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## FOREWORD

### HOMELESSNESS

**Robert E. Rodes, Jr.\***

I almost began by saying that homelessness is one of the most serious problems facing American society today. In fact, though, it is not one problem, but several. There seem to be three basic reasons why Americans in 1989 lack roofs over their heads. The first is simple poverty. A good many people drop through the numerous holes in our patched, stretched, and convoluted safety net. As shelter—at least fixed shelter—is generally more expensive than food or clothing, many of the poor find that that is the one of the three basic needs that they have to forego.

At the other end of an imaginary spectrum are the mentally ill—the “deinstitutionalized” in current rhetoric. Following our national genius for developing simple solutions to complicated problems, when we discovered that many inmates of mental institutions did not belong there, we celebrated by throwing great numbers of inmates out whether they belonged there or not. The ones that really did belong there are now on the street.

In between these two categories, there is an amorphous category of traditional “tramps” or “bums,” people without the social connections to keep them in one place. They may be alcoholics or drug abusers; they may lack motivation, marketable skills, or both; either they are not eligible for welfare or they are too passive to fill out the forms. Their poverty is more intractable, more rooted in their personality or their social situation than is the case with the first category, the simply poor. Their mental condition is more situational than is the case with the third category, the mentally ill.

To be sure, there is overlap and transition among the categories. Hard-core poverty has a way of driving people to drink, and mental illness has a way of dissolving social connections.

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Still, if we are going to look for legal and administrative responses to homelessness, we must keep the three different categories in mind.

This issue of the *Notre Dame Journal of Law, Ethics & Public Policy* touches on all these categories and the whole range of problems they present. Professor Kim Hopper provides a general historical and typological background, and shows how our well-intentioned, over-directed, and under-funded projects keep going astray, some by confusing the categories, others by systematically excluding the categories most capable of recovery with a little help. He ends with a testimonial to the resilience of the victims, and a protest against the conservative mindset that turns their resilience into a reason for leaving them victims: "We watch, astonished, as our findings take their newly assigned places in a galaxy of 'a thousand points of light.'"

Other articles deal with individual categories of homelessness. Professor Salsich takes up our efforts, such as they are, to provide affordable housing for those I have referred to as simply poor—people who would have no problem living in normal homes if they could pay for them. Salsich gives a careful survey of the applicable laws. He proposes that we pay more attention to the possibility of small grass-roots projects, locally initiated, and in great part locally financed. He presents and solves a good many of the problems of setting such projects up and securing for these projects such benefits as legal continuity and tax exemption.

Professor Rossi deals with the amorphous middle category, showing what can and cannot be expected of the families of people in that category. He points out that people will be reluctant to take in homeless relatives if they are barely making it themselves, or if the relatives in question are crazy, disruptive, or drunk most of the time. That we need to be told such things says a good deal about the endemic invisibility of the poor. Rossi, like Hopper, is surprised not at how little relatives do, but at how much.

Doctor Lamb deals with the third category, the mentally ill. He points out how the revisions we have made in the procedures for involuntary commitment leave many people on the street who could be helped with suitable institutional care. He shows how the current restrictions on involuntary commitment were shaped by an unlikely combination of libertarians, who thought of mental illness as an alternative lifestyle that everyone should be free to choose, tax cutters, who did not want to spend money, and idealists, who wanted to treat the mentally ill

in outpatient facilities which, thanks to the tax cutters, never got built. He describes a revised law proposed by the American Psychiatric Association. It looks fairly judicious. The ideal here is to get help for people who really need it even though they are led by their mental condition to reject it, and at the same time not to make it too easy for middle aged upwardly mobile executives to sweep their inconveniently eccentric relatives under the rug. Dr. Lamb's proposals seem close to the right balance.

Gregory Evans, a graduate of the Notre Dame Law School, who spent his last year of law school working on the legal problems of the people who came into the newly founded Center for the Homeless in South Bend, has written a model statute on standards of decency for shelters of this kind. These shelters are the last resort for the homeless, unless they are to sleep in the bus stations or on the streets. They are also for many the first access to the bewildering array of welfare and social programs through which some of them may escape their homeless condition. The author is concerned at the extremely spotty quality of many of these important places. He suggests that federal guidelines might improve matters: federal funds could be withheld if the guidelines were not met. But, as he shows elsewhere in the article, federal funding is painfully inadequate, and what little is authorized is not always provided. There may not be enough federal funds in the picture for loss of them to be a serious incentive.

You have before you, then, a broad introduction to the problems and frustrations of a major aspect of poverty and social disintegration in post-liberal America. I will not invite you to enjoy it, because there is in it a good deal to be sad about and a good deal to be ashamed of. Nor will I urge on you the bitterness and despair to which people are sometimes a prey when they have labored in these vineyards too long. There are in fact sources of hope if you look at the situation with a fresh eye. Perhaps sober reflection is the one thing that these papers should inspire in all who read them, whatever their ideology or their experience.

