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# **Towards a Criminology of Atmospheres: Law, Affect and the Codes of the Street**

## **Abstract**

The street has a long and distinguished pedigree in criminology as a site of human sociability, transgression and spontaneity. Recent scholarship in legal studies has, however, explored the role that non-human actors play in the normative ordering of urban life. These interventions suggest the need for criminologists of the street to take seriously not only the experiential *foreground* of crime but also its *background*. In this paper we seek to bring these traditions into dialogue through engagement with the concept of ‘atmosphere’ – a place-based mood or spatialised feeling that blends human and non-human elements, and has the capacity to act in a quasi-agentive manner. Drawing on an experiment in ‘atmospheric methods’ conducted during Hong Kong’s pro-democracy Umbrella Movement, in which some of the city’s central streets were occupied for 79 days, we seek to demonstrate that the analytics of ‘atmosphere’ offers a unique conceptual approach to urban life and street crime in the contemporary age.

## **Keywords**

Affect, Atmosphere, Bourdieu, Hong Kong, Lawscape, Materiality, Street Culture.

## **Word-count**

7,987

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## Introduction

The concept of ‘the street’ has a long and distinguished pedigree in the field of criminology. From the Chicago School onward, scholars have been attuned to the street as a dynamic yet evanescent space imbued with discrete codes (Ilan 2015; Shamma and Sandberg 2016) or a rationalist space of environmental design (Bruinsma and Johnson 2018). To date, however, this work has foregrounded the street as a site of *human* interaction, placing the non-human elements of the streetscape – notably municipal regulation (Valverde 2012) and the intersections between law and space (Philippopoulos-Mihalopoulos 2015) – out of view. Recent work in legal studies has drawn attention to the role that *non-human* actors have in shaping the normative ordering of street life (Blomley 2004, 2013; Delaney 2010). These approaches privilege the ways in which legal regulation, technology and architecture combine to form complex networks which shape the capacity for human agency in unique ways (McGee 2014). These interventions suggest the need for criminologists of the street to take seriously not only the experiential *foreground* of crime (Katz 1988) but also its atmospheric *background*.

Drawing together the parallel traditions of criminology and critical legal studies, this paper seeks to demonstrate the value in attending to the non-human aspects of the streetscape. Our particular focus is on how a criminology of ‘atmosphere’ (Anderson 2009, 2014) helps unpack the complex normative ordering of the street. An ‘atmosphere’ here refers to a spatialised feeling, or ‘sensuous geography’, that is produced through both designed and accidental manipulations of the senses, having the power to connect people and place in a shared experience. Such ‘atmospheres’ are forged through a ‘combinatorial force field’ of human and non-human elements (Amin and Thrift 2017: 16), operating at a level of experience that is affective and *infra*-conscious, with the capacity to act on individuals in a quasi-agentic manner (Schuilenberg and Peeters 2018). It is therefore a concept that bridges between the normative ‘code of the street’ that prevails in criminological theories of street culture (Bourgois

1995; Anderson 1999) and the ambient legal regulations ‘hovering over’ or ‘lurking under’ the street (Valverde 2012: 28), assessed in legal geography and critical legal studies. Approaching urban space through an attention to atmosphere helps us understand the significance of both human and non-human elements in the production of space (Amin and Thrift 2017) and a methodological attentiveness to multi-sensory experience. The article argues for a movement toward ‘a criminology of atmospheres’, opening a space for dialogues across criminology, legal theory, urban sociology and cultural studies.

The paper is set out in three parts. The first re-examines recent criminological and legal work through the alternative perspectives offered by the concept of ‘atmosphere’, bringing into view the role that a range of non-human actors play in shaping street culture and in mediating the force of law. The second uses ‘atmospheric methods’ (Anderson and Ash 2014) to evoke the urban atmospheres within Hong Kong’s Umbrella Movement – a pro-democracy campaign that occupied the city’s central streets for 79 days in late-2014. Building on Alison Young’s (2014a) distinction between the *legislated city* and the *uncommissioned city*, we explore the ways in which the concept of atmosphere can render visible the complex interactions between law and normativity in the street. In the final section, we reflect on the implications of the concept of atmosphere for criminology, pressing forward the need to engage with urban space as a relational and affectively charged site involving human and non-human actors. We argue that a criminology of atmospheres shifts the ontological foundations of criminology away from traditional questions of structure, culture and agency, towards an attentiveness to the post-human ‘meshwork’ that constitutes urban life in the twenty-first century.

### **The Street as an Affective Atmosphere**

Criminological renderings of the street have typically presented a space of human sociability, transgression and spontaneity; a context in which formal legal regulation can be suspended or transgressed (Ferrell 2001). The street, in this formulation, is a space in which a ‘people’s law’ emerges ‘where the influence of the police ends and personal responsibility for one’s safety is felt to begin’ (Anderson 1999: 10), in which street culture represents an adaptive response to embedded structural disadvantage (Bourgois 1995). Against this backdrop, street crime can be interpreted as a symbolic compensation for the experience of marginalisation, in which human agency is reclaimed through criminal ‘edgework’ (Lyng 2005). Most recently, Shamma and Sandberg have developed these traditions through the Bourdieusian concept of ‘field’, envisaging the street as an agonistic space of social relations invested with transformative effects (Shamma and Sandberg 2016).<sup>1</sup> In this conceptualisation, the ‘street field’ is conceived not as independent but as *semi*-autonomous: ‘a social universe ... that is somewhat apart, endowed with its own laws, its own *nomos*, its own law of functioning, without being completely independent of the external laws’ (Shamma and Sandberg 2016: 15). While these street-cultural norms are constituted by their own internal logic, they are defined in relation to the legal and bureaucratic operation of the ‘juridical field’ (Bourdieu 1987). The co-existence of fields allows individual actors to discursively construct their identities through drawing on pluralised narratives drawn from the street field and beyond (Sandberg and Fleetwood 2016).

While these Bourdieusian approaches allow for a sophisticated structural and cultural analysis of the street, in this paper we suggest the need to extend their conceptual range to the atmospheric *background* of street culture. We suggest this work can be complemented by moving beyond a solely ‘metaphorical, nonliteral usage of the term “street”’ (Shamma and Sandberg 2016: 13), and instead training careful analytic attention to the materiality and

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<sup>1</sup> The street field also has a distinct form of ‘habitus’, referring to a pre-conscious street sensibility, or ‘street smarts’, imprinted on the bodily disposition of actors within the field. Street habitus is a schema of perception that is experienced as instinctive, flowing from an attuned response to material physical danger (Fraser 2013).

spatiality of the street as a physical and affective place. In so doing we seek to engage with recent work in legal studies, which has drawn attention to the tightly-meshed panoply of regulatory constraints that shape urban life, drawing particular attention to the non-human actors that are essential to the normative ordering of the law. Philippopoulos-Mihalopoulos (2015), for example, deploys the concept of ‘lawscape’ to capture this topography of normative striations that touch on every aspect of urban experience - every kerb, shop-front and corner are regulated by a telescoping sequence of legal regulations. Such approaches emphasise the often unseen legal regulations aimed at ‘maintaining parks, dictating the size of yards... regulating city traffic... issuing building permits’ (Valverde 2012: 7-8) or that of taken-for-granted objects such as speed bumps, hand-rails, or fence-posts that mediate the force of law (McGee 2014). For McGee, these non-human elements allow the law to become embedded within urban space, with material objects ‘jurimorphed’ (McGee 2014; Latour 2015) into legal actors that give passage to legal force. As a result, the ‘community of legal actors’ within the streetscape – understood here to include a range of non-human forms – ‘experiences a massive population explosion’ (McGee 2014: 167).

In what follows, we seek to create a conceptual bridge between these criminological and legal readings of the street through an engagement with the concept of ‘atmosphere’. Studies of atmosphere have become particularly significant in the context of the ‘affective turn’ in the humanities and social sciences (Clough 2007). The literature is diverse, but one of the common aims is to displace rational-actor accounts of agency by examining the role that non-rational, often submerged and unarticulated, dispositions – such as anxieties, fears, desires and so forth – play in shaping actors’ behaviour. Studies of atmosphere in this vein have developed within phenomenology, (Griffero 2014; Dufrenne 1973), aesthetics (Böhme 1993) and cultural studies (McCormack 2018; Anderson 2009). In each context, atmosphere refers to spatialised, affective spheres of sociality that are generated in and through bodies, but are ultimately

irreducible to one or other element in isolation. As Böhme notes, an atmosphere is a ‘spatially extended quality of feeling’ (Böhme 1993: 118) filling a given space ‘like a haze’ (ibid: 114). One of the primary contributions of this literature is to prioritise the relationship between ‘human and non-human materialities and in-between subject/object distinctions’ (Anderson 2014: 78). An attention to atmosphere illustrates the inadequacy of the rigid modernist bifurcation between the human and the so-called ‘natural world’ and challenges the tendency to isolate human agency from its environment, forcing us to address a broad range of material, sensory and affective relations that shape human capacity for action.

Approaching the criminology of the street through a sensitivity to atmosphere allows us to draw attention to the non-human components of the streetscape, and explore the materiality of the law’s normative force. Legal regulation, and its material and spatial consequences, act in complex ways with the lived and experiential component of streetlife. In privileging mood, tone and sensibility, the concept opens space for a reading of both law and the ‘code of the street’ (Anderson 1999) as modes of power that operates on affective and sensory registers. Together they can be understood to play a role in *constituting* the atmosphere of the street, ordering behaviour through the creation of moods, feelings, and sensibilities (Philippopoulos-Mihalopoulos 2015). A sensitivity to atmosphere therefore offers a novel perspective on moments of normative encounter, where the prevailing formalised codes of law make contact with the codes, custom and patterned practices that emerge within street culture.

### **The City and the City: Atmospheres of the Umbrella Movement**

In China Miéville’s novel *The City and the City* (2011), a detective must traverse the heavily-policed border that bisects the cities of Ul-Qoma and Beszel. As the story unfolds, it becomes

clear that it is not a wall that divides these two cities, but a fabricated and illusory boundary that is maintained by a socialised practice of ‘unseeing’ the other city. On ‘cross-hatched’ streets where one city blends into the other, citizens are trained to avert their gaze from the cars and pedestrians passing by, seeing only those who are resident in their own city. Communication across this invisible boundary is impossible and any attempt to ‘breach’ the boundary separating the two cities is subject to constant surveillance and the threat of harsh punishment. Cloaked in the guise of a detective story, the novel becomes – amongst other things – a meditation on the nature of power, space and social interaction in an age of urban surveillance.

Young (2014a, 2014b) draws on Mieville's work to conceptualise two different cities: the *legislated city*, referring to codes of conduct, statutes, ordinances and bylaws that structure everyday life, and the *uncommissioned city*, referring to street-based practices that rupture, destabilise or simply pose alternatives to the hegemonic forms of order. For Young, the proper locus of the uncommissioned city is the street: those spaces in-between the formal places of power where ‘inhabitants of the uncommissioned city... [have] the potential to alter a streetscape in a range of ways’ (2014a: 54). Activities such as street art, or other forms of street-based transgression, create moments of encounter where citizens of the legislated city glimpse the possibilities that inhere in the uncommissioned city; generating feelings of pleasure and disgust, awkwardness and intrigue as those living in another, largely ‘unseen’ city, communicate across the border. For Young, these ‘two cities’ do not exist independently but are entangled in moments of encounter where citizens of the legislated city glimpse the possibilities that inhere the uncommissioned city. These moments of encounter or ‘cross-hatching’ occur when distinct normative regimes come into contact, opening new spaces within the city – ‘cities within the city’ – and in so doing offer an alternative vision of the city itself.

In what follows we seek to elaborate this distinction by tracing the atmospheres that attached to the street-based protest camps of Hong Kong's pro-democracy 'Umbrella Movement' in 2014, and its immediate aftermath. The movement, which sought to resist Beijing-sanctioned reforms to the election of the city's Chief Executive, sustained a 79-day long occupation of main highways and intersections in three locations in the centre of Hong Kong, beginning in September 2014. During the protests, the social, legal and regulatory geographies of the city were temporarily re-written. While the Umbrella Movement has already generated a number of academic studies – from those focusing on the legal, constitutional and normative significance of the movement (Jones (ed.) 2017; Chan 2014; Matthews 2017); the role of social media in the occupations (Cheng and Chan 2015); the engagement of young people in the movement (Ortmann 2015); and the role of organised crime in the protest (Varese and Wong 2018) – in this paper we wish to reflect on the meaning and import of the unique sensibility evoked by the sites themselves.

We approach this through an experiment in what Anderson and Ash refer to as 'atmospheric methods' (2015). Atmospheric methods seek to examine the 'relationships between bodies and spaces that attend to the often taken-for-granted and implicit effects that encounters between human and non-human bodies can generate' (Anderson and Ash 2015: 34). As opposed to traditional ethnographic methods in criminology, rooted in 'a method of social science research that investigates people's lives, actions, and beliefs within their everyday context' (Duneier 2014: 1-2), atmospheric methods are rooted in a humanities tradition that is non-representational, sensory and subjective. While ethnographic 'thick description' frequently engages with the background textures of lived experience (Ferrell and Hamm 1998), this approach seeks instead to bring this background centre-stage.

We visited the camps on numerous occasions, at various times of day and night, and witnessed the encampments quickly evolve from a political eruption to a more stable fixture in

the urban landscape. Our fieldnotes should not, however, be read as an effort to objectively document the ‘atmosphere’ of the camps, but rather – following Anderson and Ash (2015) – as prompts to consider the affective potential in material space. Through this approach we seek to depict an atmosphere in a way that allows for a dynamic understanding of its affective charge, its limits as well as its broader implications. We frame our reflections around three sets of field notes, speaking to the themes of affect, boundaries and temporality.

### Affective atmospheres

*It's a Friday night and walking the central streets of Hong Kong feels more like you're at a music festival than anything else. We walked in the twilight from the busy central business district toward the camp. Freely traversing highways and flyovers, usually clogged with commuter traffic, is really odd. There's a calm and a quiet on the streets, like the silence of a forest after an aeroplane has ripped through the sky; or the quiet of a tunnel after an echo has faded, leaving the imprint of a sensation just beyond your grasp. As we cross an overpass we gain an unexpected glimpse of the camp from above: hundreds of tents, the sound of music and chatter, makeshift barricades formed of traffic cones and shopping trolleys covered in hand-drawn slogans and banners. There are people everywhere. Tents and umbrellas of every colour, a large cardboard statue of a man holding an umbrella surveys the scene. As we descend to street level we are enveloped by the hum. There are a few of us in the group but we are instantly separated, pulled toward different sections of the camp. As we wander around we see that tents are arranged into streets under the overpass, with makeshift names and signs so that messages can be delivered and tents located amongst the throng. The walkways, road hoardings, and bridge supports have become overwhelmed with artwork – on every surface there are DIY posters and makeshift slogans. People offer to draw your picture while you sit and talk with them. On a stairway above there are tens of thousands of post-it notes carrying words of encouragement, affection and respect; this has been dubbed the ‘Lennon Wall’. Flowers have been planted in cracks in the concrete. (October 2014)*

As this note suggests, visiting the camps resulted in a breathless feeling of having experienced *something*, but it was difficult to pinpoint precisely what that was: a mood, a feeling, a shared sensibility. This was produced, in part, by what Anderson refers to as ‘entanglements’ between bodies in space, which ‘emerge as bodies affect one another’ (2014: 78). Following Merleau-Ponty, Griffero suggests that the language of atmosphere stresses that we are ‘not first of all “in” space like a big container... but “in” predimensional *lived spaces*’ (Griffero 2013: 37; emphasis added), emphasising those material ‘entanglements’ which produce a given

atmosphere. Atmospheres are both a-subjective and a-objective, occupying an indeterminate status *between* actor and environment.

This experiential component of the protest camps is best approached through the notion of 'affect'. Affect is a distinct register of experience that persists 'beneath, alongside or generally *other than* conscious knowing' (Seigworth and Gregg 2010, 1). To be affected by an event, an artwork, or place is to be 'gripped' or 'moved' in a way that we often struggle to explain. 'Affect' is often distinguished from 'emotion' in that 'affect' refers to a-signifying and non-representational forces that tend to be articulated in non-narrative forms whilst 'emotion' refers to a set of feelings that can be more easily defined and are more straightforwardly plotted across time (Anderson 2008: 12). An emotion is more clearly tied to a subjective experience that can be more or less easily delimited, whereas affect refers to unexpected or elusive feelings at the outer limit of our semantic range. Through an attention to affect we are drawn into a complex interweaving of the human and the non-human within the street. As we seek to account for the unique sensibility that the camps evoked, we are drawn into a depiction of the 'more-than-human' city (Franklin 2017): a heterogeneous urban 'sensorium' of 'escalated atmospheres' (ibid: 21) where 'agency [is] very much a hybrid of mind, body, machine and matter' (ibid: 19). In this reading, the city is a layered and 'multi-sensual' (Hayward 2012: 451) environment, involving 'heterogeneity and affective energy into the political landscaping of urban life' (Campbell 2013: 21).

The suspension of the 'legislated' city and the forging of an 'uncommissioned' normative order within the camps similarly sprang from this 'combinatorial force field' (Amin and Thrift 2017: 16) of human and non-human elements. As much as the press of bodies sharing the space, it was a set of nonhuman objects – flowers and vegetables cultivated in a hyper-urban environment; street art on the walls and pavement; makeshift furniture surrounding tents; pedestrian routes, fashioned from found objects, allowing access across central reservations;

and barricades made from shopping trolleys and discarded fencing – that generated the affective charge that attached to the camps. Participants ‘grew vegetables and flowers, practiced public arts ... built temporary temples, churches, self-study areas, and mobile classrooms’ (Lee 2015: 335), in stark contrast to the fast-paced competitive individualism that more commonly characterises life in the city. The distinct quality of feeling attached to the encampments dissipated as we moved further from the network of fabricated and repurposed objects that defined the movement’s ‘do it yourself’ sensibility (Tremlett 2016). In this sense, the ‘bodies’ that acted on those that visited the sites were more-than-human bodies, drawing attention to the affective force of non-human actors and the way in which they become entangled within, shaped by and shaping, human projects.

This underscores the importance of foregrounding the materiality of the street and the affective charge that such materiality can carry. As we have suggested here, it is the material re-organisation of the street – the formation of study zones, the creation of a putatively ‘public’ square within city’s highways, the insertion of home-life within the streetscape – that helps explain the movement’s capacity to disrupt the prevailing normative ordering of the city and engender a distinctive affective atmosphere within the sites. Though street-based social movements occur in a markedly different social space to that of criminal street cultures, they share a normative overlap between law and the ‘code of the street’ that creates a unique atmospheric dynamic. In Elijah Anderson’s depiction of Germantown Avenue in inner city Philadelphia, for example, we see a continuum from ‘decent’ to ‘street’ codes writ large, as shop-fronts change and the affective and emotional landscape is transformed from ‘a pleasant ambience ... an air of civility’ (Anderson 1999: 16) to ‘staging areas’ in which social mixing and disambiguation occurs – such areas ‘gives pause’ and ‘betray a certain edge’. In such areas, the code of the street prevails: youths on street corners peddling drugs, buildings with exterior bars and riot gates, boarded up windows, and a handful of rundown discount shops and off-licences;

here, ‘people watch their backs’ (Anderson 1999: 21). We might speak of the affective atmosphere of the street (Threadgold 2017). Like a field, the affective atmosphere of the street has a ‘pull’ or ‘charge’, that is felt by a range of street-based actors – be they place-hackers (Garrett 2014), graffiti-artists (Halsey and Young 2006), or urban explorers (Kindynis 2016).

### At the edge of an atmosphere

*Arriving at the site by the MTR [the underground train network] felt odd because the journey on the train felt totally unremarkable. It was mid-morning so there were plenty of people going about their everyday business. There was no sense of any disruption to daily routine. The hyper-fast, hyper-clean, hyper-efficient city continued unabated. Stepping through the MTR’s ticket barriers and heading in the general direction of the protest camps, we passed convenience stores and snack-shops which felt the same as ever. But as we headed out of the station and into a covered walkway, some signs of the camp were in evidence. Slogans, hand-drawn posters and political images were stuck roughly to the railings and windows; we noted an incongruous picture of John Lennon. As we got closer to the site we had to pass through something of a ‘hinterland’ before emerging into something totally different. On one side there was the city of bustling commuters, shopping, taxis, and buses and on the other a totally different space. Because the streets where the occupiers were based are normally reserved for traffic, there wasn’t an obvious pedestrian route in. We found ourselves in an underpass, at the back end of the MTR station and ended up going down a narrow passageway alongside an office block where the rubbish bins were kept. From this strange, interstitial space, we moved into the site proper and suddenly were in another world. There were a good number of people – mostly young – sitting around not doing very much, in stark contrast to the frenetic energy of the streets of we had just left behind. The flow of the city had been stopped and these sites were being re-made for another purpose. There was a significant shift between the city proper, a weird in-between space at the fringe of the camps, and then the encampment itself; the different feelings that attached to these space was really marked. (September 2014)*

This note above depicts our arrival into the largest of the protest sites, located in the city’s Admiralty district. It suggests the need to probe ‘moments of encounter’ between the legislated and uncommissioned city through an attention to the boundaries that separate them. Anderson and Ash explore this point as they examine the ways in which two or more atmospheres can cohabit, rather than fusing together they persist as discrete phenomena (Anderson and Ash 2015: 40). While an atmosphere might not be able to be grasped from within, it can be more clearly sensed at its periphery, as one atmosphere dissolves and another emerges. As we move from one atmosphere to another – from the street full of the sights and sounds of everyday urban life, to the immersive intensity of the encampments that constitute ‘another world’ – we

become aware of how atmospheres so often operate in the background, constituting a ‘taken for granted’ backdrop to everyday existence. Rather than focus on the all-encompassing immersive intensity of an atmosphere (Philippopoulos-Mihalopoulos 2015) or its powerful ‘envelopment’ (McCormack 2018: 17-34) our own experience drew attention to moments of fragmentation and uncertainty at the edges of the atmosphere generated by the camps. As we pass from one atmosphere to another, we become aware of the affective charge that attaches to the social, normative and material relations that we have just left behind; in this sense it is, paradoxically, only in leaving an atmosphere or becoming aware of its limited intensity that we become aware of its status as such.

Like Anderson’s description of *atmos-spheres* (2014: 80), the camps represented a ‘bubble’ or ‘glasshouse’ that extended upward and outward from the camps before dissipating. The ‘sphere’ of the camps had a weight or density, with discernible limits but a centre and circumference that remained uncertain and unstable. Through a set of sensory alterations, the atmosphere produced the impression that one was within a hermetically sealed bubble: the ‘outside’ was forgotten and the ‘inside’ felt free from legal constraint or mediation. As has been pointed out within similar social movements and occupations, however, far from transcending the law entirely, such movements have a propensity to developing a ‘law-like’ ordering, immanent to the movement itself. As Mulqueen and Tataryn (2012) have demonstrated in the context of the Occupy Wall Street protests of 2011, the movement itself generated its own normative code that aimed to deal with both procedural and substantive matters regarding the regulation of the site. In a similar way, an immanent form of ordering within the encampments of the Umbrella Movement was established, policing forms of behaviour, ordering the location of certain activities and so on. The power of atmosphere in this context is to occlude the overtly normative dimensions to these processes. Once enveloped within the atmosphere, there was no obvious element of control at work, a situation in which

bodies appear to ‘police themselves... in the absence of obvious legal norms’ (Philippopoulos-Mihalopoulos 2016: 160). What is at stake here is a layering of forms of normativity in which state regulation, an immanent ordering within the site itself, and a constitutive ‘forgetting’ or ‘occlusion’ of such ordering within the heady atmosphere of the encampments, are all at work.

At the edge of the atmospheric glasshouse that the occupation sites created, this presence of competing and overlapping normative regimes becomes all the more apparent. Indeed, it is precisely at the edge of the encampment’s atmosphere that the force of the prevailing atmosphere of docile consumption, which typifies the ‘legislated’ spaces of Hong Kong, was starkly foregrounded, suddenly rendering visible the taken for granted backdrop that shapes the everyday normative ordering of the city’s streets. The lack of public space within the city has been widely commented on (Law 2002; Cuthbert and McKinnell 1997), with private corporations having built (and continue to police) elevated walkways through the city’s central district that control the flow of bodies into shopping malls and other retail sites. Hong Kong’s lawscape, in this sense, is dominated by corporate interests with minimal space for expression of civic sentiment, interaction and dissent. At the edges of the camp’s atmosphere, 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, and even a new forms of ‘citizenship’, which attest to an alerted vision of the city, transcending both the legislative ambitions of formalised authority and the creative energies of the occupiers. It is at the edge of these atmospheres that the city might reveal itself as being a truly ‘public’ space, the creative product or *oeuvre* of its residents (Lefebvre 1996: 117).

### Temporality and atmosphere

*A screen was erected on Tai Ping Shan Street (Sheung Wan district) at the end of large set of stairs that formed a natural auditorium on this otherwise non-descript street. An hour before the screening was*

*due to begin, a few small clusters started to gather near the screen. As the light changed, more began to arrive until around 500 were crammed together on the stairs. Every inch of seating space was taken, with dozens more watching from behind the screen. The crowd was remarkably tolerant given the crush. Passages had to be left clear for local residents to access buildings; some of those organising the screening ensured that this happened, clearly keen to avoid confrontation or upset the local community. This wasn't entirely avoided as one resident – a man in his thirties, wearing a suit and tie, presumably returning from work – walked awkwardly past the crowd, clearly disgruntled by the inconvenience, before slamming the front door to his building. A handful of police officers watched on implacably. Once again, though only for 3 or 4 hours, the normal practices and rhythms of the city had been subverted. The DIY mentality – running electricity cables from nearby flats to power the projector – and the attitude of self-governance – ensuring that passageways were clear and that everyone found room to see the screen – directly evoked the spirit of the occupations that ended months ago, as if the feelings associated with the movement were momentarily reanimated, not in acts of memorialisation, through symbols or images, but lived out in collective practices that re-wrote the normal functioning of the street. (March 2016)*

This final note was written in the wake of a screening, fifteen months after the demolition of the occupation sites, of the controversial film *Ten Years*. As the encampments were cleared, in December 2014, the *legislated city* returned to dominate Hong Kong's streetscape. This vanquishing of the *uncommissioned* by the *legislated city* was seen in both a return to the everyday normative ordering of the streets but also in the fact that the movement itself was transformed from street-based action into the corridors of power, with parties explicitly connected to the movement securing electoral success in Legislative Council (LegCo) Elections.<sup>2</sup> However, the affective charge of the camps remained. This sense of affective intensity and temporal dislocation was also evoked in the immediate aftermath of the occupations, as a range of ad hoc protests took place – perhaps most dramatically, on 8<sup>th</sup> February 2016 rioting took hold of streets in the Mong Kok district in the so-called 'fishball revolution' that mobilised around police efforts to prevent unlicensed street-hawkers from selling food during Chinese New Year.<sup>3</sup> Beyond these outbursts, the energy of the occupations

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<sup>2</sup> Furthermore, the uncommissioned encampments of late 2014 gave way to a series of increasingly fraught legal battles as newly elected members of LegCo were ejected on the basis of their refusal to submit to the exact wording of their oath of office, which pledges loyalty to the Chinese state, and jailing of pro-democracy activists. For an analysis of the relevant case law and its broader constitutional implications see (Chen and Zhu 2019).

<sup>3</sup> The violence was described as 'the worst outbreak of rioting since the 1960s' (Economist). These events have since been superseded by on-going confrontations between protesters and police – as well as armed groups with alleged triad affiliations – instigated by the introduction of a controversial extradition bill that would have allowed Hong Kong residents to face trial in Chinese (CCP-controlled) courts. At the time of writing (August 2019), the protests, which regularly culminate in violence between police and protesters, with the police using tear gas and

also created new impetus for the formation of a wave of new political parties that secured seats in LegCo.

The fieldnote above reflects on one of thirty-four ‘guerrilla screenings’ of the banned film in Hong Kong. Some were indoors – schools, coffee-shops, art centres, community spaces – but many took place on street corners, in parks or other public spaces. By directly evoking the sensibilities of the encampments, these screenings attested to a latent affective charge that persisted in the city after the Umbrella Movement proper had ended. In a similar form to Bourdieu’s concept of ‘hysteresis’, implying a time-lagged effect of meaningful bodily experience, the structured and affective sensation of the encampments remained imprinted.<sup>4</sup> By reanimating the affective force of the camps and installing, however fleetingly, an uncommissioned ‘city within the city’, the screenings suggest a temporal dimension to the function of affective urban atmospheres. As Anderson suggests, the power of atmospheres lie in their ambiguity between presence and absence (Anderson 2009: 77), seemingly hovering ‘out of place’ within the prevailing logics of temporal succession.

An important aspect to the temporality of an atmosphere therefore turns on its ability to throw the observing subject ‘out of joint’ by displacing them from their everyday experience of space-time in a moment of reminiscence or powerfully felt anticipation. As Philippopoulos-Mihalopoulos suggests, ‘an atmosphere encapsulates the past and the future in a perfect *now*’ (2016: 159) that dislocates actors from a prevailing temporal sensibility. This testifies to the very notion of an *affective* encounter as one that eludes clear cognitive understanding at the time of its occurrence, suggesting that we only ever retrospectively appreciate the significance

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baton charges in an attempt to disperse ad hoc street occupations, has entered its ninth week and show no signs of abating.

<sup>4</sup> Existing political parties like Civic Passion and People Power became vehicles for dissent and new political parties Demosisto, Youngspiration, the Hong Kong National Party and others were formed as a means of directly channelling the political ambitions of the Umbrella Movement. These latter movements, however, have clearly directed their energies towards the legislated city, engaging in established and formal mechanisms for political representation and change. The striking thing about the ‘guerrilla screenings’ of March 2016 was their commitment to experiment within the street itself, re-animating the affective landscape created in the Umbrella Movement occupations, attesting to the enduring force of the uncommissioned city’s creativity.

of an atmosphere because, whilst it is *felt* in the now, it is only ever *understood* post-factum. As Anderson and Ash suggest: ‘if atmospheres as complex wholes can be said to have an agentic capacity... the very existence of an atmosphere may be revealed retrospectively by its effects’ (2015: 156-157). An account of atmosphere therefore draws our attention to how the meeting point between distinct normative orders often amounts to an encounter between different temporalities. The *slowness* of the camps and the film screening – or indeed of street-based youths visible in public space – were in direct contrast to the everyday rhythms of the city (Blomley 2014).

### **Conclusion: Toward a Criminology of Atmospheres**

In this paper we have sought to demonstrate the conceptual potentialities contained within the concept of ‘atmosphere’, as a normative space in which the ‘code of the street’ (Anderson 1999) and the law’s materiality (Philippopoulos-Mihalopoulos 2016) overlap and intersect. In rethinking the notion of the street in this way, we have emphasised the significance of conceptual approaches that destabilise the spatial and temporal ordering of urban life. Drawing on the language of affect and atmosphere enables an approach to the city that extends beyond traditional legal and criminological framings, reaching toward a transdisciplinary framework that recognises the interaction between human and non-human elements, attends to both the formal and informal codes that structure the street. While the approach bears limitations from an orthodox social science standpoint – notably in its foregrounding of sensory experience over quantifiable ‘data’ – we argue that *foregrounding the background* has important theoretical and empirical implications that are worthy of discussion. By way of conclusion we draw out three contributions of this approach for criminology.

First, in relation to Bourdieusian criminology, the notion of a street ‘atmosphere’ broadens and deepens the affective component of the ‘street field’, by focusing on the street as a *physical, affective, lived* space. Where existing literature has rightly distinguished the structural, cultural and discursive contexts of street culture, we have sought to stress the material elements that form the background to everyday life. We might therefore conceive of the ‘atmosphere’ of the street as constituted simultaneously by its structural and cultural location, the arrangement of buildings and streetlights, the passing of cars and pedestrians, the stillness or motion of street-based groups, the sounds and smells, the threats and warnings. In this sense the ‘street field’ can be conceived as exerting a form of atmospheric force that is implicated in the constitution of habitus. Indeed, Bourdieu’s own evocation of the *nomos* of a given field (Shammas and Sandberg 2016: 15) – inferring that each social field produces a discrete normative world – is itself revealing. *Nomos*, the Greek word for law or custom, is generally taken to refer to the background discursive ordering of social life: the set of informal rules and norms that govern what can be said, when and by whom (Berger 1969; Cover 1984). Etymologically rooted in *neimen*, meaning to distribute, divide or separate, the ‘*nomos* of the street’ might be taken to refer to the power, inherent in any Bourdieusian field, to demarcate and sustain differentiated social positions.<sup>5</sup> However, this approach elides the explicitly *spatial* and *material* inference of the term.

As the German jurist Carl Schmitt has shown, *nomos* is essentially tied to the fact of land appropriation and the authority to distribute and order space (Schmitt 2003: 324-255). The law of a given community is the product of a set of decidedly *material* practices that appropriate and divide space that are, for Schmitt, the basis for all normative systems. In this vein, to suggest that a field is endowed with a particular *nomos* is to accept that, along with certain

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<sup>5</sup> Indeed, it is this capacity that Bourdieu himself notes in his analysis of the juridical field, suggesting that the law is engaged in a struggle over the legitimized *distribution* of agencies and responsibilities (Bourdieu 1987: 837, n. 55).

discursive constructions, a social field depends on the material and affective ordering of space. While not wishing to dislodge or displace the significance of structural and cultural forces in the composition of the street field, it is our contention that the ‘*nomos* of the street field’ can be better grasped through an engagement with the street as a material, lived and atmospheric space. We have sought to elaborate an analysis of the street field as a highly regulated space in which state law and counter-hegemonic forms of normativity interact.

Second, through the reframing of the street through the lens of the *legislated* and *uncommissioned* city, we seek to contribute to emerging engagements with the experiential and affective dimensions of urban life. In this context we have stressed how atmospheres are not simply a matter of immersive experience in which the operative force of law is forgotten or dissimulated (Philippopoulos-Mihalopoulos 2015) but is a crucial element of the city’s everyday functioning. As we encounter an alternative atmosphere in the ‘uncommissioned’ city, we are forced to reflect on the prevailing atmosphere of compliance, consumption and restless movement that ‘hovers over’ or ‘lurks beneath’ the city’s streets in the form of regulation and control. In this way, we can sense how a legal or regulatory regime has ‘atmosphere’ as its ultimate goal. As Philippopoulos-Mihalopoulos argues, atmosphere ‘tend to numb the phenomenological body in a state of desire for carrying on being part of [the atmosphere]’ (Philippopoulos-Mihalopoulos 2016: 160). The interruptive shock of the encampments forcefully shook subjects out of the atmosphere of the everyday and made suddenly visible the normative regime that govern interactions within the street. As Young suggests, these moments of encounter can create space for a form of citizenship forged in the ‘cross-hatch’:

I would like to propose a new kind of subject-position: a citizen of the public city. In this, I am not claiming that the legislated city should be abandoned in favour of the uncommissioned city, but rather that we should learn to be citizens of *both* and thus discover a space that is not reducible to either (Young 2014: 57).

By emphasising the human potential within the camps to reimagine the everyday order of the city by fashioning an ‘uncommissioned’ normative order within Hong Kong’s streets, we seek to supplement existing approaches to the street within legal studies that has tended to focus on the power of regulation and control within public space, paying less attention to the refractory and ‘juris-generative’ possibilities of street culture. This develops existing work that has assessed the intersection between law, normativity and atmosphere (Wall 2016) by focusing both on the possibilities of rupture within the street’s legal order, challenging the apparent hegemony of formalised legal force in a way that is closer to traditional criminological accounts of the street. Furthermore, the approach taken in this article aims to promote a more pluralistic conception of normativity in the street, supplementing emerging themes in theoretical work that connects law’s materiality with the study of normative pluralism (Davies 2017).

Finally, we suggest that the language of affect and atmospheres is one that has theoretical purchase beyond the street. In its insistence on the partial, inchoate and fuzzy nature of shared experience, it decentres traditional accounts of agency and instead replaces them with a complex arrangement of human and non-human actors. Far from a weakness, the ambiguity of an atmosphere is part of its unique theoretical purchase because it seeks to approach a form of experience that so often falls through the cracks of more orthodox theorising. As recent criminological work has indicated, the sensory governance of urban security (Schuilenberg and Peeters 2018), olfactory landscapes of consumerism (Kindynis, forthcoming), and musical soundscapes of prisons (Herrity 2018) suggest the need to engage with the experiential, affective and sensory dimensions of criminal justice. As Hubbard and Lyon (2018) remind us, these dimensions are increasingly governed by the logic of consumerism, ‘offering fewer and fewer opportunities for simply ‘hanging out’ as the homeless, sex workers, drug users, skateboarders and ‘street youth’ are no longer tolerated as part of the street scene, but displaced via policies designed to secure urban order.’ A criminology of atmospheres shifts the

ontological foundations of theory away from traditional constructions that focus on the relation between agent and structure, towards a more complex scene that embraces the agencies of non-human actors and the affective force that they can impart.

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