

An Analysis of the Historical Criminalization of Homelessness

Homelessness has always been perceived as something that can be solved if it is hidden or removed. From modern ordinances against homeless people living in public spaces to the vagrancy laws of the 19th century, criminalization has been common practice in order to control and punish homeless people. However, while criminalizing homelessness has been proposed for almost two centuries, it doesn't address the underlying modern social issues—including but not limited to: the lack of affordable housing, mental health crises, and drug addiction—that perpetuate homelessness. Proven methods like housing-first initiatives and comprehensive social services are more effective in creating lasting solutions.

Society saw homelessness as a personal failure instead of a result of systemic issues during the 19th century. As stated in Josephine Ensign's *Skid Road*, "poverty was considered an individual and not a societal or economic system failure" (Ensign, 18). This common belief fueled early criminalization efforts, including vagrancy laws, which were designed to manage the economically poor and less fortunate. The legal system treated the homeless not as victims of broader systemic forces, but as criminals. This attitude is evident in the treatment of Edward Moore, who was labeled "crazy," "odd," and "insane" (Ensign, 29) and was forced into poor conditions at the Fort Steilacoom Asylum, despite not exhibiting violent behavior that would warrant such treatment. Physicians ignored the deeper social failures that contributed to his situation and chose to look at him as sub-human.

Despite increasing knowledge of the causes of homelessness, modern responses still reflect this outdated approach of criminalization. Seattle has one of the highest rates of homelessness in the country (Ensign, 4), yet policies continue to criminalize life-sustaining activities. According to the Eric Tars in *Criminalization of Homelessness*, "too many communities criminalize homelessness by making it illegal for people to sit, sleep, or even eat in public places, despite the absence of adequate alternatives" (Tars, 35). These policies target homeless people simply for existing in public spaces, echoing the historical punishment of homelessness without putting effort and money into addressing its root causes.

Additionally, modern homelessness is driven by complicated factors like mental illness, addiction, systemic inequality, and trauma: “A large number of homeless people have an underlying mental illness, including depression, post-traumatic stress disorder, and schizophrenia” (Ensign, 5). Instead of cities investing in mental health services, they resort to penal measures that further destabilize the already vulnerable homeless population. Criminalization also legally prevents the homeless from accessing housing and employment, because they accumulate criminal records and fines that further hinder their ability to improve their circumstances. Tars asserts that, “arrest records, fines, and fees ... stand in the way of homeless people securing jobs or housing” (Tars, 35).

Racial disparities also exacerbate the effects of criminalization. In King County, for example, “homeless people who die ... are more likely to be people of color” (Ensign, 5). Racial inequalities drive marginalized populations into cycles of poverty and homelessness, and these groups are often targeted once they are impoverished and homeless. Tars cites the fact that, “Communities of color; mentally and physically disabled persons; and lesbian, gay, bisexual, transgender, and queer/ questioning youth and adults, who are already disproportionately affected by homelessness, are most likely to be further marginalized by criminalization” (Tars, 36).

Instead of criminalization, the housing-first model offers a far more effective and humane solution to homelessness. It focuses on creating stable housing without strings attached, which provides the structure that allows homeless individuals to address underlying issues such as mental health and addiction. According to Tars, “criminalization is the most expensive and least effective way of addressing homelessness” (Tars, 36). Programs like housing-first are successful in meeting the needs of people from all backgrounds and circumstances for long-term, lower costs. A study in Charlotte, NC, for example, found that the city “saved \$2.4 million over the course of a year after creating a Housing First facility” (Tars, 36). Housing and social services benefit homeless individuals instead of further stigmatizing their condition, while also reducing the financial burden on cities.

Even though criminalization of homelessness has been promoted since the 1800s, it has persistently failed to address the underlying causes of the problem. Alternatively, housing-first initiatives and comprehensive social services provide long-lasting solutions. Addressing homelessness requires upstream systemic change and understanding, not disciplinary action. Only by confronting the issue head-

on can we end homelessness permanently.

Sources:

Ensign, Josephine. *Skid Road : On the Frontier of Health and Homelessness in Seattle*. First paperback edition., University of Washington Press, 2023.

Tars, Eric. *Criminalization of Homelessness*. National Low Income Housing Coalition, 2020,https://nlihc.org/sites/default/files/AG-2020/6-08_Criminalization-of-Homelessness.pdf. Accessed 10 Sept. 2024.

