Less critical approaches to the topic have underlined that such evaluative elements render definitions of this phenomenon unstable and highly dependent on the interpretation of the users and context in which such designs are placed and evaluated (de Fine Licht 2020).

I argue that it is possible to distinguish between usual situational objects and *offendicula* on the one hand and instances of objects designed with a *hostile intention and attitude* in mind on the other. If a grate can protect against malicious and explicitly prohibited actions (stealing, escaping, trespassing, etc.) but in absence of these actions it is hardly if at all harmful, hostile design seems to be directly "active". It creates forms of interference with space that are not based in stopping specific actions but deterring uses of the public space by particular categories of people. These uses may follow from choice (e.g. social gatherings) or necessity (e.g. a place to sleep). According to this definition it is easier to understand the variety of examples of *hostile design* that make use of different technological devices, as in the case of blue lights for impeding drug use in certain spots[4], or the diffusion of some sonic frequencies to deter teenagers from staying in certain places.[5] Every use of design and of the technology implied by it can be transformed or used in a "hostile way". This can include different objects not usually perceived as

[4] A certain kind of blue lights have proven effective in making difficult to take injections as they make hard to see human veins.

[5] While in this paper I do not engage with these last examples, they confirm a similarity in their will to control through different sensorial projections that can create, for example, "daily sonic regimes" in order to exercise control (see Volcler 2011).

typically representative of expulsionary design, such as fire-hydrants, CCTV cameras, trash bins, and other street furniture.[6] We should also be aware that although *hostile design*, like all design, is intentional by definition, other unintentional factors can render a place or an object *hostile.*[7]

This approach to urban design could be assessed as a development of forms of crime prevention through architecture as "unconscious influence" on potentially criminal individuals (Katyal 2002, p. 1072): the influential approaches of *Defensible Space* and *Crime Prevention through Environmental Design* proposed by Oscar Newman and C. Ray Jeffery made their way into urban planning a few decades ago. The focus on "urban objects design", more broadly conceived, allows a more nuanced perception of the legal and political features and impact of the planning and design of urban objects. From a socio-legal perspective the interest of such a phenomenon lies in how it differs from standard rule-based normativity. As such it can be seen as an example of "ruling without rules" a form of ruling which, unlike ruling with verbal or graphical norms, can occur in a "hidden fashion as a result of its structural characteristics" (Lorini and Moroni 2020, p. 2). Some cases can clarify the matter. One of the clearest and most illustrative examples is the design of sitting benches that prevent people being able to sleep or lie down on them. The design *par excellence* of this type is the "Camden Bench" that prevents the user from being able to lie down or sit comfortably for a long time. It is designed to discourage "inappropriate" use, that is to prevent it from being used by people in trouble or without shelter, who may sleep on it. The Camden Bench is so called because it appeared in the Camden neighborhood of London on commission from the local district council and was produced by a private company specialized in street furniture.[8] The design has also won some awards for its specific design, as advertised by the manufacturer. Interestingly, this design was explicitly intended to impede criminal or anti-social behavior and has been an urban design answer for an area where seats were removed for that reason. It is an apparent paradox that a piece of street furniture widely regarded as a paradigmatic example of hostile design can be considered at the same time as an opportunity to foster a safer place to sit.[9]

[6] On this expansion of examples see Rosenberger 2020. While all these former examples are potentially relevant for the topic and can contribute to the development of my argument, in this article I will mainly limit the analysis to material objects and street furnitures inserted in the urban space.

[7] For example, for poor illumination of a public transport station or lack of maintenance of a playground, etc. I owe the point to Francesco Contini.

[8] Further information can be found at this interview with the manufacturer: see Savicic and Savic n.d.

[9] I will explore how what is hostile to some can be invisible to others in section 4, *infra*.

FIGURE 1

Figure 1. Camden Bench
(https://commons.wikimedia.org/wiki/File:Camden_bench.jpg).
Photo by The wub [CC BY-SA (https://creativecommons.org/licenses/by-sa/4.0)].

More generally, benches seem to be one of the favorite objects in this reinvention of their function through the insertion of brackets and armrests that do not allow you to lie down, or by adopting bold and even interesting shapes for the sole purpose of making the seat less comfortable. A design of this type, mainly used in public rather than private space, is nowadays particularly widespread in venues such as stations, airports (fig. 2) and public parks. This responds to a rising demand to control for security reasons, in order to regulate fluxes of persons and to avoid permanence that is not "functional" to such infrastructures and their surroundings.

FIGURE 2

Figure 2. Ciampino International Airport, Rome.
Photo by author.

Sometimes hostility regarding benches reaches the point of completely eradicating them. This illustrates another logic in the management of public space. The bench is removed from a public park because it would have increased the presence of people engaged in illegal activities by facilitating their activities.[10] In this way, instead of inquiring into the

[10] This is the *Parchi Sicuri* (Safe Parks) operation recently (2019) implemented by the municipal administration of Ferrara, Italy, and which has generated many perplexities, reported by the local press. Due to the protests of the residents, the initiative seems to have been downsized compared to the initial intentions. During COVID-19 pandemic, media reported many interventions by Italian local councils in

processes that give rise to the appropriation of spaces and places through certain uses, it ends up transforming an object of daily use into a tool for supposed crime prevention. The hostile design of this type can be distinguished from other devices created to protect private spaces or to defend public access to them. Dissuading elements such as barriers designed to reject intrusions or violations of a space have long been used for the protection of private property. Spikes, for example were one of the first objects to attract attention as "hostiles" (Quinn 2014). In this earlier stage in the evolution of *offendicula* these tools specifically prevented stealing, damaging or trespassing. The newer approach described here, on the other hand, targets people who are simply seeking shelter or rest, possibly with no offensive intentions.

FIGURE 3

FIGURE 4

Figures 3 and 4. Spikes in the city, Naples.
Photos by author.

order to remove benches for avoiding gathering or inviting people to keep social distancing. These interventions were often criticized by locals, especially in young and elder groups.

The examples could continue, as the imagination of the designers seems to be particularly stimulated by the search for new forms and methods of exclusion and rejection[11]. Hostile design can be shaped in different ways in public or private spaces but has as a common feature the propensity to exclude from a selected space. The design operates through certain urban and architectural objects and technologies that often are overlooked in everyday life. Through the use of technical and architectural choices it is possible to obtain certain social effects apparently without directly resorting to either the legal system as such or the repressive apparatus.

Beyond the variety of possible examples, it is appropriate at this point to highlight that what makes such objects perceived and experienced as hostile is not only their physical features but the relationship between hostile architecture, normativity and law. Drawing on John Searle's use of the term *deontology*, based on explicit normative structures of obligations, rights and duties, some authors (Lorini and Moroni 2020) have distinguished deontic artifacts, characterised as being inseparable from the legal meaning attached to them, e.g. a roundabout or a traffic-light is only meaningful according to the traffic rules. They have suggested that hostile architecture can be understood as an example of "adeontic artifacts", that is artifacts that are not designed with a deontic intent. They are, nevertheless, designed in order to influence and modify urban behaviour, so they have a "regulative" intent (Lorini and Moroni 2020, p. 2). This distinction is insightful and captures important features of hostile architecture, showing its explicit link with normativity. I contend, however, that the distinction between deontic and adeontic artifacts is thinner than the authors argue, as both are based on normativity and this normativity has more to do with the place of objects in the *lawscape* (Philippopoulos-Mihalopoulos 2015) than is recognized by these authors. The interaction should also take into account how hostile objects are placed in a *space* that has inherent normative and legal features. Such a practice of urban design does not happen in a legal vacuum. It reinforces potentially exclusionary practices that are embedded in social relationships aimed at maintaining "decorum" while backed by city legal space as a peculiar *lawscape* in which "… every spatial positioning is potentially controlled by the law" (Philippopoulos-Mihalopoulos 2015, p. 175). Law and design collaborate in making certain places and environments exclusionary with regards to certain kinds of people, for example targeting homeless people (Rosenberger 2017, p. 35), although their use is not limited to them.

3. Shaping public spaces, law and decorum. Tendencies and insights from the Italian legal system

Although the connection is not always considered or made explicitly, there is an overlooked link between the emergence of the phenomenon of hostile design and a general restructuring of the urban space in a securitarian sense to assure what is termed, ambiguously, "decorum" (*decoro* in Italian). This word, which has also made its way into Italian legislation regarding urban security, has been used to indicate very different things. An investigation into its metaphorical use, however, shows that it serves as an

[11] The web offers numerous examples of sites and pages on the topic, mainly created and managed by associations and activists that criticize this approach to urban design. See *DefensiveTO* (https://www.defensiveto.com/typology) [accessed 13 April 2021].

indicator of an imposed limitation that tends to assign a precise social and spatial place. The application of decorum to cities refers to a certain order, which evokes a feeling for cleanliness, an orderly and accomplished aspect of social flows in the city, a fight against "indecency" embodied by subjects and practices that are not easily assimilated to those, equally indeterminate, of the "good citizen". Through this strategy "decorum" justifies regulating phenomena as diverse as prostitution and street food, urban graffiti and the consumption of alcohol, washing car windshields at the traffic light shops and asking for alms or simply sleeping somewhere on the ground out of necessity (Pitch 2013, p. 39 ff.). Decorum in an urban environment works as a glue between the constant increase in the perception of insecurity and fear, often unmotivated and not grounded on empirical evidence, and the achievement of a longed-for security. This ephemeral yearning increasingly loses the connotations of security founded on an order based on guarantees and rights, giving way for one based on exclusion and mutual surveillance. As security became a widespread motif for architectural design, an example of which can be found in Frank Gehry's approach (Davis, 1990, pp. 236–240), hostile architecture becomes a qualifier of decorum (Bukovski 2019, p. 47). This tendency to create more spaces of interdiction in the city, prickly space that cannot be comfortably occupied (Flusty 1994, p. 18), has not developed without legal backing. To assess how hostile architecture does not operate in isolation from the environment in which it is placed and how such a space is molded by the law, it is necessary to take a closer look at formal legal tools that are in force in urban space.

The city is a legal space where competition between different sources of normativity intensifies, as we are confronted with pervasive phenomena of micro-regulation which is often entrusted to a second-level normativity (Valverde 2009), such as that of municipal and city ordinances. In the Italian legal system this is enshrined in art. 54 of the Testo Unico Enti Locali[12] (Legislative Decree no. 267 of 18 August 2000 and subsequent amendments), a legal device similar to analogous tools in other legal systems. In recent years, the powers attributed to mayors have taken on an ever-increasing range of possible uses as well as abuses. The obligations and prohibitions these ordinances have tried to impose include limitations in sitting on monument stairs, in eating outdoors, and in dressing or appearing in a certain way, with an explicit tension towards the limitation of the use of public space in the name of an "urban decorum" (Moroni and Chiodelli 2014). Preserving decorum seems to have as its main function that of avoiding certain presences in the public space or inducing more consumeristic behaviors. Some of the elements of decorum in public space are to be defended from a possible "degradation" caused by particular ways of existing in public space and uses of the urban objects inserted in it. Most city ordinances that intrude on civil rights and constitutional freedom have been declared void upon judicial review, when contested before an administrative court. Nonetheless they are turning into a much-used tool for control in urban space. Through the use of the framework of "urban security", recent Italian legislation has confirmed this trend. They constitute a legal tool through which city councils, in collaboration with police and institutions in charge of maintaining public order, can immediately issue orders over public urban space with temporary

[12] This is the main piece of legislation regarding local councils and cities legal powers and organization in the Italian legal system.

measures that can limit access of people to certain areas or places of the city.[13] According to art. 4 of the Law-Decree 14/2017 urban security is "the public good that belongs to liveability and decorum of the city, to reach through renovation and recovery of degraded places, elimination of factors of marginality and social exclusion, prevention of criminality, especially a predatory one, promotion of respect for the law and the affirmation of higher levels of social cohesion and civil conviviality (…)". This definition seems to highlight a logic of mere expulsion and rejection of people from some city spaces, without any reference by the law to measures and interventions that could foster social inclusion for disadvantaged people.[14]

The overall tone of Italian legislation and municipal ordinances referred to here, as well as other similar securitarian approaches elsewhere, create a normative framework in which hostile design is not perceived as an intrusive interference into legitimate and inoffensive uses of the public space. It contributes to establishing and reinforcing physical compliance in a normative space already shaped in such a way, promoting the assumption of particular conducts as desirable. The link between the urban lawscape and the use of hostile design confirms the idea that architecture can be a "hidden" form of regulation (Schindler 2015), adding that its feature of being "unnoticed" is likely to be grounded already in legal regulation.

4. Decorum, hostile design and visibility regimes: technologies of normalization backed by the law

As I have highlighted hostile design comfortably fits almost unnoticed into a certain kind of legal environment. Links between decorum, hostile design and visibility regimes in urban space have a direct political and legal meaning for bodies in public space. Visibility, understood as the possibility for a body to appear and to be seen in a certain space, is a key issue for understanding the relationship between hostile design, law and space. If what is decent is somehow always, even from an aesthetic point of view, something already accepted in such a social space, everything that disturbs this management of urban space must be rejected, or at least hidden. The possibility of playing a part in a common context is a political question that concerns what is seen and who has the competence to determine the properties of the space of these activities (Rancière 2000, p. 14). The city has always represented a place of symbolic projection of its political-juridical profile and therefore of respective aesthetic regimes. The visible as an urban concept here can be defined as "the field in which city and subject interpenetrate and constitute each other" (Mubi Brighenti 2010, p. 135). The urban environment is the context in which a conflict over urban decorum takes place, urban aesthetics is produced, is imposed (in various ways) by people and institutions holding power, and is questioned (Dal Lago and Giordano 2018, p. 11). Everyday life in urban space is linked to the production of certain kinds of unnoticed aesthetic regimes that

[13] This is a general description of measures usually labelled as "Daspo Urbano". The relevant legislation is Decreto-Legge 20 febbraio 2017, n. 14 "Disposizioni urgenti in materia di sicurezza delle città" converted and modified by L. 18 aprile 2017, n. 48; Decreto-Legge 4 ottobre 2018, n. 113 converted and modified by L. 1 dicembre 2018, n. 132.

[14] Among other things, the pandemic situation exacerbated the contradictory aspects of this kind of regulation everywhere, as people were invited to "stay home" while people without a home were still forced to live in the streets.

influence our experience in city life. The ghostly presence of people that do not fit into this kind of daily representation is a breakdown of such communicative regimes (Gerrard and Farrugia 2015), as law and design assure a certain politics of visibility (Rosenberger 2017, p. 36). The municipal legal order heavily contributes to this with ordinances that impede certain people just from showing themselves in the historical center, touristic spots or simply downtown. Homeless people for example, while not the only ones particularly affected by these visibility and normative regimes that attempt to exclude, easily find themselves not fitting the normal category. As some people have no privately owned places to be in, the retraction and the inhospitality of public places renders their existence almost impossible on legal grounds (Waldron 1991).

For such people there is no right to the city. Hostile design is just another normative face of a set of regulations. It is the physical part, that works in a more subtle but nonetheless even more effective way than the usual legal work of transgression and punishing, between law and its violation. Hostile design, within the current discourse on urban decorum, exactly produces an attempt to "invisibilise" certain categories of subjects whose vulnerability operates not as a factor of stigmatization or indirect discrimination, but instead as a factor of direct rejection. Visibility regimes here work hand in hand with a logic of expulsion (Sassen 2014). This logic must not be limited to a fixed set of technologies of objects. Acts are of course exclusionary too, for example re-establishing decorum in the urban space. Destruction or removal of a blanket or a paper shelter used by people in the streets is a common example, often carried out by local officials. Hostile design is just another way to contribute to this. The structuring of public space based on criteria of "hostility" can be completely negligible or deliberately hidden from those who have nothing to fear from this device of social control. Space, especially public space, appears as an issue only to those who have to fight for it (Mitchell 2003). The growing individualization of social life increases the lack of perception of the impact of these tools, to the point of disappearing completely in the most effective strategies of filtering the visible social space. The more hostile the environment for some, the more dignified and tidier will it be for others. One of the most disturbing aspects of hostile architecture is precisely that mechanisms of exclusion or of interference in the public space have their greatest effect on subjects who in some way can already be considered as potentially vulnerable. It is evident that the objectives of hostile architecture are certain subjectivities rather than others: urban marginalities such as homeless people, but also certain groups or aggregations of people who express a lifestyle and appropriation of space different from those of the majority (e.g., grass-roots activists, users of skateboards, urban sports practitioners, street artists). These categories, however, must not be artificially assigned to a certain role, as conflicts between these categories can also occur: think about a group of skateboarders who want to use park benches to perform stunts (usually deterred by spikes and studs) that collides with those who want to make a more mundane use of that street furniture, perhaps because they need it or because they are more abstractly vulnerable (e.g. an elderly population that needs rest and support points).

It is possible to argue now that hostile design functions as a technology of normalization in the public space. Normality, as opposed to a pathology that deviates from it, functions as a benchmark of what and who can be accepted in the public space in the first place. Hostile design is intended to re-produce and reinforce a *normativity of the normal* in the use of certain kinds of objects. Nobody bothers you for sitting on a bench, well dressed,

eating your takeaway food during lunch time break from work. Sleeping on a bench with your belongings and a meal means a different use of an object that is intended to conform with another kind of conduct. Hostile design reminds and obliges the *normal* use of a bench. While law contributes to the environment in which the normalization is realized, for example implementing a legal notion of decorum, the normalization result is produced through objects that are not imposing legal obligations in the strict sense. As a reaction against the norm that regulates space through hostile design and objects, normativity is produced within experience. At its extreme, the consequences of hostility enact normativity through life itself, the simple fact of being in the space produce an experienced normativity (see Macherey 2009). As certain groups or persons cannot experience the world outside without being labelled as a deviation from the social and legal norms established, it is their very existence and use of devices that is put into question. This movement between the *normal and the pathological* – even if it's not integrally faithful to George Canguilhem's original intention for the distinction – seems to me a powerful tool to illuminate in a different perspective some pieces of jurisprudential culture that can be related to the use of space. In one of the most famous debates regarding legal interpretation and the role of teleological and evaluative arguments between Herbert Hart, a prominent positivist and Lon Fuller, a North American leader of Natural Law in the '50s, Fuller argues that is not possible to correctly qualify the same act of the prohibition of sleeping at the railroad station without resorting to context and the scope of the legislation prohibiting such a behavior (Fuller 1958, p. 664). In this way, the businessman that falls asleep on the seat because he missed his last train home and the person that wants to find shelter acting exactly in the same way, incarnate two different models of being in the social world that renders one a kind of deviation from the normal use and instance of the law, and the other a justified use of the station, even if the use is exactly the same. Normalization in this case shows how certain uses of the space reveal how a subject without a home, a shelter, a place to recover is constrained in a space that is physically and legally designed to exclude her from it.

5. Conclusions

Understanding the legal significance of hostile architecture remains in need of further future studies. Criticism of hostile design should not be taken as a kind of "material determinism" in which a certain approach or technique of design implies pre-determined social effects: *expansionary design* is not always necessarily preferable to *restrictionary ones* (Rosenberger 2017, p. 71). However, a critical survey of these urban design practices appears capable of helping to assess how vulnerable subjectivities can be produced, or aggravated in their condition, by practices of hostile design in urban space. These observations on the role of hostile architecture and its relations with vulnerability in the legal space of the contemporary city must be placed in the broader context of transformation of urban spaces both from a social and legal point of view. Hostile design could not have developed and been able to pass largely unnoticed without being inserted into a legal urban space ready to target certain categories, behaviors and uses of public spaces. What hostile design does in the city is to help in maintaining a smooth and clean space where all behaviors and uses are normatively selected. In doing this it collaborates with formal norms in maintaining decorum and avoiding making visible certain uses of space and objects by subjects that could challenge

such an imposed order. From this the tendency towards normalization, that is to say, a routine use of the city, reinforces itself through the normativity of the same pattern of repetition, aesthetically based on a homogenous visibility regime. While hostile design is not usually illegal on its own terms, in this article I have argued that such techniques and trends are inserted into an urban environment subject to legal instruments that limits rights enjoyment and access to public space to some groups of people or individuals. This contributes to making them immediately recognizable as they cannot conform to the use of space predicted according to the normative expectations of legally imposed decorum. Even if hostile design is not necessarily directly legally enforced by municipal ordinances, its effect and impact is deeply connected to the establishing of decorum, namely a space where only subjectivities already compliant with a legal enforced "normality" are allowed to be, legally, and able to be physically, due to the spatial challenges of hostile design).

A rethinking of cities and of its spaces, as "social infrastructures" at the service of the recovery of civic life (Klinenberg 2018, pp. 1–24), seems to be a potential antidote to the poisoning of urban relations created by an increasing segregation of spaces. Hostile design contributes to making the city more and more often a place of exclusion rather than inclusion. Despite the city's growing attractiveness, this tendency exacerbates the long-standing inequalities of urban life. The discourse on hostile design is not limited to the "material" and physical dimension of urban space, as this approach could be extended to consider how information technology, algorithmic regulation and code, can produce an "architecture of control" (Lessig 1999). We see this in "smart city" discourse, a complex combination of physical and technological tools intended to regulate fluxes of people in space (e.g. a camera detecting your data for allowing access to an airport, a station).

In conclusion, hostile design is another phenomenon of retraction and radical transformation of public space, a tendency in the urban space to limit bodies' – people in flesh and blood – capacity to "manifest themselves" or have a "right to appear" (Butler 2015). Even the mere act of occupying a space as a presence is an attempt to claim a minimum subjectivity. From this, it does not necessarily follow that these subjectivities trigger processes of political and legal claims nor that the performative appropriation of certain spaces in some places in a given time always manages to build stable and lasting alternatives. Hostile design, as a technology backed by the law, is a tool to be carefully surveyed, as it can heavily contribute to how and by whom cities will be used. The modalities of appearance in the city and in public space, *who* and *how* they appear, carry with them a claim of political and legal subjectivity that cannot be ignored in the conflict for the legal and political definition of the urban order.

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