How do "Victims" Become "Criminals?" Examining the Power of Language in Criminalizing Homelessness

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Sections:

1. Introduction:

Over 25% of people experiencing homelessness have reported being arrested for life-sustaining behaviors, such as sleeping in public or sharing food (Hayes & Barnhorst, 2020). Experiencing homelessness makes someone 11 times more likely to be incarcerated and being incarcerated makes someone 10 times more likely to experience homelessness (Hayes & Barnhorst, 2020).

Treating people experiencing homelessness as "criminals" is ineffective and immoral. When we think of "victims," we often think of people who deserve empathy and basic needs. However, when we call them "criminals," we justify locking them up. In my thesis, I will examine the mechanisms that help turn "victims" into "criminals." Particularly, I will argue that language is weaponized to create and implement seemingly neutral policies that in fact harm people experiencing homelessness.

Analyzing the systems that justify criminalizing homelessness will result in more nuanced analyses of the policies that perpetuate disadvantage and injustice. Currently, it seems that there is a general knowledge of the issues with the US criminal justice system and potentially even bipartisan support for reform (American Civil Liberties Union, 2012). Specifically, in recent years, more discourse has emerged about mass incarceration, the War on Drugs, and how the carceral system disproportionately affects people experiencing poverty and people of color. As a result of several highly publicized cases of police brutality, which have often been filmed and distributed on social media and the Internet, the issue has become more salient to the general public (Dungca et al., 2020). During the summer of 2020 and in the wake of the murders of Ahmaud Arbery, Breonna Taylor, and George Floyd, people increasingly called for reforms in policing and in the criminal justice system more broadly (Dungca et al., 2020). Although there has been backlash against these movements

and many state governments did not take substantial actions in reform, significant momentum was created (Dungca et al., 2020).

A persisting critique of the system is that disadvantaged populations are more likely to be criminalized (Nellis, 2021). People experiencing homelessness suffer from disproportionately high rates of incarceration and are often criminalized for life-sustaining, necessary behaviors. Currently, approximately 13,000 people die every year due to challenges related to their circumstance of homelessness (National Law Center on Homelessness and Poverty, 2018). Additionally, people experiencing homelessness have an average life expectancy of approximately fifty years, almost thirty years fewer than housed people (National Law Center on Homelessness and Poverty, 2018). Homelessness can inflict serious harm and incarceration only exacerbates this issue by causing negative consequences during and after contact with the criminal justice system. Being confined can damage an individual's physical and mental health while also having other devastating repercussions. If someone is required to pay a fine or serve a sentence in jail for loitering, financial and other challenges will only become more prevalent. Post-incarceration, many people are unable to obtain employment and social services, or even exercise their right to vote (National Law Center on Homelessness and Poverty, 2018). Therefore, formerly incarcerated individuals are more likely to experience homelessness than those who have not had contact with the criminal justice system (National Low Income Housing Coalition, 2018).

The United States makes up 5% of the world's population but more than 20% of individuals in jails or prisons A disproportionate number of those in the criminal justice system are members of historically marginalized groups, such as people who have experienced homelessness; homelessness is between 7.5 and 11.3 times more prevalent among incarcerated populations and is even higher in some places (Vera Institute of Justice, n.d.). In the United States, we spend $81 billion per year on mass incarceration, which could

be an underestimate (Kuhn, 2021). In 2017, the Prison Policy Initiative found that the cost on state and federal governments and impacted families was approximately $182 billion (Kuhn, 2021). Local, state, and federal governments spend anywhere between $20,000 and $50,000 per year per incarcerated individual (American Civil Liberties Union, n.d.). However, according to the U.S. Department of Housing and Urban Development, ending homelessness in the United States would cost $20 billion (Adler, 2021). It costs taxpayers approximately $31,000 a year to criminalize one person experiencing homelessness through the enforcement of anti-panhandling laws, the building of hostile architecture, police raids of homeless encampments, and more (Adler, 2021). By contrast, providing one person with supportive housing is only approximately $10,000 per year (Fraieli, 2021). Investing in ending homelessness would reduce financial burdens for both taxpayers and the carceral system while implementing a more humane system.

Through our use of language, we label people experiencing homelessness as dangerous criminals and therefore justify funneling them through the criminal justice system. However, criminalizing homelessness is uneconomical and unjust, creating unnecessary burdens for governments, communities, and families. Therefore, diverting money from the criminal justice system to sectors like healthcare and housing can reduce rates of both homelessness and incarceration. Additionally, methods like restorative justice and pre-arrest diversion help people access the resources they need without exacerbating the problems they experience. Continuing to pour money into an inefficient "solution" is a failure to properly allocate resources and treat people with dignity and humanity. If our prison system supposedly exists to give individuals a chance at redemption and self-improvement, we must allow them to leave prison with the autonomy and resources to live fully.

In this paper, I begin by outlining various definitions of poverty and homelessness and my reasons for using Amartya Sen's capability-based approach. Then, I transition into my

theoretical framework and discuss how deviance is socially constructed, how language affects perception, and consequently how language affects our policy. Based on this framework, I argue that the language we use helps justify stripping people experiencing homelessness of human rights and dignity. I use historical and contemporary examples and statistics to highlight the relationship between language and homelessness. To conclude, I offer some capability-based solutions to homelessness that do not rely on criminalization, but that rather prioritize compassion and autonomy.

2. Definitions of Poverty and Homelessness

Poverty is defined in different ways. One of the most common measures is the poverty line, which was initially created by Mollie Orshansky in the 1960's. The poverty line is based on income, family size, and age and is used by the U.S. Census to calculate the percentage of the population experiencing poverty (Jones et al., 2021). "Income" includes earnings, unemployment compensation, social security, pension or retirement income, and more, but does not include capital gains or losses, noncash benefits like food stamps or housing subsidies, or tax credits (Jones et al., 2021).The 2022 poverty line for the contiguous 48 states and the District of Columbia is set at $27,750 for a family of four and $13,590 for a single person (ASPE Office for the Assistant Secretary for Planning and Evaluation, n.d.). While it is adjusted annually for inflation, the numerical threshold is the same in every state (Jones et al., 2021). The poverty line fails to account for the variation in costs of living and in how, for example, a family of four might spend money differently than a single person with no dependents. Therefore, it is overly-simplistic and less effective for a comprehensive measurement of poverty. Additionally, defining poverty through solely economic or monetary measures, particularly outdated ones, does not account for other causes and consequences of poverty and the different forms it can take.

Poverty can also be defined purely as a lack of resources or the inability to access them rather than more holistically. For example, if a person does not have a car or health insurance, they might be considered poor. However, this definition again solely focuses on material possession and capital, and neglects much of the stigma and mental toll associated with poverty. Even if a person experiencing poverty is given a television by a relative and consequently has a likely expensive material possession, this measure does not account for being treated as a second-class citizen or being unable to access other services.

Therefore, due to its usefulness in providing a more holistic view of disadvantage, I will be using the capability approach for considering homelessness and its criminalization. Rather than a purely numeric measure such as the poverty line or percentage of income allocated to different needs, the capability approach accounts for the ability to exercise dignity and autonomy. It was created by Amartya Sen in the 1980's and has been used as a more comprehensive measure for poverty. This framework is defined by its focus on the "moral significance of individuals' capability of achieving the kind of lives they have reason to value" and is reliant upon two normative claims (Sen, 1985). The first is that the freedom to achieve well-being is of "primary moral importance." Secondly, well-being is defined by people's capabilities and functionings (Sen, 1985). Sen argued that "poverty is an absolute notion in the space of capabilities" but will often take a "relative form in the space of commodities or characteristics" (Brodie et al., 2014, p. 21). In this way, Sen's approach combines definitions of both absolute and relative deprivation, which expands classic views and understandings of disadvantage. Building off of Sen's framework, Martha Nussbaum developed what she believes to be central human capabilities: life, bodily health, bodily integrity, senses, imagination, and thought, emotions, practical reason, affiliation, other species, play, and control over one's own environment (Nussbaum, 2011). This list of

capabilities allows for a more complex understanding of human welfare and well-being, and is therefore helpful for understanding issues related to poverty and homelessness.

Although these theories have been critiqued for downplaying the important role of power and social structures, I will be using a capability-centered definition of poverty throughout this thesis due to the holistic view of disadvantage (Robeyns, 2017). While broader systems contribute to and perpetuate injustice, the assumption that people experiencing homelessness *only* need money or housing neglects other embedded factors and experiences such as mental health issues or systemic oppression. If we think of homelessness as violating someone's ability to exercise their capabilities, we can see how sleeping on a park bench can risk bodily health and bodily integrity, how people avoiding or staring at you can affect your emotions, and how moving from shelter-to-shelter can minimize your sense of control of our own environment. Criminalizing homelessness, then, further deprives an individual of their capabilities rather than empowering them. Therefore, I will use a definition of poverty that accounts for not only a person's ability to possess and access monetary and tangible resources, but also their capacity to exercise their central capabilities and live a life of dignity.

As opposed to measures of poverty, definitions of homelessness are generally more consistent. Per Beth Unite (2019), homelessness is usually defined as a lack of safe and stable housing that is meant for human habitation. However, several types of homelessness exist in the United States today. Chronic homelessness is defined as lacking fixed, regular, and adequate nighttime housing for over a year, and is most often experienced by individuals with continual barriers to escaping homelessness such as mental illness, physical disability, and old age (Unite, 2019). By contrast, episodic homelessness is more often experienced by younger people with health or addiction issues. An individual experiencing episodic

homelessness has undergone three "episodes" of homelessness within a year but after four episodes is classified as chronically homelessness (Unite, 2019).

Transitional homelessness can affect a person undergoing a significant life change or catastrophic event, such as a job loss or family emergency (Unite, 2019). Data on transitional homelessness is significant due to new people entering the cycle and being represented in records. In contrast, data on chronic homelessness does not account for new individuals, as it focuses on those who have already been in the cycle (Unite, 2019).

While homelessness may seem more visible in urban areas due to the presence of people on streets and in public spaces, it is often invisible in rural or other areas. This "hidden homelessness," which can include couch-surfing or sleeping in a car, often goes unreported or uncounted in data collection, making it more difficult for these individuals to obtain support and resources (Dolinger, 2021). However, homelessness can look different in every community and for every individual. Additionally, as I will discuss in greater depth, the causes and consequences of homelessness can vary among individuals (Dolinger, 2021). Therefore, it is necessary to understand the nuanced nature of the issue in order to develop useful and ethical solutions. Throughout this paper, I will argue that although housing is a human right, addressing homelessness requires a more holistic approach.

3. Theoretical Framework

In this section, I outline my theoretical framework for my argument about deviance and language. Deviance is socially constructed and dependent on the norms in a particular society. Therefore, the ways in which people talk about or describe something affects how they perceive it. Because language influences perception and perception affects policy, language alters how we treat specific populations. In particular, language and the social construction of reality dictate how the public and policymakers assign blame (Luckmann &

Berger, 1966). In particular, labeling non-threatening, necessary behaviors as deviant is weaponizing and harmful; we tend to use language and rhetoric that blames people for experiencing homelessness rather than understanding the mechanisms and systems that contribute to that disadvantage.

a. Deviance is Socially Constructed

Individuals who commit crimes are often essentialized as criminal; we think of them as criminal people rather than thinking of their behavior as criminal. If someone commits a robbery, we often say "X is a criminal" rather than "X person committed a criminal act," making this action part of their identity rather than just a circumstance or event. According to research from National University (2021), while crime violates social laws, "deviant" behavior violates socially constructed social norms and rules (National University, 2021). Therefore, almost all behavior that we label as deviant is often the result of social construction rather than something intrinsic, with the exception of some more universally taboo actions such as rape or murder. While deviance and crime are related and criminal behavior is usually considered deviant, not all deviant behavior is considered criminal; deviance can include both criminal and non-criminal acts (National University, 2021).

Per Downes et al. (2016), ambiguity is central to rule-breaking, as many people are often unsure of whether a particular behavior is truly deviant or unsure of what deviance even is. Deviance is often dependent on context and language, as rules and norms can vary drastically depending on the time and place in which the behavior occurs. (Downes et al., 2016). Therefore, the ways deviance is managed is inconsistent.

In order to highlight the social construction of deviance and consequently of what we label "criminal", I will be looking at two types defined by Plummer in 1979: societal and situational. Societal deviance signals behaviors that most members of society regard as

deviant due to preconceived notions of approved versus unapproved behavior (Plummer, 1979). By contrast, situational deviance refers to whether an act is seen as deviant within the context within which it takes place (Plummer, 1979). While many people may agree on what constitutes deviance in one society, the definition may differ between groups. Whether a behavior is considered deviant often depends on the time period, the place or context, and the social group. While smoking cigarettes in restaurants was considered non-deviant throughout most of the 20th century, it is now illegal and taboo in most places in the United States (Downes et al., 2016). Loud music on a bus may be seen as deviant while loud music in the context of a music festival is not. Drinking in the United States at the age of ten may be seen as inappropriate, but drinking at twenty-one may not be. The context dependency of deviance indicates that because norms are socially constructed, deviance and its labeling are as well (Downes et al., 2016).

Deviance is often seen as an attribute or characteristic inherent to a person rather than simply as a behavior, and has been associated with people in marginalized groups such as people experiencing homelessness or someone considered "mentally ill." These conceptions were particularly common amongst early social pathology theorists although according to more contemporary sociologists, deviance is viewed not as a type of individual, but rather as a "formal property of social situations or social systems" (Downes et al., 2016). However, many still identify deviance with people rather than with acts and contexts, stripping them of nuance and humanity.

While there is no fixed definition of the substance of deviance, two interrelated properties help characterize it (Oxford Reference, n.d.). The first defines deviance as a pattern of norm violation, stating that, "a range of norms are then specified such that religious norms give rise to heretics, legal norms to criminals, health norms to the sick, cultural norms to the eccentric, and so forth" (Oxford Reference, n.d.). Because most norms emerge in

different social situations, the definition is wide-ranging and permeates different spheres of social life. This concept references the differences between societal versus situational deviance and reinforces the notion that norms, and therefore deviance, are contingent on context and language (Oxford Reference, n.d.).

The second property highlights deviance as a "stigma construct," a label imposed on different classes of behavior at different times, which then "become devalued, discredited, and often excluded" (Oxford Reference, n.d.). This characteristic is wide-ranging. Someone may label a friend as deviant if they talk too much, while white-supremacists may be viewed as heroes according to people who share their values. Here, the study of deviance is primarily centered around the construction, application, and impact of "stigma labels" (Oxford Reference, n.d.). Both approaches, norm violation and stigma construct, view deviance as shifting and ambiguous, which translates into policy and legislation (Oxford Reference, n.d.). I use these properties to highlight that much of what is labeled deviant depends on the understanding of norms and labeling process in a particular social context, and is therefore highly dependent on the language we use (*Sociology of Deviance*, n.d.).

b. **Practical Implications of Deviance**

Because deviance and language are socially constructed, its treatment is handled inconsistently; some forms have been met with policy responses while others have not. Similar to the work of other contemporary sociologists, Émile Durkheim shifts the focus of deviance away from a person and more towards kinds of social structures, highlighting the importance of context in labeling something as deviant (Oxford Reference, n.d.). While Durkheim writes about collective consciousness, beliefs and attitudes shared between the majority of members of the same society, "anomie" is a state of normlessness and a breakdown of norms that typically emerges during periods of rapid or significant social

change (Oxford Reference, n.d.). Anomie indicates a strain or disintegration within a social order or structure (Oxford Reference, n.d.).

Deviance is particularly interesting when exploring seeming inconsistencies. Because deviance is socially created, it is important to consider who is protected or left vulnerable by these often dehumanizing labels. I will argue that this construction disproportionately harms already disadvantaged groups, such as people experiencing homelessness.

Durkheim's conceptions of deviance support my argument that its ambiguity affects its role in society. In 1895 in *The Rules of Sociological Method,* he wrote that deviance is not abnormal or pathological in itself, but rather necessary for every society because it fulfills several important functions. Durkheim believed deviance exists to bring about changes in the future world. While some deviance is considered "apologetic" and aligns with an already existing social order, radical, challenging, and threatening deviance suggests a new or different world (Durkheim, 1895). However, he says that in contrast to facilitating change, deviance can also promote and secure solidarity and cohesion, as people often unite against a "common enemy," and therefore the presence of a "deviant" allows unity amongst the other members of society. Therefore, because crime is often considered a violation or deviance from a law, we can use Durkheim's framework to think about how these "crimes" are actually affecting societies (*Sociology of Deviance*, n.d.). Labeling deviance as inherently negative is overly-simplistic, particularly when considering how homelessness is criminalized.

Although deviance, particularly in the context of crime, has a negative connotation, it has the potential to positively disrupt the status-quo. According to structural functionalism, deviant behavior has a constructive role in society, as it brings together different groups within a society (National University, 2021). It often helps to "demarcate limitations" for what behavior is considered appropriate, and these limitations then affirm cultural values and

norms (National University, 2021). Although this behavior can cause social imbalance, societies are able to adjust the social norms they hold in order to restore the balance (National University, 2021). Therefore, deviance can contribute to long-term social stability because while it challenges norms, it also promotes social cohesion. (National University, 2021).

Similarly, Merton's "strain theory" is beneficial in highlighting how different social values produce deviance and how structures in a society can pressure people to commit crimes (1938). Merton proposed a typology of deviance based upon specific criteria– a person's motivations or adherence to cultural goals and their belief in how to obtain those goals. "Strain" in particular refers to "the discrepancies between culturally defined goals and the institutionalized means available to achieve these goals" (Merton, 1938). Strain can be structural and refer to processes at the societal level that filter down and affect how a person perceives their needs or can be individual and refer to the difficulties or pain experienced by someone as they try to satisfy their individual needs (Merton, 1938). Both types can perpetuate social structures within a society that consequently pressure individuals to commit crimes (Merton, 1938). However, critics argue that Merton's theory does not apply to all types of crimes, such as vandalism, and that some crimes are simply "non-utilitarian, malicious, and negativistic" (Merton, 1938). Strain theory and Merton's views demonstrate the complex and often contingent nature of what it means to be deviant (Merton, 1938). Therefore, people are labeled as deviant for responding to oppressive or unequal social structures, such as those that create and perpetuate homelessness.

Similarly, in conflict theory, deviant behavior is explained as a consequence of material inequality between sociopolitical groups, such as different genders, races, socioeconomic statuses, and more (Siegel, 2000). Each sociopolitical group tends to perceive that their own interests are in competition with others'; consequently, rights and other social privileges are often viewed as a zero-sum game in which gains for those outside of your

group means losses for those inside of your group (Siegel, 2000). In order to change those circumstances and even the structures or institutions that created them, members of groups in an unequal social position will tend toward deviant behavior (Siegel, 2000). Conflict theory argues that people defy or violate social norms in order to express grievances with the operations and positions within society (National University, 2021). Therefore, we often see and label people, rather than their behaviors, as deviant. Particularly in the context of homelessness, language that labels people as "deviant" or "criminal" lacks nuance and does not account for the potential causes of their behavior.

c. Language Affects Perception

These different conceptions of deviance demonstrate the crucial role language plays in influencing individual and public perceptions. One mechanism through which "victims" are turned into "criminals" is labeling theory. Wellford (1975) writes that labeling theory, in simple terms, implies that if we label an individual as unworthy or "deviant," they may behave in ways that are considered deviant. This change in behavior can be considered a type of self-fulfilling prophecy and stereotyping (Wellford, 1975). For example, an individual who has been released from prison and called "criminal" may have difficulty finding employment and begin to sell drugs to make money, reinforcing ideas of their deviance. However, while a change in behavior may come from labeling, trapping an individual in a disadvantaged situation can also lead to an inability to escape (Wellford, 1975). Removing empathy from individuals or groups and creating a separation or exclusion between "us" and "them" is an important mechanism in labeling (Wellford, 1975).

Labels and epithets not only create and perpetuate stereotypes, but also dilute the complexity of people's situations and may obscure the reasons they might have committed a crime. Due to flaws in the justice system, people who did not actually commit crimes are

sometimes detained or incarcerated (Equal Justice Initiative, 2022). Additionally, sometimes breaking the law is not considered morally wrong (Brownlee, 2017). For example, due to how common underaged drinking is, discourse has become less strict on its morality. If we simply followed the legal definition of deviance and said that someone who drank at the age of eighteen committed a crime, we might call them a criminal for the rest of their lives and refuse them opportunities even if they served their time in the carceral system (Brownlee, 2017). Due to the normalization of underage drinking, it is technically a crime. However, we are usually not willing to let the rest of that person's life be defined by that action (Brownlee, 2017). Therefore, the powerful social judgments we make about whether to employ words such as "criminal" can have tangible and persisting effects.

Qualitative and quantitative data has shown how language can change perceptions of a certain policy or social issue (Hankin, 2017). According to Gail Hankin, although public perceptions of the "Affordable Care Act" were generally positive, reactions to "Obamacare" were more negative and politically polarized, even though these were simply two different names for the same act. Hankin's piece in "The Wagner Review" also cites Anthony Leiserowitz, who found that compared to "climate change," "global warming" evoked a greater sense of negativity, more images of harm, and a greater degree of threat from people with different political preferences. Similarly, calling immigrants "undocumented" versus "illegal" generates contrasting political and social responses, as well as calling different sides of the abortion debate "pro-life" versus "pro-choice" (Hankin, 2017). These examples show how using different words to mean similar things can drastically change how people perceive issues, particularly those that are more politically charged, such as homelessness.

Additionally, according to Erica Bryant's piece for the Vera Institute of Justice (2021), "throughout history and across the world, dehumanizing language has facilitated the systemic, inhumane treatment of groups of people" (Bryant, 2021). Calling a person who was

convicted of a crime a "criminal" or "felon" defines them by one past action and does not promote humanization or growth (Bryant, 2021). These labels not only promote dangerous stereotypes and fear, but also perpetuate stigmatization. Wright, a formerly incarcerated organizer in New York, states that sustainable progress cannot be made in criminal justice reform until people stop using this dehumanizing language (Bryant, 2021). He argues that humanity is maintained by acknowledging every person's intrinsic value and not defining them by the worst thing they may have done. As Wright said, "If you can't see me as [a] human being, then you will never treat me as a human being. And I can never escape the parameters of the system." Therefore, language has the ability to influence people's thoughts and attitudes, and can lead to a lack of dignity that justifies stripping people of their basic human rights. Labels can create and perpetuate discrimination, stereotypes, and stigmatization (Bryant, 2021).

Relatedly, William Donahue (2019) writes about how "dehumanizing language often precedes genocide" in order to highlight its power. Dehumanizing language contributed greatly to the Rwandan genocide in 1994 (Donohue, 2019). He writes that the Hutu majority often referred to Tutsi tribal members, a minority in Rwanda, as "cockroaches" and consequently as subhuman; Tutsi people were simply considered vermin that needed to be eradicated. Additionally, language was used as a damaging tool before the Armenian genocide, during which Armenians were labelled as "dangerous microbes" (Donohue, 2019). Similarly, German people described Jewish people as "Untermenschen," or literally as subhumans (Donohue, 2019). This rhetoric persists. In July of 2019, Donald Trump tweeted that Baltimore was a "disgusting, rat and rodent infested mess" and that "no human being would want to live there" (Donohue, 2019). Consequently, using dehumanizing to describe specific populations and even cities, like Baltimore, can alter perceptions of them. Attitudes

then affect the legislation that is written and implemented, which will, not surprisingly, harm the human populations labeled as "microbes" or "rats."

Criminalization stems from similar stigmatization and stereotyping. Immigrants are often stereotyped as "criminal," "job-stealers," "drug-dealers," and "rapists" (Suárez-Orozco & Suárez-Orozco, 2018). People experiencing poverty are often called "lazy" or "welfare queens" or "free-riding" (Suárez-Orozco & Suárez-Orozco, 2018). People experiencing homelessness are often labeled "dirty," "crazy," "addicted," or "criminal" (Ruff Institute of Global Homelessness, 2017). These labels remove empathy and create an "us" versus "them" mentality that creates barriers in treating these individuals with understanding. Criminals, according to this rhetoric, are immoral people who had full agency over their actions and chose to violate the norms and rules of society. Because of these choices, they are less deserving of grace. When applied to homelessness, these negative and stigmatizing labels place all blame on the person rather than seeing broader contexts. For example, being scared of a person sitting on the street because you think of them as a "dangerous criminal" does not account for whether they are actually dangerous, have violated any laws, were given an unusually harsh sentence, or experienced discrimination in the criminal justice system. Researchers from the *Los Angeles Times* found that people experiencing homelessness not only commit fewer violent crimes than housed people, but are disproportionately victims of violence due to their vulnerable and insecure circumstances (Shortt, 2018).

These labels, too, do not account for all of the variables that went into specific choices, such as whether a person stole food to feed their family, is acting "crazy" because they have not been able to access mental healthcare, or is "dirty" because their city does not fund public showers. Disadvantage can lead to a lack of autonomy in decision-making and can force someone to have to choose between two undesirable options, and labels strip all nuance and humanity from these situations. Therefore, it may be tempting to say the

disadvantaged person made poor decisions and is therefore undeserving of resources and opportunities. Using dehumanizing language justifies exploitation.

d. Language Affects Treatment and Policy

Language affects how people are treated due to its ability to influence perception. Additionally, language has the power to assign blame and responsibility. When we think of victims, we often think of people who have been wronged in some way and deserve sympathy. By contrast, people who are labeled as criminals are usually not treated with as much compassion.

Language affects treatment broadly but also in terms of how people experiencing homelessness are perceived and "legislated." Stigmas not only affect perceptions but also influence whether action is taken to combat homelessness. Benjamin Kamelhar (2019) writes that a common stigma of homelessness is that people *choose* to be homeless, which can lead to the conception that people experiencing homelessness are too "lazy" to follow shelter rules or get a job so they instead choose to sleep outside. He also argues that "Changing how we refer to people experiencing homelessness can reshape the way we approach the issue" (Kamelhar, 2019). Referring to individuals as "homeless people" rather than using person-first language indicates that homelessness is part of their identity rather than a condition or circumstance. Not only is this label dehumanizing, but it also suggests that their homelessness is permanent and inevitable (Kamelhar, 2019). Having the preconceived notion that there is no solution to homelessness and that it is simply part of this person's life makes people less likely to seek out a solution (Kamelhar, 2019).

Labels also endure over time. Post-incarceration, harmful and dehumanizing labels can influence the opportunities people are afforded. Dehumanizing labels reduce people's power over their identity and potential. Emily Andrews of the Prison Fellowship writes that,

"The way we label people informs the way we treat them during their incarceration and after their release. If we see those who break the law as criminals, offenders, and nothing more, we are less inclined to invest in their rehabilitation and restoration. In prison and out, derogatory labels can erode a person's sense of belonging." This language, then, can follow someone for the rest of their lives and prevent them from obtaining necessary resources (Andrews, n.d.).

Fears of maltreatment can keep people, particularly youth, from disclosing their housing status, which can consequently hinder their ability to enroll in social services, find housing among their networks, and more (Nueces, 2016). Additionally, people experiencing homelessness may refrain from entering public spaces such as bathrooms or gas stations to avoid ridicule, harassment, staring, and other negative reactions (Nueces, 2016). Therefore, stigma can further marginalize "a population that already struggles with meeting the basic human needs of food, clothing, and shelter." (Nueces, 2016).

In addition to stigmatization, the psychology of "us versus them" and the logic of exclusion reinforce ideas of marginalization, which can consequently affect different groups. Robert Goodin writes about social exclusion as the "new social evil" because "being excluded from privileged social groups might, in one way or another, be likely to blame for much of the poverty, pestilence and social violence that certain social groups experience today" (Goodin, 1996). Additionally, logic of exclusion often exists on the individual level, which can have broader effects. Every time we refuse or avoid eye contact with a person on the street who we think is experiencing homelessness, we are creating a separation and barrier between us, which carries blame. While "we" are victims, "they" are criminals who are unlike us and who made poor decisions that justify their current experience of disadvantage. Therefore, as Denice De Las Nueces writes, "homelessness sits at the nexus of stigma, isolation, and vulnerability: though homelessness can be highly visible, passersby often ignore individuals or subject them to stares, reinforcing their 'outsider' status either by

making them invisible or making them visible only through negative attention" (Nueces, 2016).

Similarly, notions of deservingness and worthiness are pervasive in not only the discourse surrounding homelessness, but also in how it is addressed. Feeling as though you do not belong in the majority or dominant group can have harmful effects on not only mental health, but also on the resources afforded to you (Goodin, 1996). If we label someone as undeserving or as exploiting the system, such as "welfare queens" or "free-loaders," it is not surprising that we will not want to help them (Brockell, 2019). Even when people who have committed crimes are not called "animals," "predators," "offenders," or other derogatory terms, they are often referred to as inmates, convicts, prisoners, or felons (Bamenga, 2021). Lisette Bamenga, a formerly incarcerated woman, writes that all of these terms strip individuals of their humanity by identifying them as "things" rather than as people, and they are often used as the "official" language of media, law enforcements, and other agencies. Labels like "offender," even when used without malicious intent, contribute to keeping people from advancing and justify poor conditions and treatment in jails and prisons or even after release (Bamenga, 2021). Bamenga writes about the belief that, "'Convicts' don't deserve decent food, non-toxic facilities and quality medical care. 'Criminals' shouldn't expect to have necessities such as housing and employment" (Bamenga, 2021). Because of this language, people who are criminalized for experiencing homeless or those who are homeless post-incarceration are often presented with even more barriers.

Kayla Robins of Invisible People writes that language is also used to criminalize homelessness through socialization (2022). From a young age, many people in the United States are taught to avoid people experiencing homelessness. This fear develops through sensationalized stories from the media and peers and through parents and caretakers encouraging us to cross the street when we see someone experiencing homelessness (Robins,

2022). These "safety tips," such as not making eye contact with people experiencing homelessness, reinforce stigmas of otherness. Many also taught not to give people on the street money because they will only spend it on drugs, which is not only an often inaccurate stereotype, but also affects people's ability to buy things like food (Robins, 2022).

According to Robins, "the fear that housed people harbor against homeless people is a critical driver in the poor conditions homeless people are currently facing" (Robins, 2022). Fearing "homeless people" as a monolith results in voting against building new shelters in our neighborhoods, demanding encampments be cleared from streets without considering where people will go, and businesses pressuring cities to sweep away people near storefronts so customers are not "scared away" (Robins, 2022). Being afraid to look at people experiencing homelessness as we pass them on the street increases their feelings of being invisible and ignored. Additionally, this attitude preserves the stereotype that anyone who is unable to secure housing must be a drug addict or violent criminal who therefore does not deserve to have their basic needs or dignity respected (Robins, 2022). This dehumanization and blame consequently leads to inaction against addressing homelessness.

Another salient example of language affecting the treatment of homelessness is seen with youth. Sean Kidd (2009) argues that when we view "street youth" as victims of poverty or a bad family life, our instinct might be to do what we can to help ensure their basic needs and protection. However, thinking of street youth as scary, dangerous, and delinquent can lead us to the solution of forcefully relocating or arresting them (Kidd, 2009). The vast differences in these perspectives result in profoundly disparate outcomes. Kidd found that our indirect encounters with homelessness have a significant impact on how we think about the problem and the solutions we support. Laws, policies, and programs related to homelessness are implemented because enough people endorse them; therefore, in order to change how homelessness is legislated and treated, perceptions must change (Kidd, 2009).

I find the role of media in this socialization particularly compelling. Many beliefs about homelessness are created by the language and rhetoric of media, including the internet, television, newspapers and magazines, movies, and books (Kidd, 2009). In a 2019 study, researchers from Invisible People conducted an in-depth analysis of 40 of the most-watched scripted shows of the year and how they portrayed homelessness (Griffith, 2019). They found that 80% of all homeless characters only appeared in a lone-standing episode, indicating that their experiences were not worth multiple episodes or that they were able to tell their own stories. Additionally, almost 50% of homeless characters did not have speaking parts and other main characters would talk about them and why they were homeless (Griffith, 2019). Even in these shows, people experiencing homelessness are seen but not heard, which literally strips them of their voice, language, and therefore autonomy. Perhaps most strikingly, 76% of characters experiencing homelessness are portrayed as having caused their own disadvantage (Griffith, 2019). Rather than highlighting real causes of homelessness, television writers assign the homeless characters undesirable traits, which makes it seem that their homelessness is their fault or due to some physical or mental disability; they are often portrayed shouting random words at passersby on the street or doing drugs (Griffith, 2019). The almost-nonexistent representation of people experiencing homelessness, in combination with the inaccurate and overly simplistic portrayals, leads to a message for viewers that those individuals are solely to blame for their circumstance. Consequently, media may lead people to think the solution to homelessness is to encourage people to stop using drugs or just "go get a job," resulting in less willingness to advocate for real, actually beneficial policy (Griffith, 2019).

A thesis from a professor at the University of Akron (2010) found that the media play a significant role in shaping popular conceptions of people experiencing poverty as "lazy" and "bums" (Hjort, 2010). This language is correlated to growths in violence against people

experiencing homelessness and encouraged by the "dominant official position" that represents them as "bums, drunks, or drug addicts too lazy to work and not worthy of public respect" (Hjort, 2010).

Similarly, research by Ligia Teixeira (2017) from the United Kingdom found that misconceptions about homelessness affected people's perceptions and treatment of the issue, which can be translated to the context of the United States. She wrote that one challenge was that the public has a limited view of what homelessness is and who it affects, and often see a persons' circumstances as determined by "their willpower, character, and choices" (Teixeira, 2017). Additionally, research found that the general public struggled to understand the importance of prevention, or that homelessness is not inevitable and normal (Teixeira, 2017). Therefore, this view prevents people from mobilizing or voting for candidates who advocate for policies that will benefit people experiencing homelessness.

Research from Hjort's thesis also found reporters spend the majority of their time praising people who try to help people experiencing homelessness rather than the homeless individuals themselves (Hjort, 2010). The media also falsely represents demographics of homelessness; 44% predominantly show single men rather than other populations, who actually constitute a higher percentage (Hjort, 2010). Therefore, the general public is conditioned to stereotype people experiencing homelessness as being mostly male, leading people to gender stereotypes that men should be able to provide and care for themselves and their families. Additionally, the media incorrectly overestimates the percentage of people experiencing homelessness as veterans or those with mental disabilities (Hjort, 2010). Therefore, language used in the media creates stereotypes that alter people's perception and consequently treatment of homelessness.

In addition to the power of the media, politicians and high-profile celebrities are also capable of not only influencing perceptions of the general public, but also impacting the

issue. *The Los Angeles Times* (2020) reported that in July of 2020, former U.S. President

Donald Trump tweeted, "I am happy to inform all of the people living their Suburban

Lifestyle Dream that you will no longer be bothered or financially hurt by having low income

housing built in your neighborhood. Your housing prices will go up based on the market, and

crime will go down" (Finnegan, 2020). Then, in August of 2020, Trump warned "suburban

housewife" voters that housing for people experiencing poverty would "invade their

neighborhood" under a Biden presidency (Finnegan, 2020). This language from President

Trump suggests that low-income housing is a bother and that people experiencing poverty

bring crime into other communities. Then, later that year, the Trump administration

threatened to "crack down" on homelessness in California by tearing down encampments and

sheltering people in government facilities (Finnegan, 2020).

Similarly, in August of 2019, *The Guardian* reported that President Trump attacked

Nancy Pelosi and told her to "clean up her filthy dirty District & help the homeless there"

(Beckett, 2019). Although he did advocate for action, he associated homelessness with

something "filthy" and "dirty," reinforcing harmful stereotypes. Similarly, Trump told

reporters in September of 2019 that he was worried about people experiencing homelessness

living on "our best streets, our best entrances to buildings", places "where people in those

buildings pay tremendous taxes, where they went to those locations because of the prestige"

(Beckett, 2019). He also wrote that he was concerned about cities like Los Angeles and San

Francisco "destroying themselves" because of "foreign tenants" who moved to the cities

because of the prestige but now wanted to leave because of the tents and unhoused people on

the streets (Beckett, 2019). This view represents a common sentiment that people must be

"cleared away" because they are bad for the image of a city or store.

Trump also suggested that combating homelessness "would be so easy with

competence!" and that the governors of California and New York "must do something"

(Beckett, 2019). He wrote that if they "can't handle the situation, which they should be able to do very easily, they must call and 'politely' ask for help" (Beckett, 2019). This language has translated into policy action as well. Diane Yentel, president and chief executive of the National Low Income Housing Coalition, stated that Trump proposed "drastically shrinking or eliminating federal programs that keep the lowest-income people affordably housed, an important prevention measure that keeps people from becoming homeless" (Beckett, 2019). Because of Trump's proposal, said Yentel, over 37.000 of the lowest-income people are at risk of eviction, highlighting the importance and gravity of his language (Beckett, 2019). These examples highlight the impact of language and dehumanizing rhetoric in policies that affect large, already vulnerable populations.

4. The History of Poverty and Homelessness

Throughout the history of the United States, people experiencing homelessness have faced exclusion and discrimination. In this section, I will highlight how language has evolved to mirror perceptions and policies surrounding the issue of homelessness in different historical periods, such as colonial settlement, the American Revolution, the "New Nation," expansion, the Civil War and Reconstruction Era, the rise of industrialized America, and the progressive to new era.

According to research conducted by Jen Beardsley (2021), there is no evidence that mass homelessness existed in North America prior to European colonization. From as early as 1640, English "vagrants," often known as "beggars" or "wanderers," were considered outcasts and prone to contact with the police (Beardsley, 2021). Colonists believed moral deficiency was the cause of homelessness and that an individual in "God's good graces" would not be subject to this disadvantage (Beardsley, 2021). Colonists' views on homelessness persisted for centuries after initial contact with indigenous peoples (Beardsley,

2021). These ideas translated into the belief that certain people were "worthy" or "unworthy" of assistance (Invisible People, 2018). Therefore, due to this emphasis on personal responsibility, the laws necessitated a kind of work requirement and stigmatized those who did not fulfill it (Beardsley, 2021). This type of regulation has lingered into contemporary welfare and social services. These practices, along with the context of capitalist America, reveal a desire and even expectation for people experiencing poverty to prove their worth and deservingness through work and contribution to the labor market (Brodie et al., 2014, Pp 60-62).

This stigmatization, blame, and conceptions of unworthiness translated into the criminalization of disadvantage (Invisible People, 2018). New York established its first "almshouse" in 1730, and these "poor houses" began opening across the colonies with heavy regulations and work requirements (Invisible People, 2018). However, due to the Industrial Revolution and increased manufacturing, masses moved to cities, causing a new urban poverty that often resulted in homelessness, panhandling, and contact with police (Invisible People, 2018).

Kenneth Kusmer (2002) found that during the American Revolution, rates of homelessness increased at an unprecedented rate. After the war, many people were forced into homelessness due to insufficient access to resources (Kusmer, 2002). By the economic depression of 1857, many of the developing cities were experiencing increasing homelessness, but the government was making no effort to intervene (Kusmer, 2002). He writes that private charities and organizations attempted to combat the issue but were not successful. During this period also came the emergence of the "western soup society," which began in Philadelphia to help people access food, particularly in harsher seasons like winter (Kusmer, 2002). While the organization and others like it attempted to assist vulnerable communities, the government provided little funding (Kusmer, 2002). Then, during the Civil

War, homelessness was on the rise again; many war veterans remained unemployed while others lost property due to the war and other natural catastrophes, leading them to have to sleep on the streets (Kusmer, 2002).

By the 1870's, "vagrancy" was recognized as a national issue due to significant economic dislocation generated by the war and the succeeding recession (Coalition For The Homeless, 2003). Additionally, the end of slavery further exemplifies homelessness and its criminalization as disproportionately affecting already disadvantaged individuals and communities. Beardsley writes that freed enslaved people were not classified as refugees deserving reparations but were rather criminalized as "vagrants." In order to maintain control over public space and continue to suppress Black people, Southern states' governments enacted the "Black Codes" (Beardsley, 2021). One particular vagrancy law in Austin, Texas, explicitly criminalized all able-bodied Black people who stopped working for their employers, or were found loitering or "idly wandering," essentially reinstating the rules of slavery (Beardsley, 2021). This decision reinforced the desire and tendency to further harm already vulnerable populations. (Beardsley, 2021).

Beardsley found that after the economic depression in the 1870's, approximately one-fifth of the United States' population was experiencing homelessness, yet local jurisdictions continued to enact harsher punishments for vagabondage in an attempt to discourage vagrancy, as though it was a conscious choice (Beardsley, 2021). The term "homelessness" emerged around this time and was used to describe "itinerant tramps" searching the country for work (National Academies of Sciences et al.). During this period, the perceived moral crisis that threatened traditional ideas of home life was emphasized rather than the individual's lack of permanent housing (National Academies of Sciences et al.). During the early 20th century, jobs, not housing, were viewed as the solution to people "wandering" the country (National Academies of Sciences et al.). People who migrated westward during the

California Gold Rush, as well as veterans of the Civil War, were able to relocate because of trains but were unable to find jobs, having to scavenge for food and clothing. Additionally, homelessness began to emerge in smaller towns rather than just cities like Boston and New York (Kusmer, 2002). During this period, derogatory labels for people experiencing homelessness, like "bum," "tramp," and "hobo," were used at a higher frequency (Invisible People, 2018).

These trends in labeling persisted. Prior to the Great Depression, local philanthropic groups engaged in direct service, such as serving meals, building shelters, and offering classes and job training (Invisible People, 2018). However, they often perpetuated this rhetoric about the "deserving" and "undeserving" poor and blamed people for their poverty (Invisible People, 2018). These efforts and others amongst faith-based organizations generated tension and stigma, particularly related to the inaction of publicly funded government programs (or lack thereof) (Invisible People, 2018).

Then, with the end of the Great Depression, many people went back to work and homelessness was concentrated in the more impoverished areas, sometimes called "skid rows," which were highly surveilled by law enforcement (Invisible People, 2018). Therefore, by the 1930's, tens of thousands of people experiencing homelessness spent their days on the streets and their nights in police stations (Invisible People, 2018). This shift represented not only a rise in people visibly experiencing homelessness, but also increased criminal justice system contact and negative interactions with the police (Invisible People, 2018).

In *Who Lives, Who Dies, Who Decides?* Sheldon Ekland-Olson discusses exclusionary movements throughout time to show how notions of deservingness influence societies. Particularly during the aftermath of World War II, implications of the exclusionary movement were very apparent, as was the notion that some lives were less worthy than others (Ekland-Olson, 2012). Although he mostly discusses eugenics, the concepts he writes about

are applicable to criminalization. He states that, "The place to start was with those already on the margins of life, those persons housed in reformatory and penal institutions, as well as state institutions 'for the insane, the feeble-minded, the epileptic, the inebriate, and the pauper classes'" (Ekland-Olson, 2012). Additionally, he writes that, "Social worth would be used to allocate life-prolonging resources" (Ekland-Olson, 2012).

Compounding the housing problem, many municipalities destroyed skid rows to construct highways, government buildings, and new neighborhoods as gentrification gained traction in the 1960's (Invisible People, 2018). Rates of homelessness increased between the 1970's and 1990's but government officials cut federal funding for housing, mental healthcare institutions, and single-room occupancy housing was decreased (Invisible People, 2018). Many veterans returning to the United States from the Vietnam and Persian Gulf wars, as well as Iraq and Afghanistan, were consequently rendered homeless and treated with similar stigmatization (Invisible People, 2018). Additionally, by the 1970's and 1980's, the terms "homeless" and "homelessness" became part of common lexicon (National Coalition for the Homeless, 2018). However, terminology used to describe people without adequate dwellings continues to evolve, with increased frequency of person-first language like "people experiencing homelessness."

Over time, blaming, labeling, and criminalizing have persisted and have often perpetuated one another. As I move into examination of more contemporary contexts, it is important to have foundational knowledge of past U.S. patterns regarding responses, or lack thereof, to issues of homelessness and criminalization.

5. Contemporary U.S. Context of Homelessness and its Criminalization

Most people who are incarcerated have not experienced homelessness; the Prison Policy Initiative found that approximately 15% of incarcerated people experienced

homelessness in the year before their arrest (Couloute, 2018). However, structures that lead to criminalization, particularly for already vulnerable populations, persist in the United States. The National Law Center for Homelessness and Poverty (2018) reported that although homelessness decreased between 2010 and 2016, it has again been increasing. The Department of Housing and Urban Development found that the number of Americans living unsheltered in 2020 was up 30% from 2015 (The Economist, 2021). In 2020, these people accounted for approximately 39% of America's homeless population, which was the highest rate in a decade (The Economist, 2021). Between 2019 and 2020, the United States has seen a 2% increase in the overall homeless population, which is due almost entirely to the growth of unsheltered homelessness (The Economist, 2021). As of January 2020, approximately 580,466 people were experiencing homelessness in the United States (National Law Center on Homelessness and Poverty, 2018). Approximately 70% of this population were childless individuals, while the rest were people with children (National Law Center on Homelessness and Poverty, 2018). They found that men, particularly those without children, are more likely to experience homelessness, constituting approximately 70% of the population. However, they reported that single women with children and gender and sexual minorities face higher risks of experiencing homelessness. For example, 42% of children living on the street identify as LGBTQIA+ (National Law Center on Homelessness and Poverty, 2018).

People of color, and specifically Black people, experience homelessness at a disproportionately high rate, often as a result of segregation and discrimination in employment and housing. As of 2020, Black people accounted for approximately 12-15% of the U.S. population but 39% of people experiencing homelessness (US Census Bureau, 2021). Approximately 23% of all people experiencing homelessness were Hispanic or Latinx, although Hispanic and Latinx people represent approximately 18.7% of the U.S. population (US Census Bureau, 2021). Native American, Alaska Native, Pacific Islander, and Native

Hawaiian groups together account for 1% of the U.S. population but 5% of those experiencing homelessness (US Department of Housing and Urban Development, 2021). Therefore, members of historically marginalized groups are disproportionately likely to experience homelessness.

Causes of homelessness can exist on individual, community, and institutional levels, which are often related. Common reasons for homelessness include lack of affordable housing and employment, difficulty accessing social services, domestic violence, mental health issues, substance abuse and addiction, and physical disabilities ("Homelessness in America," 2020). If a person cannot find a job or does not have enough money to live comfortably in their area, they may be left with no viable options. Additionally, for several reasons, including language barriers or fear of deportation, many people have difficulty accessing social services and are therefore unable to secure publicly-funded housing assistance ("Homelessness in America," 2020). Some people experience homelessness after fleeing their homes, particularly in cases of sexual or domestic violence ("Homelessness in America," 2020). If one's partner is emotionally, physically, and financially abusive, leaving can mean having no money to find housing, no social networks, and limited options. Additionally, many minors, particularly those of LGBTQIA+ identities, leave home if their parents are abusive and intolerant and are consequently left to fend for themselves after leaving.

United Way of the National Capital Area (2021) reported that the COVID-19 pandemic has had harmful effects on people experiencing homelessness. Researchers found that post-pandemic, $11.5 billion would be necessary for 400,000 new shelter beds that are necessary to accommodate everyone who is unsheltered and to ensure proper social distancing (United Way of the National Capital Area, 2021). These recommendations were based on high risk factors that made people experiencing homelessness particularly

vulnerable to COVID-19. Factors that made people experiencing homelessness particularly susceptible to the virus included the aging nature of the population, pre-existing health conditions, a lack of general wellness care, and potential homeless population growth and overcrowdedness in common spaces (United Way of the National Capital Area, 2021). Many people experiencing homelessness either became homeless due to health problems or their experience with homelessness has created or exacerbated health problems. Additionally, people with certain pre-existing health conditions are more vulnerable to COVID-19. An October 2019 study by the California Policy Lab found that 84% of unsheltered people experienced physical health problems as opposed to 19% of sheltered people, 78% of unsheltered people experienced mental health problems as opposed to 50% of sheltered people, and 75% of unsheltered people experienced substance abuse as opposed to 13% of sheltered people (United Way of the National Capital Area, 2021).

Mental and physical health issues, including substance abuse and addiction, can make it difficult to work, earn or save money, and keep housing. In addition to these more material causes of homelessness, the stigmas associated with these challenges can create yet another barrier in getting someone to hire you, rent you an apartment, or deem you eligible for food stamps ("Homelessness in America," 2020). Additionally, people experiencing homelessness often lack "wellness" resources that may be more readily accessible to sheltered people: eating nutritious food, getting sufficient sleep and rest, maintaining hygiene, being able to social distance, and more (Homeless Research Institute, 2020). During the pandemic, housing costs in some states rose exponentially and many people were forced to spend over 50% of their household budgets on rent and housing, leaving less money to care for doctor's visits, healthy foods, and other basic needs (United Way of the National Capital Area, 2021).

The pandemic had several other detrimental effects on people experiencing homelessness. For example, due to the economic instability and job losses caused by the

pandemic, evictions occurred at a high volume, leaving many people unhoused because they were unable to afford rent and shelters had reduced capacity and higher demand (United Way of the National Capital Area, 2021). Generally, due to health concerns and increased need for services during COVID-19, many people were left not only in economic distress, but also with few resources to help them navigate the instability. Therefore, the pandemic has greatly strained efforts to end homelessness and has often increased its prevalence and severity.

Gregg Colburn said that COVID-19 divided the U.S. homeless population into two groups: "those who were able to take advantage of emergency programmes, and those who fell through the cracks when shelters shut down" (The Economist, 2021). Therefore, while it is difficult to know whether the number of tents increased due to increases in homelessness or due to previously sheltered people moving outside, these examples show how the pandemic has harmed these already vulnerable populations (The Economist, 2021). COVID-19 has made more visible the issues with how we address homelessness. The pandemic has caused people experiencing homelessness to, often without their consent, occupy the streets. If we then label these people as dangerous, crazy, or criminal, we remove compassion and make it more difficult to advocate for beneficial policy.

In addition to these personal and economic challenges that can lead to homelessness, people experiencing homelessness also face discrimination and exclusion because of their housing status, which is reflected in their interactions with people, legislation, law enforcement, and healthcare. This exclusion can consequently make people more vulnerable to exploitation, violence, and extreme social isolation, all of which can create barriers to stable housing and employment, can lead to or worsen mental health issues, or have other detrimental effects. Then, these harmful consequences can make it more difficult for someone to get or keep housing or employment. If someone is unable to obtain employment due to a lack of a permanent address or "professional" clothing for a job interview, they may be

labeled as undeserving, unworthy, and unresourceful. Being excluded from the workforce can then cause exclusion in other domains. Evidently, this cycle is self-perpetuating, inefficient, and dehumanizing. These barriers hinder people's ability to exercise their central capabilities by limiting autonomy in their decision-making and stripping them of their dignity.

While many of these factors are dependent on individual's personal circumstances, many are more rooted in systemic issues such as discrimination or lack of affordable housing. Therefore, these groups, and others, are often at a higher risk or more vulnerable to homelessness due to their particular circumstances. Additionally, labeling people in these situations as dangerous criminals not only dehumanizes them and reduces their identity, but does little to combat these risks. Therefore, the language we use can have harmful effects on what people receive. Stigmatizing and consequently criminalizing homelessness only creates fewer incentives to address the issue.

According to the American Civil Liberties Union, one in three Black boys born today are expected to go to prison during their lifetime, compared to one of six Latino boys and one of 17 white boys. While white and Black people use drugs at similar rates, Black people are incarcerated for drug offenses at a rate ten times higher than white people (American Civil Liberties Union, n.d.). Additionally, the ACLU reported that there are twice as many people in local jails awaiting trial and not yet found guilty than in the entire federal prison system. Therefore, many people are incarcerated as they wait for next steps, which can have several detrimental effects on different domains of their lives (American Civil Liberties Union, n.d.). Per year, approximately 650,000 are released from prison and are vulnerable to almost 50,000 federal, state, and local legal restrictions that present even more barriers to reintegration (American Civil Liberties Union, n.d.). Therefore, even after one misdemeanor or encounter with the criminal justice system, it can be difficult to escape its associated implications and consequences. (American Civil Liberties Union, n.d.). Calling people "criminals" after they

are released from prison makes it virtually impossible to move on from the experience, showing the persistent effects of the language we use. Additionally, while homelessness can lead to incarceration, criminal justice contact also correlates to a likelihood of experiencing homelessness.

6. Policies that Criminalize Homelessness

If the language we use suggests that people do not deserve something, our policies will follow. Implying that people are sub-human allows us to justify treating them as such.

Loïc Wacquant (2009) writes that when the U.S. government is afraid or unable to kill "undesirable" people and nobody wants these people in their neighborhoods, we "warehouse" them and hide them from society. However, this global history of hiding "the poor" is nothing new (Wacquant, 2009). The United States has a long history of detaining these individuals and groups, as seen today with incarceration in jails and prisons, solitary confinement, and detention centers for immigrants (Wacquant, 2009).

Additionally, America's self-proclaimed identity as a "rule of law," "law and order," and "tough on crime" society contributes to and justifies criminalizing poverty and homelessness (Stamm, 2012). The state of exception is often used by the United States as a tool to justify exploitation and human rights abuses when there is an alleged threat of danger or insecurity (Agamben, 2005). It is often employed by rulers when they wish to transcend or override a law in the name of the "public good." This idea seems consistent with the more domestic U.S. notion of criminalizing poverty and homelessness. When the government labels a group or even country as threatening or dangerous, causing potential harm becomes more acceptable, justified, or even honorable (Agamben, 2005).

Poverty and crime have long been linked both in public imagination and in public policy (Brodie et al., 2014, p. 553). Criminalizing poverty can look like arrests for minor

violations, being held in jail if unable to afford bail, and steep fines (Brodie et al., 2014, p. 556). The broken windows theory claims that visible signs of crime or deviant behavior create an environment of disorder and crime, which leads to further crime (Brodie et al., 2014, p. 558). This theory is used to justify mass arrests for minor offenses in order to promote community order and improve quality of life (Brodie et al., 2014, p. 558).

Different laws and policies that criminalize poverty and homelessness often use facially neutral language. This legislation demonstrates how systems of disadvantage often perpetuate themselves and contribute to the cyclical nature of poverty. It is not illegal to be "poor" or "homeless" but behaviors associated with poverty and homelessness are made illegal and criminalized; you cannot be fined or arrested for saying you are homeless but can be for sleeping on a park bench when you have no other shelter.

According to the National Law Center on Homelessness and Poverty, since 2019, 72% of cities have at least one law restricting camping in public (Brodie et al., 2014, p.562). Additionally, 37% of cities have one or more laws prohibiting camping citywide, and 57% have one or more laws prohibiting camping in particular public places. Other criminalization laws include bans on loitering; storing personal property in public; urination or defecation in public, which is often gendered; sleeping in public; rummaging, scavenging, sitting or lying down; living in vehicles; "begging"; sharing food; and dumpster diving (Brodie et al., n.d., p.562-567). Certain laws specifically criminalize youth experiencing homelessness, such as status offenses like running away from home, curfew laws, and truancy.

While the language of this legislation is often intentionally ambiguous and may not explicitly say that these laws target people experiencing homelessness, the seemingly "neutral" rhetoric can have devastating consequences for marginalized groups. Some camping bans are so vague that officers are given unguided discretion to determine whether a violation occurred, which can lead to discriminatory policing (Brodie et al., n.d., p.562).

Additionally, most behaviors that are criminalized are considered self-sustaining or survival behaviors. If a person has no permanent, safe home, and cannot get into a shelter, they have no choice but to sleep on a sidewalk or park bench. If public bathrooms are closed at a certain time or sparse throughout a city, someone has no choice but to urinate or defecate in public. Oftentimes, groups of people who police deem "unhoused" or "unsafe" are forcibly removed from sidewalks or other public spaces for no reason other than "loitering."

a. Case Study: New York City

A contemporary example of using language to justify criminalizing homelessness involves the New York City subway. Authors in *The New York Times* (2022) wrote that on February 18, 2022, Mayor Eric Adams and Governor Cathy Hochul announced a plan to deploy police officers and mental-health workers into New York City's subway, in order to "remove" more than 1,000 people experiencing homelessness who often spend time there. Some of these individuals are alleged to have contributed to escalating violence and harassment in the subway system (Newman et al., 2022). Officials said that starting Monday, February 21, 2022, there would be a zero-tolerance policy which would be enforced by hundreds of officers who already patrol the area (Newman et al., 2022). This policy would extend to people sleeping on train seats or in stations, littering, unruly behavior, or lingering in the station for over an hour.

This plan is aimed at ending a historic practice of people using New York's busy transit system for shelter and was also sparked by a spike in violent crime in the system (Newman et al., 2022). In January 2022, a woman was pushed in front of a train by a man experiencing homelessness with a history of schizophrenia. While Mayor Adams said that "the vast majority of the unhoused and the mentally ill are not dangerous" to riders, his plan to remove them from the transit system seems to imply the contrary (Newman et al., 2022).

Mental health professionals, who have the power to order involuntary hospitalization to people who seem dangerous to themselves or others, will be added to outreach teams (Newman et al., 2022). However, the ability to involuntarily detain someone leaves room for stigmatization and stereotyping, which can result in people experiencing homelessness or mental health issues being locked in an institution (Newman et al., 2022).

Newman et al. also mentioned that the plan claims to include changes that will connect people experiencing homelessness with services like counseling and permanent housing. Other city and local officials emphasized the role of the subway in reviving New York City's economy and therefore taking action to make it safe enough for people to feel comfortable using it (Newman et al., 2022). The plan intends to address the issue that some emergency rooms do not admit psychiatric patients they think are too disruptive, or that they release them before they are stable or have actual plans post-release (Newman et al., 2022). However, it lacked details and timelines regarding resources for people who will be removed from the subway. New York City faces a chronic shortage of suitable and affordable housing options for most people who sleep in the subway, so it is unclear where these displaced people would immediately go besides the streets (Newman et al., 2022). There has also been little discussion of the cost of the plan or how these efforts would be funded (Newman et al., 2022).

Shelly Nortz, deputy executive director for policy for the Coalition of the Homeless, fears the plan will criminalize mental health issues and homelessness. While she highlighted provisions of the plan that call for increasing psychiatric inpatient beds, shelter spaces, and supportive housing, she is skeptical about "expanding involuntary commitment at the cost of "civil liberties" (Newman et al., 2022). Police presence has already been increased in the subway, with 1000 additional officers being deployed since January (Newman et al., 2022). Additionally, two police officers were present on the platform when the man pushed the

woman onto the train platform, but the incident still occurred (Newman et al., 2022). This contemporary example shows how people experiencing homelessness are often displaced from "public" spaces in order to make others feel safe or to preserve a certain image, even though the vast majority of people experiencing homelessness are not at all "dangerous." Additionally, people are often moved from their current shelters but are not given any feasible next steps and therefore find themselves in disadvantageous situations. Even the language of "removing" people is dehumanizing in and of itself, as though they are a nonhuman creature or object that must be extracted from a certain space (Newman et al., 2022).

b. The U.S. Supreme Court

Legislation that criminalizes homelessness has not gone unchallenged, but the U.S. Supreme Court has often ruled that criminalization is not unconstitutional in various cases. "Sit-lie laws" and vagrancy laws have historically been met with challenges for the 1st, 4th, 8th, and 14th Amendments (Brodie et al., 2014, p.558). In particular, sleeping bans are often met with 8th Amendment challenges due to arguments of cruel and unusual punishment. However, the Court argued that people experiencing homelessness are not a suspect class, that sleeping outside is not a fundamental right, and therefore that sleeping bans are protected under the U.S. Constitution (Brodie et al., 2014, p. 570). These cases and policy show how seemingly neutral language can actually be the bearer of discrimination; this language can have lingering effects on people in vulnerable communities, such as people experiencing homelessness.

c. Stakeholders who Benefit from Criminalization

These policies do not continue to exist for no reason; various stakeholders are able to benefit from criminalization. One example of a state profiting from incarceration, rather investing in ending homelessness, is Ferguson, Missouri. In an investigation of the Ferguson Police Department in 2015, the U.S. Department of Justice Civil Rights Division found that the police department had violated the 1st, 4th, and 14th amendments, as well as other federal statutory law (Brodie et al., 2014, p. 606). Additionally, the report found that this focus on revenue has not only contributed to a pattern of unconstitutional policing, but has also shaped its municipal court, which has led to procedures that raise concerns about maintaining due process and unnecessarily harming members of the Ferguson community (Brodie et al., 2014, p. 606). These municipal court practices reflect and exacerbate existing racial bias and stereotypes, as its data shows clear racial disparities that disproportionately impact Black Americans (Brodie et al., 2014, p. 605). This emphasis on generating revenue leads police officers to "interpret the exercise of free-speech as unlawful disobedience, innocent movements as physical threats, indications of mental or physical illness as belligerence" (Brodie et al., 2014, p. 606). Therefore, government officials are given the discretion to not only label behaviors associated with homelessness "criminal," but also to earn money from doing so.

Additionally, Ferguson's municipal court primarily uses its judicial authority to compel the payment of fines and fees that will contribute to the city's economic interests, which has led to court practices that violate the 14th amendment's due process and equal protection clauses (Brodie et al., 2014, p.607). Not only does the court issue arrest warrants on the basis of public safety, but also as a "routine response" to missing a court appearance or a fine payment (Brodie et al., 2014, p.607). If a person is not able to afford housing or other necessities, an extra fine might set them back economically for months or even years.

While Ferguson represents just one example of issues within criminal justice systems, it is not unique in its problematic practices. Alexis Harris discusses issues within the Washington State Superior Court. She writes that the state statutes allow judges to sentence people to fines, fees, restitution, and surcharges (Brodie et al., 2014, pp. 610-611). She states that, "Statutorily, monetary sanctions are viewed as a mechanism to recover the costs of the criminal justice system; like tolls and park fees, they are a product of our fee-for-service culture" (Brodie et al., 2014, pp. 610-611). These fees are also considered symbolically important in order to hold offenders accountable for their actions. However, many people who come in contact with the criminal justice system, particularly those who are experiencing poverty, unemployed, undereducated, or who have a disability, are unable to afford this very real fee. And, because failing to pay a fine can also result in a jail sentence, failing to "properly" navigate this system can be detrimental for people in vulnerable situations, such as those experiencing homelessness (Brodie et al., 2014, pp. 610-611).

Similarly, various stakeholders, including those in the prison industrial complex and state governments, earn money from incarceration while little money is allocated to ending homelessness. The "Prison Industrial Complex," (PIC) which refers to the "overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social, and political problems" (Critical Resistance, n.d.). The Tufts University Prison Divestment group writes that the PIC is a large network of people, parties, organizations, and other actors who all have vested interests in criminalization and who have found a way to use this network to fill prisons and perpetuate mass incarceration (Tufts University Prison Divestment, n.d.).

Through its broad impact, the PIC helps to maintain the authority of people who benefit and obtain power through racial, economic, and other privileges (Critical Resistance, n.d.). This power can be collected and preserved in different ways, such as by creating media

that perpetuate stereotypes of people of color, people experiencing poverty, immigrants, and other disadvantaged communities as "criminal, delinquent, or deviant" (Critical Resistance, n.d.). Therefore, stakeholders are able to obtain power by using rhetoric that labels people experiencing homelessness as criminal. This power is also maintained through earning large profits for private companies that intersect with prisons and police forces, helping advocate for "tough on crime" politicians, bolstering the amount of influence prison guards and police unions have, and eliminating dissent from marginalized groups that advocate for criminal justice reform (Critical Resistance, n.d.).

The priority of the PIC is profit and criminalization, not ending homelessness; money is often used as a justification for treating people experiencing homelessness as subhuman, even when in reality, incarceration is more costly than other alternatives. However, although incarcerating people is expensive, a study by the Prison Policy Initiative found that private companies that supply goods to the prison commissary, such as phone services, bring in almost as much money ($2.9 billion) as governments pay private companies to operate private prisons ($3.9 billion) (Quandt & Jones, 2021). Companies that supply food or medical care are also profiting from interactions with the criminal justice system and the Prison Industrial Complex (Wagner, 2017). More than half of the money spent on running the carceral system goes to paying staff, an influential lobby that often prevents criminal justice reform and whose influence is protected even when prison populations decrease (Rosen, 2021). Therefore, while incarceration is expensive, many stakeholders benefit through networks within the prison industrial complex. The money earned by individuals involved with the PIC could be used to end homelessness; reinvesting this money into restorative programs would be not only cost-effective but also more useful in addressing high rates of homelessness and criminalization.

These examples highlight that state and local governments, as well as independent organizations, can have vested interests in perpetuating mass incarceration and criminalization at the expense of addressing other important issues. Particularly, many localities are able to benefit financially from practices like fining that charge constituents money. Therefore, if a local government can profit from charging homelessness populations for standing on a sidewalk for too long, there may be few incentives to solve this problem. The money earned by stakeholders in states and in the PIC could be used for affordable housing, mental health services, addiction counseling, and more.

As a society, we justify forcibly expelling human beings from "public" spaces by labeling them as crazy, addicted, or harmful to others, which can have devastating consequences. However, as I have discussed, this view is reductive and overly-simplistic of the individual and their situation. Additionally, the intentional ambiguity of many of these policies make it easier to claim neutrality or objectivity. However, banning self-sustaining behaviors limits people's autonomy and often forces them into a double-bind in which they have to make decisions without their full consent.

7. Effects of Criminalizing Homelessness

While independent organizations and the state may benefit from criminalization, incarceration can have detrimental short and long-term effects on people experiencing homelessness. Research has shown how incarceration can create and worsen symptoms of mental illness and is often linked to mood disorders (Quandt & Jones, 2021). The carceral environment can be inherently damaging to mental health as it removes people from society and can make them feel purposeless. Additionally, common conditions in jails and prisons like overcrowding, solitary confinement, and exposure to violence can harm mental health.

Researchers have even hypothesized that incarceration can lead to a syndrome called "Post-Incarceration Syndrome," which is similar to post-traumatic stress disorder; therefore, even after serving their official sentences, many previously-incarcerated people still suffer the negative mental effects (Quandt & Jones, 2021). For people who have re-entered their community post-contact with the criminal justice system, drug overdose is the leading cause of death, illustrating the even fatal consequences of incarceration (Quandt & Jones, 2021). These detrimental effects on mental health can translate into an inability to keep employment or a home, or a higher rate of experiencing homelessness.

Incarceration is inherently harmful to people's health through not only these mental health outcomes, but also through disconnection with family, loss of autonomy and purpose, boredom, and exposure to unpredictability (Quandt & Jones, 2021). People are confined in jails and prisons with very little choice in what they are able to do, wear, and eat. Often, employees of prisons are violent and oppressive and incarcerated people are often exposed to or witness physical and verbal assault, which can have long-term effects post-incarceration (Quandt & Jones, 2021).

Incarceration can also take a significant toll on families and other relationships. If one parent is incarcerated, the other is left with the increased burden of potentially having to care for a household, children, and finances with less support. Additionally, it can harm the sense of connection you have with a partner, parent, or friend, if they are confined to a jail or prison and only allowed one short phone call every week. After getting released, too, it can be difficult for people to readjust to being with their families and friends again, which can lead to conflict. All of these negative consequences can, and often do, persist throughout generations due to the lingering effects of issues like mental illness, addiction, or economic disadvantage (Brodie et al., 2014, pp.592-596).

Brodie (2014) writes that even a misdemeanor can lead to jail; probation; fines, fees, and debtors' prison; and criminal records (Brodie et al., 2014, pp.592-596). If someone has a criminal record and particularly a felony charge, it can be incredibly difficult to obtain employment and housing. Additionally, that charge can result in losing a public service like Temporary Assistance for Needy Families (TANF) (Brodie et al., 2014, pp.592-596). Not only does this loss lead to more disadvantage, but also to fear, stigma, and disrespect. Brodie defines these negative effects as collateral consequences or forms of invisible punishment that keep people in vulnerable positions (Brodie et al., 2014, pp.592-596).

While rates of recidivism have decreased more recently, they remain high. According to Prison Legal News, almost 45% of formerly incarcerated people were arrested within one year of release, 16% within their second year, 8% within their third, 11% between their fourth and sixth years released, and 4% between their seventh and ninth years released (Clarke, 2019). Therefore, approximately 68% of people were re-arrested within three years of release, 79% within six years, and 83% within nine years (Clarke, 2019).

However, high rates of recidivism do not necessarily mean that previously incarcerated people are more likely to commit crimes. Labels persist. Creating a division between "us" versus "them" or between "victims" and "criminals" can lead to an inability for the incarcerated person to escape this branding. Additionally, post-incarceration, people are entering back into communities that might be disproportionately and harshly policed, and they are often targets of surveillance (Lofstrom et al., 2021). Therefore, it is easier to catch crime and deviance within someone who is often being watched. This recidivism data also seems to indicate that the same people are being continuously funneled through the criminal justice system and that incarceration does not decrease crime.

A study by the Vera Institute of Justice found that since 2000, the increased use of incarceration has accounted for nearly zero percent of overall reduction in crime (Stemen,

2017). According to the "Prison Paradox," there is no significant data that shows that more incarceration results in greater community safety (Stemen, 2017). Therefore, incarceration is not as beneficial as we might think it is and rehabilitation increasingly seems like a beneficial alternative .

As I have previously mentioned, someone being incarcerated can mean having to live with a label for the rest of their life. The language we use for people does not disappear once they are released from jail or prison, and it can not only affect how others treat them but also how they might treat themselves. Therefore, as I have discussed, criminalizing homelessness can have devastating consequences during and after criminal justice contact.

8. Solutions for Homelessness, Crime, and Incarceration

As I have previously mentioned, ending homelessness in the United States will likely cost approximately $20 billion, while incarceration costs at least $80 billion (Adler, 2021). Therefore, I advocate for solutions that prioritize the fulfillment of capabilities for every person. In this section, I will discuss the importance of a compassionate and forgiving approach, how community trust and cohesion can reduce crime, and solutions to homelessness and mass incarceration that include investment in social services, restorative justice, and pre-arrest diversion. Particularly, I will discuss how changing rhetoric and language around homelessness can have positive impacts.

The language we currently use harms people experiencing homelessness but does not have to. Although a more long-term solution, changing how we view homelessness can affect how we treat it and create policy. Rather than treating homelessness as a crime, we need to understand how and why it happens, as well as effective, humane ways of addressing it. A tangible change in our rhetoric can be using person-first language (Clark, 2014). Rather than calling someone a "homeless person," "hobo," or "felon," we could say "a person

experiencing homelessness" or "someone who committed a felony." The reminder that every person is a human being first is essential to a compassionate approach to these issues (Clark, 2014).

Our policy should follow. We must re-examine our "facially-neutral" policies and evaluate whether they are actually complicit in treating people experiencing disadvantage as unworthy, dangerous, or deviant. Because so much of this legislation seems "objective" or does not explicitly say poverty and homelessness are illegal, it might even be beneficial to include safeguards in our policy. For example, policymakers could get rid of laws that make it illegal to stand on the sidewalk for too long because we understand that, for people experiencing homelessness, they might have few other safe places to go.

I advocate for solutions to crime that promote mercy and forgiveness. If we view mercy as kindness or compassion, or even pity, we can think of treating someone less harshly than we expect to treat them, than what is wrong or permissible, or in a way that forgoes resentment. Forgiveness can also include forgoing resentment and relating to someone in ways that are not dominated by resentment or by their "bad" act. Forgiveness can make the person harmed feel free of burden and release them from the negative feelings and resentment. A society that holds grudges and that never allows for redemption can never advance. As Dr. Martin Luther King declares in a sermon, "forgiveness is not an occasional act; it is a permanent attitude" (King Jr., 1963, p. 33). Mercy is not a zero-tolerance policy that removes people experiencing homelessness from a New-York-City-subway station or incarcerates someone until they die.

Relatedly, I propose a reexamination of incarceration as a tool and method. Potential motives for incarceration can include rehabilitation, re-education, punishment for the person who committed the crime and others, a scare tactic or deterrent of future crime, and justice for the victim. However, incarceration does not seem to be the most effective way to achieve

these goals. Data from the Vera Institute, several professors across the United States, the Equal Justice Initiative, and other organizations have shown that incarceration does not play a statistically significant role in deterring or preventing future crime from occurring (Stemen, 2017) (Harding et al., 2019) (Equal Justice Initiative, 2017).

Similarly, researchers from several universities across the United States conducted a study on whether incarcerating people who committed serious crimes prevented them from committing more crimes post-release. They looked at data for 110,000 people convicted of violence-related felonies between 2003 and 2006 in Michigan, some of whom had been sent to prison and others who had been put on probation (Harding et al., 2019). The researchers analyzed their records through the year 2015 to see whether there had been more arrests or incarcerations. They found that in the short term, incarceration prevented offenders from committing more crimes, at least against people outside of the prison gates. Additionally, they reported that there was a slight decrease in crime for people who had been sent to prison as opposed to those who had received probation, but only for the time they were in prison. Once people were released, they were found to be as likely to engage in crime as those who had been put on probation (Harding et al., 2019). Experiencing incarceration can create persisting effects on an individual, which can consequently lead to a higher likelihood of experiencing homelessness.

Restorative justice, pre-arrest diversion, and decriminalization are not only examples of a just and forgiving way to deal with crime, but are also widely effective. Wacquant writes that, "Not solidarity but *compassion,* its goal is not to reinforce social bonds, and still less to reduce inequalities, but at best to relieve the most glaring destitution and to demonstrate society's moral sympathy for its deprived yet deserving members" (Wacquant, 2009, p. 42). When we re-examine how we define worthiness and think of people who commit crimes as deserving of humanity and opportunity, incarceration will seem less attractive.

a. **Community Building: Social Cohesion and Investment in Resources**

Rather than labeling or accepting a community as inevitably poor, dangerous, or crime-ridden, building community and allocating funds to necessary resources will reduce homelessness and crime. One important mechanism for this reduction is social cohesion. A study conducted by R. J. Sampson et al. (1997) measured violence and how many times in the last six months there was a fight with a weapon, a violent argument between neighbors, a gang fight, or a sexual assault or rape (Sampson et al., 1997, pp 918-920). They found that crime rates can be better explained by social networks in neighborhoods than demographic characteristics of a neighborhood. Context matters, and they found that not only is less crime associated with lower concentrated disadvantage, but that people also often select away, or move away, from areas with crime (Sampson et al., 1997, pp 918-920). Sampson et al. write that collective efficacy is social cohesion among neighbors combined with their willingness to intervene on behalf of the common good. This collective efficacy is linked to reduced violence and crime, since in some cases, people are more likely to commit a crime if they think nobody will interfere (Sampson et al., 1997, pp 918-920). Therefore, this cohesion and trust can lead to informal social control, as people then often regulate themselves within their communities. Sampson et al. define social control as the capacity of a group to regulate its members according to desired principles, in order to realize collective, but not forced, goals (Sampson et al., 1997, pp 918-920.). Relatedly, strong networks within a community will result in people being more willing to help their neighbors and peers who may be experiencing homelessness. Therefore, social cohesion is essential to combating high rates of both homelessness and criminalization.

Notions of deservingness are also essential to combating these issues. Changing our rhetoric that people experiencing homelessness are "undeserving" will result in a higher

willingness to invest money and support into beneficial resources. Sharkey et al. (2017) found that violence is regulated through informal sources of social control arising from residents and organizations internal to communities. Nonprofit organizations and services held a strong role in communities and building trust, social cohesion, and norms at a community level (Sharkey et al., 2017). Nonprofits also provide critical services that contribute to economic stability and mobility; they have the capacity to create strong community relationships through use of intimate local knowledge (Sharkey et al., 2017). Often, these organizations understand their communities' needs and how to meet them, resulting in leaders who truly represent their constituents. However, although nonprofits can increase economic, political, and social outcomes for communities, they are often underfunded and understaffed (Sharkey et al., 2017). Public and private funding for nonprofits often focuses on building and expanding programs rather than investing in the organizations' core infrastructure, organizational growth, or leadership development (Camper, 2016). Therefore, evidence shows that investing money and resources in communities rather than criminalization can result in less disadvantage and directly combat the pressure created by social strain (Sharkey et al., 2017).

Additionally, it does not seem logical that rehabilitation and re-education will be best achieved through incarceration, and methods like mental health or substance-related services might better serve to help people. Oftentimes, crime occurs due to situations of disadvantage, so providing people with the means to survive, like food and education, is a strong deterrent of crime. Therefore, in order to reduce rates of homelessness, funds must be reallocated from the carceral system to sectors like healthcare, affordable housing, and addiction services.

 b. **Housing Reform**

As I have mentioned, there is a general discourse that people experiencing homelessness are "lazy" and to blame for their circumstances without accounting for barriers such as a lack of affordable housing. The "Housing First" model represents a solution to homelessness that has been increasingly effective (National Alliance to End Homelessness, 2016). This method prioritizes providing permanent housing to people experiencing homelessness, which can fulfill their right to safe, stable housing and allow them to improve other aspects of their lives. Housing First is founded on the belief that every person needs to meet their basic needs, such as housing and shelter, before trying to get a job or working through substance abuse issues (National Alliance to End Homelessness, 2016). It also prioritizes the agency of people experiencing homelessness by offering them choice in housing selection and other decision-making. Increased autonomy in this process has been associated with clients remaining housed and completing other tasks more successfully (National Alliance to End Homelessness, 2016).

This model does not mandate that a person experiencing homelessness participates in service in order to obtain housing, which reduces dangerous stigmas and stereotypes about sobriety and addiction (National Alliance to End Homelessness, 2016). Rather, it views housing as necessary for other life improvements and therefore tries to eliminate any unnecessary barriers for individuals. This approach consists of two main programs that differ in implementation (National Alliance to End Homelessness, 2016). The first is permanent supportive housing (PSH), which is targeted towards individuals and families with chronic illnesses, disabilities, and mental health or substance use issues who have experienced chronic or repeated homelessness. PSH offers long term rental assistance and other supportive services. Rapid re-housing, however, is used amongst a wider variety of individuals and families. It aims to help people obtain housing quickly, maintain that housing,

and increase self-sufficiency, and therefore offers more short-term rental assistance and services (National Alliance to End Homelessness, 2016).

Research has increasingly shown that the Housing First model is an effective solution to homelessness. Using this method, people experiencing homelessness usually find housing faster and are more likely to remain stably housed, which is true for both permanent supportive housing and rapid re-housing programs (National Alliance to End Homelessness, 2016). Studies by the National Alliance to End Homelessness (NAEH) have shown that rapid re-housing helps people escape homelessness quickly, the average being two months, and remain housed. 75-91% of households remain housed a year after rapid re-housing. PSH's long-term housing retention rate is up to 98% (National Alliance to End Homelessness, 2016). More extensive studies on PSH have shown that clients report increased feelings of autonomy, choice, and control in Housing First programs. These positive feelings often translate into increased willingness to participate in other supportive services, which can make chances of maintaining housing even higher. People using supportive services are more likely to attend school, participate in job training programs, discontinue substance use, engage in less domestic violence, and spend fewer days hospitalized than those who do not participate (National Alliance to End Homelessness, 2016). Lastly, permanent supportive housing is cost-efficient; providing access to housing is generally less expensive for communities because housed people are less likely to need emergency services like hospitals, jails, and emergency shelters than those who are experiencing homelessness (National Alliance to End Homelessness, 2016). One NAEH study found an average cost savings on emergency services of over $31,00 per person housed over the course of two years (National Alliance to End Homelessness, 2016). Another showed that housing first could cost up to $23,000 less per client per year than a shelter program. Therefore, using less money to

perpetuate incarceration and investing in supportive and affordable housing would likely reduce levels of homelessness and criminalization.

U.S. cities such as Columbus, Ohio and Salt Lake City, Utah have successfully implemented the Housing First approach (Moiz, 2020). Between 2005 and 2015, Columbus has seen a 70% rate of successful housing results (Moiz, 2020). Additionally, in the state of Utah, homelessness has decreased by 91% (Moiz, 2020). These cases highlight the effectiveness of not only the Housing First method, but also in investing in housing more broadly. Therefore, reframing the issue and viewing people experiencing homelessness as deserving will allow for the implementation of similar solutions.

c. Investing in Healthcare

People experiencing homelessness are often labeled as "dirty" or "crazy," but little effort and funding is put into mental and physical health care, which can reduce rates of homelessness and incarceration. As I mentioned, poor health can often cause homelessness and vice versa. The National Health Care for the Homeless Council (2019) writes that people experiencing homelessness are often exposed to violence, malnutrition, and harmful weather and that health conditions like high blood pressure, diabetes, and asthma can worsen when there is no safe space to store medication. Therefore, housing and healthcare work best together and are both essential components to maximizing capabilities and preventing and ending homelessness. Healthcare is more effective when a person is stably housed, and maintaining housing is more likely if they have been properly treated (National Health Care for the Homeless Council, 2019). Stable housing is a key social determinant of health and is necessary to create a healthier and safer society; when people have adequate permanent shelter, they do not have to sleep on the floor of a subway station. Communities that invest in affordable housing spend less money, achieve better health outcomes, and often reduce rates

of homelessness (National Health Care for the Homeless Council, 2019). If a person is sick or injured and has to miss time from work, they might lose their job, which can lead to more poor health. Without employment, many do not have the funds to pay for healthcare and then will consequently be unable to find more work. These consequences can also be devastating for a person's mental health and our dehumanizing labels do not account for these challenges.

Homelessness can also lead to increased mental health issues that are often left unaddressed. One example of combating homelessness through healthcare and housing is in Asheville, North Carolina. In 2011, the Substance Abuse and Mental Health Services Administration (SAMHSA) announced grants to Asheville and nineteen other communities in order to benefit people experiencing homelessness (Garrett, 2012). The Cooperative Agreements to Benefit Homeless Individuals also provided funding to offer support and housing for people experiencing homelessness and for people with mental health and substance use issues (Garrett, 2012). A representative from SAMHSA stated that, "Last year alone approximately 20 million people who needed substance abuse treatment did not receive it and an estimated 10.6 million adults reported an unmet need for mental healthcare. As a result, the health and wellness of the individual is jeopardized and the unnecessary costs to society ripple across America's communities, schools, businesses, prisons and jails, and healthcare delivery systems" (Garrett, 2012). However, expanding programs supported by SAMHSA has been an effective way to provide housing for people experiencing homelessness and to significantly reduce medical costs to the healthcare system (Garrett, 2012).

These examples show that "social policies for reducing long-term unemployment, increasing adult education, providing stable accommodation, increasing average weekly earnings, and various treatment programs will bring about reductions of re-offending" (Knight, 2020). Therefore, we must stop calling people "crazy" or "addicted," and divest

money from incarceration to ending homelessness through schools, hospitals, supportive

housing, addiction-prevention programs, and employment opportunities.

   d. **Restorative Justice**

Although homelessness is treated as a crime, it often does not have a direct victim

besides the individual themselves. I believe that even if a person made "poor" or

"irresponsible" financial decisions, homelessness is a failure of the state. Assisting someone

who has experienced it must require a reconnection with community and a restoration of a

sense of belonging and identity (The Coalition on Homelessness, 2016). Therefore,

restorative justice (RJ) is an effective way to enhance empathy and understanding, restore

strained relationships, and build strong communities as a form of conflict prevention, and

many homeless shelters have even begun to implement its methods (The Coalition on

Homelessness, 2016). Restorative justice allows people experiencing homelessness to escape

the language and labels of dangerous, crazy, and criminal, and to have access to reintegration

and opportunity.

Retributive justice represents a practice and ideology that emphasizes the punishment

of the perpetrator rather than rehabilitation (Government of Canada, 2000). By contrast,

restorative justice focuses more on the future rather than on the past, and is more victim- than

perpetrator focused (Government of Canada, 2000). It is a more communitarian approach and

involves an interaction between the perpetrator and victim and potentially the victim's family

in order to promote healing (Government of Canada, 2000). An important experiment

conducted by the government of Canada (2000) showed that as opposed to retributive justice,

restorative justice has been found to be effective in decreasing rates of recidivism and

increasing victim satisfaction. Restorative justice is an approach that seeks to repair harm by

allowing those harmed and those who harmed to take responsibility and communicate and

address needs post-crime (Government of Canada, 2000). It provided opportunities for perpetrators, victims, and communities affected by the crime to communicate about the causes and impact of the crime and to address necessary, related needs. This method is based on the idea that crime is a "violation of people and relationships" and consequently centers on ideals of respect and compassion (Government of Canada, 2000). It can consist of a variety of practices, but encourages accountability and engagement from different parties and provides an opportunity for healing, redemption, and reintegration (Government of Canada, 2000). This approach also allows for a more holistic view and rhetoric of the situation and for people experiencing homelessness to be treated with humanity and understanding.

RJ has proven successful even in cases with direct victims, which I believe is promising for those without them. According to Communities for Restorative Justice, restorative justice was a successful tool in reducing recidivism and increasing satisfaction. While the study found that traditional criminal justice resulted in 27% recidivism, restorative justice resulted in 18%. Additionally, while traditional criminal justice led to 57% victim satisfaction and 78% offender satisfaction, restorative justice led to 79% victim satisfaction and 87% offender satisfaction. Overall, traditional criminal justice led to 58% completed restitution while restorative justice led to 82% completed restitution (Communities for Restorative Justice, n.d.).

During the process, victims are invited to meet with the perpetrator in order to discuss the incident (Lloyd & Borrill, 2020). Research has found that the intervention has beneficial properties that do not exist in other, more punitive measures, including positive psychological outcomes for victims (Lloyd & Borrill, 2020). Restorative justice has also resulted in lower reoffending rates than other types of interventions and are more cost-effective (Sherman et al., 2015). Therefore, there is evidence that RJ is successful if we wish to reduce crime, satisfy the victim(s), and keep people out of the criminal justice system. Restorative justice

prioritizes humanizing language and changes the rhetoric that people who commit crimes are inherently immoral or criminal.

e. Pre-Arrest Diversion

Another example of a more humanizing alternative to incarceration is pre-arrest diversion. Pre-arrest diversion (PAD) is an underutilized yet highly effective tool, particularly for people who have serious mental illness or substance use issues (Center for U.S. Policy, 2019). It gives law enforcement officers discretion to, at the point of what would usually be arrest or detainment, divert people to a resource such as mental health or substance abuse treatment, case workers, shelter, access to food, or other necessary services (Center for U.S. Policy, 2019). Therefore, if a person experiencing homelessness has overdosed or committed a low-level misdemeanor, rather than being punished or labeled, they are offered resources that can help with their situations and are not at risk of a criminal record. The alternative, jail or prison, has been shown to create or exacerbate mental health and other issues, which can often lead to homelessness. Pre-arrest diversion combats stereotypes by assisting people rather than labeling them as "criminals" and funneling them through the criminal justice system.

These efforts have been successful in cities across the United States in increasing access to necessary services and decreasing criminalization and incarceration. A program in Seattle, Washington found that after a referral from law enforcement, participants were significantly more likely to obtain housing, employment, and an income than the month prior (National Council for Mental Wellbeing, 2021). Additionally, people in the control group were 58% less likely to be arrested after diversion (National Council for Mental Wellbeing, 2021). Similarly, in Longmont, Colorado, prior to contact from this program, participants committed an average of 9.5 legal incidents per year but only 3.9 post-contact (National

Council for Mental Wellbeing, 2021). The number of legal incidents dropped approximately 59% after their first contact with the law enforcement diversion group and arrests declined by 50% (National Council for Mental Wellbeing, 2021). These statistics highlight the effectiveness of pre-arrest diversion in reducing rates of incarceration.

Pre-arrest diversion also promotes accountability through access to treatment and resources, which in turn reduces recidivism, drug use, and other potential harmful behaviors (Center for U.S. Policy, 2019). Additionally, these programs are less costly and more just than incarceration. Long-term, prosecutorial policies that favor treatment over incarceration can save people's lives, help people recover, decrease drug use, reduce crime and incarceration, lower costs, and keep families and social networks together (Center for U.S. Policy, 2019). Therefore, allowing people experiencing homelessness to get necessary resources and opportunities rather than incarcerating them is both more useful and sympathetic.

9. Conclusion

Criminalizing homelessness is ineffective and inhumane, further perpetuating disadvantage and stripping people of true autonomy. Language allows us to justify this treatment of people experiencing homelessness by labeling them as criminal, dangerous, and subhuman. Through mechanisms like labeling theory, dehumanizing rhetoric, and logic of exclusion, language affects not only our perceptions of different groups of people, but also the action we are willing to take for those groups. In those ways, language is a powerful and often dangerous tool in dictating how we create our policy. Most policies do not explicitly state that poverty or homelessness are illegal but rather punish behaviors associated with these circumstances, trapping people in a system that dehumanizes them and exacerbates already-existing challenges.

Sleeping on park benches, sharing food, asking for money, and even loitering on a sidewalk for too long can result in criminal justice contact. While governments may consider these actions to be bad for the city's image or disruptive to the lifestyle of other citizens, people experiencing homelessness are often left with no other choice. There are many factors that could lead to someone experiencing homelessness but the solution should not be increased contact with the criminal justice system. Charging someone a fine or putting them in jail for even a short amount of time can have devastating consequences for not only that individual, but their families, networks, and communities. Therefore, trying to combat disadvantage with more disadvantage will not work and criminalization does nothing to address the root causes of homelessness.

Criminalizing homelessness is not only counterintuitive and costly but also dehumanizing. Treating people experiencing disadvantage as dangerous or criminal not only limits their ability to access resources but also perpetuates harmful stereotypes and stigmas. Therefore, we must reframe our solutions to high rates of homelessness and incarceration and prioritize approaches like pre-arrest diversion and funding for housing and healthcare. However, perceptions must also change; we must understand and consider the weight and power language holds in not only our attitudes, but in real-world policies that affect people experiencing homelessness.

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