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Hate Crimes Against the Homeless: Warning-Out New England Style

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This article reports on the hate crime victimization experienced by thirty individuals over the course of their homelessness in a New England city. In-depth interviews were conducted with the participants in order to provide a detailed, contextual account of the nature and forms of their hate crime victimization in public and semi-public spaces. Central to the article is the argument that hate crimes against homeless people function as informal social control mechanisms that impose spatial constraints, not unlike the character and objectives of the warning-out laws that were used to exclude homeless people from the public and private space of early New England communities.

Keywords: *homelessness, hate crimes, warning-out*

For homeless people in this country, public space is the realm in which they are forced to conduct the fragmented tasks of daily survival. Although public space has been romanticized as egalitarian in nature, homeless people have experienced it as a contested terrain filled with hierarchical and exclusive aspects (Anderson et al., 1994; Knowles, 2000). One of the earliest examples of efforts to segregate public space from the homeless in this country were laws imposed in colonial New England which were based on the Elizabethan Poor Laws. Homeless wanderers in the seventeenth and eighteenth centuries were ordered to leave communities in which they did not have legal residence—a process referred to as “warning-out” (Katz, 1996).

While the pathways through public space no longer include the statutory challenges that were in place in colonial New England, homeless people are still being warned-out of public realms.

These contemporary warning-out practices take on a variety of complex cultural, legal, and socioeconomic forms and include, for example, statutes which are designed to impose spatial constraints, i.e. bans on sleeping and resting in public areas. Among the current warning-out mechanisms, one of the most powerful is hate crimes. Accounts suggest that homeless people are subjected to a broad array from those who blame them for their poverty and who regard them with fear and loathing (National Coalition for the Homeless, 2003; Swanson, 2001; Wachholz and Mullaly, 1993). These crimes contest the right of the homeless to community membership and public space and can therefore be conceptualized as an extension of colonial warning-out practices. Few have studied hate crimes against the homeless, however, and this form of victimization has generally not been included in legal definitions of hate crime.

This article reports on the hate crime victimization experienced by thirty individuals over the course of their homelessness in a New England city and the implications of these crimes on sociopolitical prescriptions about who should use public space. In-depth interviews were conducted with the participants in order to provide a detailed, contextual account of (1) the nature and forms of their victimization in public and semi-public spaces (e.g. malls, stores, and restaurants); (2) how their victimization varied according to race, ethnicity, sexuality and gender; and; (3) their responses to the victimization and the strategies they used to avoid future harm.

Since the late 1970s, there has been an enormous increase in the number of homeless people in the United States, making homelessness dramatically more visible in many communities. One recent estimate suggests that nearly two million Americans are now homeless over the course of a year (National Law Center on Homelessness and Poverty, 1999a). The significant rise of homelessness over the last two decades can be attributed to such structural factors as eroding work opportunities, low wages, lack of affordable housing, de-institutionalization, and the dismantling of welfare supports. These interconnected socioeconomic forces have created conditions whereby homelessness is now a fixed feature of our landscape (Cohen, 2001).

In response to the tremendous growth of homelessness, many

communities have raced to establish new strategies designed to control homeless people's access to and movement within public space (Dear & Wolch, 1987; Snow & Anderson, 1993; Snow & Mulcahy, 2001; Wright, 1997). These actions have created conditions where challenges over space have become part of the daily struggles for many homeless people. They are, nonetheless, part of an entrenched historical pattern in which privileged groups regulate space as a means to erect socially and politically constructed boundaries between people and reflect discriminatory "impulses toward exclusion, control, security, sameness, and predictability" (Bickford, 2000, p. 362; and see Cooper & Oldenzeil, 1999; Knowles, 2000),

Although there is now a broad array of informal and formal social control mechanisms that impose spatial constraints on the homeless, these practices are neither simple nor new. At their core, symbolically they reflect the character and objectives of the English warning-out laws that were imported in the seventeenth century. Essentially, these laws provided colonial towns with a means to legally exclude people from communities by preventing them, and anyone else that they thought might be a welfare burden to them, from obtaining residence if they failed to demonstrate financial self-sufficiency or could not trace their familial heritage to a community. It is important to note, however, that warning-out laws not only functioned to protect communities from providing relief to the destitute, they were also used to guard a township's job market. Individuals were warned-out if they were viewed as a threat to the supply of waged labor positions. Warning-out laws were also employed to expel individuals who held different religious and political beliefs (Beard, 1987; Benton, 1911, Crouse, 1986).

Warning-out notices were generally issued by a township's overseer of the poor or selectmen and were served by a constable (Hankins, 2000; Kennedy, 1934). For example, John Poland was warned-out of what is now Gorham, Maine in 1791 by the Town Constable following the Massachusetts Bay Province Law of 1692, chapter 28 (General Court of the Commonwealth, 1869). His notice read, "John Poland & Family . . . Who have lately come into this Town, for the purpose of abiding therein, not having obtained the Town's Consent therefore; That they depart the limits thereof

with their Children & others under their Care, (if such they have) within fifteen days" (McLellan, 1903, p. 334).

By the early part of the nineteenth century, most states had replaced the warning-out system with settlement laws that required towns to provide short-term relief to the poor (Hankins, 2000; Miller, 1991). However, similar warning-out mechanisms persist. The most obvious are statutes that criminalize behavior which is part of the survival strategies of the homeless—i.e. sitting or sleeping on sidewalks and asking for donations (Snow & Mulcahy, 2001). One study reports that seventy-two cities have recently sought to criminalize activities associated with homelessness (Cohen, 2001; National Law Center on Homelessness and Poverty, 1999b). These statutes, along with aggressive enforcement of anti-loitering laws, are part of an effort to make homelessness less visible in public arenas (Snow & Mulcahy, 2001). As Mitchell (1997) laments, "By seeking, that is, to so regulate the public space of the city such that there is no room for the homeless people, recreates the public sphere as intentionally exclusive" (p. 321).

Zoning laws are also used as a warning-out mechanism. They produce legal segregation by containing the development of services for homeless people within certain segments of cities. Some argue that the concentration of such services is the most efficient way to organize care; for others, this arrangement ghettoizes the homeless and functions to legally exclude them from public space (Dear & Wolch, 1987; Snow & Mulcahy, 2001).

The establishment of what Bickford (2000) refers to as "prickly space" is yet another means to remove homeless people from public realms. These spaces are designed to be uncomfortable and make people feel unwelcome. The creation of prickly space includes removing benches and placing enclosures around dumpsters and restaurants (Vesperi, 1985). Failing to supply shade, water, and public toilets is also part of this conceptualization. All of these actions are a displacement effort, as Kawash (1998) explains, that create conditions where "there is no place in the contemporary urban landscape for the homeless to *be*" (p. 326).

Missing from the literature on spatial control strategies, however, is a discussion of the bearing that hate crimes have on socio-spatial dynamics. This omission also occurs in the majority of studies that comprise the small body of literature on hate crimes against the homeless. Essentially, the National Coalition for the

Homeless (2003) has completed most of the research in this area. The National Coalition for the Homeless (2003) has completed most of the research in this area. Since 1999, the Coalition has been compiling newspaper articles from across the nation that discuss violent acts perpetrated against the homeless that appear to have been motivated by hate. Their research generally omits consideration of a victim's class (Perry, 2001), nor does it address how hate crimes function to establish spatial boundaries between the homeless and more privileged groups.

Several studies of hate crimes against homeless people in other countries have, nonetheless, included some level of discussion about how hate is used to displace and deny space to certain groups (Kelly & Maghan, 1998; Talhami, 1998; Wilson & Greider-Durango, 1998). For example, Wilson and Greider-Durango (1998) show how hate crimes known as *limpieza social*, or social cleansing, have led to the methodological killing of street children in Columbia. The murders, they argue, are fueled by a desire to remove homeless children from public space and sight. These "clean-up" operations are also occurring in Brazil.

Hate crime is, as Perry (2001) notes, "a form of interpersonal and intercultural expression that signifies boundaries" (p. 56). It is a powerfully destructive warning-out practice that has, to date, not been fully acknowledged as part of the dehumanizing, hurtful conditions endured by the very poor of this nation.

Methods

Semi-structured, in-depth interviews were conducted to gather narratives about hate crimes against homeless people. Since legal definitions of hate crime are socially and politically contingent, this study was not limited to acts that violate criminal law (Perry, 2001). Instead, a sociologically meaningful definition was used to capture the broad array of hate motivated acts perpetrated against the homeless. For purposes of this study, the concept of hate crime is defined as words or actions intended to harm or intimidate an individual because s/he is without an adequate, secure residence—in essence, homeless. This definition was discussed with each participant prior to the start of an interview. Following the lead of Dijkstra (2000), public space was defined as areas that have the characteristic of belonging to everyone.

Semi-public space referred to areas that offer specific uses (e.g. purchase of gas, food, clothing, etc.) where it is generally illegal to discriminate against customers, therefore fostering public access, but without any guarantee that such space belongs to everyone.

The research design, interview guide, interpretations of the data, and drafts of this article were completed in collaboration with a group that advocates for homeless people. The group consists of individuals who are homeless or formerly homeless, and it engages in both direct service and political action on behalf of the homeless. This collaborative brought the perspectives of homeless people into the production of knowledge about hate crimes.

This advocacy group also played a fundamental role in recruiting participants for the study, which consisted of a purposive sample of fifteen males and fifteen females. Twenty-seven of the individuals were homeless at the time of the interview while the remaining three had relatively recent experiences with homelessness. A diverse sample was sought in order to explore how the participants' victimization experiences were shaped simultaneously by their status of being homeless and by factors such as age, race, ethnicity, disability, and gender.

Among the thirty participants, nine were racial minorities, with Native Americans accounting for the largest percentage. Although they ranged in age from eighteen to sixty-five, the majority could be described as single, middle-aged men and women; their average age was thirty-eight. The research site was a middle-sized New England city with a population of approximately 64,000; racial minorities account for less than ten percent of the residents.

The forms of homelessness experienced by the participants reflect the variety of housing conditions that Watson and Austerberry (1986) include within their definition of homelessness. These authors suggest that homelessness must be understood along a continuum where secure, tenured housing is at one end and literal rooflessness at the other. The various forms of insecure, precarious housing conditions that fall in between the two ends of the continuum, such as boarding homes, condemned rentals, and jails, are also included in the conceptualization of homelessness (Carlen, 1996). Reflecting this definition, four of the participants

identified themselves as homeless because they were living in insecure, provisional housing.

The majority of the participants were living in a shelter for the homeless at the time of the interview. However, almost two-thirds had experienced a variety of living conditions over the course of their homelessness. This included living in cars, tents, recycling bins, box cars, abandoned buildings, carnival game boxes, and condemned trailers. Almost one-third had endured "couch surfing," which is a term that describes the process of sleeping on sofas in someone else's home. Their length of homelessness ranged from one week to twenty-five years; the average was approximately five years. Over half had experienced more than one period in their life without housing.

Pathways Through Hate

The discussion of hate crimes is organized around four of the locations that are part of the daily routines of survival: panhandling places, resting places, toilet places, and sleeping places. These terms are taken from a discussion of a map that appears in Vanderstaay's (1992) book *Street lives: An oral history of homeless Americans*. A homeless man created the map of the various places within a city that are part of his daily efforts to stay alive and meet his basic needs while living on the streets. As the findings from this study demonstrate, the participants experienced movement within the four places discussed in this article as a process of navigating through hate. The streets are indeed mean, as Hagan and McCarthy (1998) have declared, and they are filled with individuals who use hate-motivated words and actions to send out the longstanding colonial message: go away.

Panhandling places are the sites of most frequent victimization. There are three reasons for this. First, panhandling is a marker for homelessness; those who engage in it are more readily identifiable targets for hate. Second, following Wagner's (1993) research on the homeless in North City, panhandling reflects the historical myth that the impoverished lack a work ethic. Individuals may see panhandlers as intent on "making a livelihood off the hard-working citizen," as Stark (1992) asserts, even though the income generated is generally very small and individuals often turn

to panhandling only after they have exhausted other economic resources (p. 350). Finally, the use of streets and sidewalks to make money defies conceptions about the types of space that should be used for financial exchanges (Gottdiener, 1985; Wright, 1997).

Among the participants, seven women and six men indicated that they had periodically engaged in panhandling. None were racial minorities. Their panhandling behavior involved either "flying a sign," which refers to holding a cardboard sign, or "spraying"—asking for spare change, cigarettes, etc. Regardless of the panhandling technique, all of them provided myriad accounts in which they had been "categorized, inspected, dissected [and hurt]" by the public and city authorities (Wright, 1997, p. 39).

The most common form of hate speech directed at panhandlers consisted of words linked to paid employment: "Get a job, fucking bum; Can you spell work?; You're living off tax payers, you bum." This underscores Wagner's (1993) lament that if a person is poor and visible, "work status seems to become the primary public concern rather than hunger, illness, disease, or frostbite" (p. 69).

Among the women in the study who panhandled, the abuse frequently included sexually offensive or threatening comments. All of them described panhandling experiences in which they had been called "homeless sluts"—words that reinforce the notion, as Gardner (1995) argues, that public space is largely the realm of privileged men. Panhandling was bad enough, but a women panhandler was doubly disdained because she violated gender expectations: panhandling is traditionally perceived as a masculine activity (Gardner, 1991; Gardner, 1995; Messerschmidt, 1993; Messerschmidt, 1997).

Many of the words and gestures directed at women left them feeling frustrated, angry, unsettled and sometimes deeply frightened. One young woman, who had been panhandling since the age of twelve after fleeing a sexually abusive home, talked at length about the degrading, offensive interactions she experiences with men when she "flies a sign":

Like it's so frustrating. . . . They'll like honk, they'll like be making gestures like a blow job. Yeah, yeah, oh all the time, constantly, constantly. One time this dude held money out a window, I got

up, I walked right up to car, and I look down and in the corner of my eye I see his hand going and he's jacking off right there and he's all like you want it, and it was just a handful of change.

Her experiences with this type of victimization and other forms of hate crimes linked to her identity as a homeless woman increased over time as she aged on the streets. The two other young adults who panhandled while growing up on the streets recounted similar experiences of maturing into public hate. As children, they tended to arouse public pity and sympathy, but as adults they became undeserving of such support. This reflects the historical distinction between the "deserving" and the "undeserving" poor that was incorporated into the English poor-laws of the sixteenth century (Katz, 1996; Wagner, 1993).

While the hate speech in panhandling places presented a harm in its own right, it was often linked with other harms, such as physical assault (Nielsen, 2002). All of the panhandlers in this study described multiple incidences in which assailants had combined degrading, hurtful words or expressions with physical assault. Most often, this assaultive behavior consisted of throwing objects at panhandlers, generally from the security of cars. The objects that were used as weapons to enact the warning-out message took many forms. As one individual explained, "I've been hit in the face with a handful of pennies. I've been hit in the face with a can of dog food . . . cups of coffee." As another recounted, "The other day somebody threw a penny at my head . . . I got an ice cream cone thrown at me once."

Although relatively rare, there were accounts of assaults in panhandling settings that resulted in some level of physical injury. Sally, who almost always panhandles with her partner Bill, was kicked in the face by a man one day when she was panhandling alone. Several people on the street witnessed the assault and called emergency services and the police on their cell phones. When asked why she thought he had kicked her, Sally stated simply that "he thought I was a piece of shit . . . Look, she's got a backpack, she's got filthy clothes, yeah, just shit." One of the male participants, Tom, described an incident in which he was hit in the face with a closed fist when he was flying a sign. As he recalled, "And this guy comes up, got out of his car, bucked his chest at

me, pushed me with his chest and called me a 'worthless piece of shit—get a job' and smacked me right in the face . . . closed fist punch—wham."

Both the men and women described an array of sophisticated strategies that they use to avoid harm in panhandling places. Several noted that when they make a verbal appeal, they carefully consider the tone and wording of their request so as not to anger, alienate, or frighten passersby. As Lanckenau (1999) suggests, this effort transforms a request into a carefully orchestrated repertoire that functions to shield panhandlers from harm and increases the probability of a successful appeal. In turn, most indicated that to avoid escalating a situation and being at even further risk for harm, they actively work at concealing their emotions when someone lashes out at them. As such, they engage in what Hochschild (1983) refers to as "emotion work"—a process that entails managing one's emotions according to the requirements of a job.

Finally, many employed friends from the homeless community to stand within hearing distance of them so that they could summon help if they encountered threatening behavior. This practice was referred to as "shadow work." Garry often "runs shadow" and uses a harp to communicate signals to the individuals he protects. As he stated, almost every male panhandler gets hit or knocked down "every couple of weeks or so . . . that's why they want me. That's why they need someone to run shadow . . . I'm not a good beggar, but they love me to go with them, because I'm there."

Homeless people must develop other techniques to avoid being warned-out of resting, toilet, and sleeping places. These resourceful actions stand in sharp contrast to the conventional notion of the homeless as helpless and disorganized and underscore the view that the homeless should not be pathologized as socially disorganized, disaffiliated, or disempowered (Anderson, et al., 1994; Snow & Mulcahy, 2001; Wagner, 1993).

Public space is filled with resting stations: benches, steps, edges of planters and water fountains, walls, and railings (Ortiz, 1994; Bickford, 2000). When people in this study used these stations as resting places, they often encountered police and passersby who used hate-filled words, actions, and gestures to

communicate the message that homeless people were undesirable and illegitimate users of such social space even though, by virtue of being homeless, they were "residents of public space" (Kawash, 1998, p. 320).

For many of the participants, resting accounted for a relatively small portion of their day. Several talked about the tremendous amount of time and energy they devoted to simply accessing and maintaining social service benefits. Patty, who is HIV positive and has spent a significant amount of time in search of appropriate health care benefits and services, noted that she is "constantly always on the move for something. I'm on my feet all the time. I've been walking constantly because I have no truck . . . I mean I have fifty million things a day I'm doing, believe it or not." Volunteer work, informal mutual-aid within the homeless community, and waged labor also consumed a great deal of the participants' time. Well over half worked periodically in either part-time, casual jobs or in temporary day-labor positions; one in four was a volunteer in various nonprofit organizations. Their level of involvement in productive activities is similar to that found in other studies; and yet, homeless people continue to be stigmatized as lazy (Rossi, 1989; Snow & Anderson, 1992; Wagner, 1994).

Given this stereotype, by simply resting in public space the homeless can arouse considerable anger (Wagner, 1994). For many of the participants, then, activities such as sitting in public space or congregating with friends on sidewalks were all too often enmeshed with deflecting, ignoring or responding to hate-filled words and actions that served as warning-out mechanisms. Similar to the participants' experiences in panhandling places, hate speech was the most common form of victimization in resting places, and it was also generally white men, from the security of cars, who engaged in these warning-out actions. There were, however, some very significant differences in the patterns of hate speech victimization in this setting.

For the female participants, resting in public space carried a more frequent risk of being the victim of direct, face-to-face hate speech victimization. All but one of the female participants recounted incidents in resting places where individuals in close proximity to them had shouted sexually objectifying words such

as "homeless slut" or "homeless bitch." In most instances, the perpetrators were men.

Although the males in the study were also subjected to hurtful remarks through direct confrontations with passersby, they were more apt to experience what one male participant referred to as "distant hate." He described this as words, actions, or gestures used by perpetrators when their physical distance from the victim is sufficient to avoid retaliation. He noted that distance hate is usually employed from cars, but that individuals also engage in this behavior after they have walked past someone. As he explained, "It's generally when they've gotten far enough away to where they don't think I'm gonna come after them and beat em up or something, you know. There's fear." The distance haters were overwhelmingly male.

In general, women were more often victims of direct, face-to-face hate speech than men, reflecting the gender hierarchies that permeate public space. In this realm, as Gardner (1995) laments, women are frequently subjected to male harassment and are "pawns for street commentary, targets of gaze, subjects of touches, lures for trailing and stalking, dupes for foolmaking—and victims of rape and violent crime" (p. 240). These forms of harassment and abuse are an expression of patriarchal entitlement (Nielsen, 2002). To the homeless women in this study the perpetrators were not only asserting their masculine dominance, but they were also communicating the belief that homeless people should not be allowed to rest in public space and, in essence, be recognized as fellow citizens (Bickford, 2000; Perry, 2001).

Over half of the racial minority participants in the study described instances in which individuals had shouted racial epithets that were punctuated by words that expressed a desire to end their presence in the community altogether: "Go back to where you came from, homeless scum," "Homeless piece of shit, I'm calling immigration." Ironically, many of these victims were Native Americans. The harassers thought that they were Hispanic and therefore shouted their wounding words in Spanish. Fred, one of the five Native American participants, noted that he was repeatedly victimized in this manner. As he stated, "I've had that done so frequently, I know a little bit of Spanish myself right now."

Resting places were also sites where the homeless encountered a significant amount of hate speech from the police; six men and three women described instances in which they had been targets. Each recounted derogatory statements leveled by the police about their status of homelessness that were interwoven with words such as faggot, bitch, bottom feeder, and white trash. Terry, who noted that he was well known among the local law enforcement officers as a member of the homeless community, provided a particularly chilling account of this pattern: "One [police officer] comes up from behind me and I was like, oh man, what did I do? And that's when he slapped me on my back and he was like saying all this stuff in my ear real quietly, calling me a punk, calling me a homeless bitch."

With few notable exceptions, the participants reported that they were most likely to encounter hurtful, hate-filled words from the police during routine examinations of their identification documents. In resting places the police consistently and systematically check their I.D.—a practice that was described as occurring so frequently that it appeared to resemble a form of petite apartheid. Speaking to the frequency of police checks, a participant explained, "They [the police] go to a lot of these places where people sleep and hang out . . . they check them frequently, like everyday, sometimes three or four times a day." This heavy surveillance practice left many of the participants feeling angry, and it led to heated exchanges between the police and the homeless community.

Resting places were not only sites where the homeless were subjected to what Whillock and Slayden (1995) refer to as "credentialized" hate speech by officers of the state, but they were also forums where the homeless endured police brutality. Almost one-third of the participants indicated that they had been subjected to police use of excessive force—acts that they believe were driven by a disdain for the homeless and by a belief that the homeless were powerless to protect themselves. Overwhelmingly, the victims were male ($n = 7$) and, once again, the context for the abuse often surrounded interactions between the police and the homeless community that emerged from law enforcement surveillance practices. Sam, who started living on the streets at the age of

fourteen, described the police as a significant source of danger. As he stated, "Out of all the people that I have dealt with in my entire life with being homeless, the most terrifying people to deal with on the streets are the police. They are brutal. They use excessive . . . force. I have had the shit beaten out of me for nothing." Consistent with these accounts of police violence, the law enforcement department was under federal investigation for police brutality at the time of the study.

There is now a growing body of literature that documents police' involvement in hate crimes (Geller and Toch, 1996; Herek and Berrill, 1992; Perry, 2001). For example, in a recent study published by the National Coalition of Anti-Violence Programs (1998) the police accounted for eighteen percent of the perpetrators of hate crimes against gays and lesbians. Clearly, then, the police play a relatively hidden but powerfully important role in warning-out the homeless from public resting space.

Although such factors as gender, race, and ethnicity shaped the forms of hate crime victimization the participants experienced in resting places, virtually all of them stated that the rate of victimization was largely driven by how easily an individual could be tagged as homeless. Tagging was most likely to occur if an individual could be linked to what Goffman (1963) refers to as stigma symbols—attributes, traits, or styles of conduct that reveal a stigmatized individual's true identity or condition. The types of space that were frequently used by the homeless for resting, such as sidewalks and parking lots near soup kitchens, shelters and social service agencies, functioned as stigma symbols that exposed their status. As one participant explained:

At least once a day someone says something [hateful] . . . especially when we're sitting out in front of the shelter at night when it's a nice, cool night. People drive by in cars, they know what the place is, they will yell, throw their fingers to us . . . calling us bums, homeless people, you're nothing.

To avoid tagging some of the participants worked at avoiding stigmatized space. Stan, who had been living at a homeless shelter for approximately four years, said he tried not to be seen anywhere near the shelter during the day. He also walked long distances each day as he was fearful that if he rested for too long in

any one place he would be tagged as homeless. His daily journeys often covered large areas of the city. As he noted, "I might go up to the West-End promenade, East-End promenade, ya know, down to the port." He used movement to avoid encountering the hate that operates through stigmatized space.

Clothing and hygiene practices that conflict with middle-class appearance norms also function as highly significant stigma symbols that can trigger the tagging process and lead to hate crime victimization in virtually all settings in the daily routines of homeless people. One of the stereotypes of homelessness is that they all wear shabby clothing and are unkempt (Lankenau, 1999). The participants in this study who violated appearance norms and conformed at some level to this stereotype were much more likely to be tagged as homeless and experience hate crime victimization. Barry, who lived in a camp and often had difficulty finding warm water for cleansing, noted that he encountered hate speech in resting places on a daily basis, and felt that he was more likely to have this experience based on his appearance.

Almost all of the participants talked about how their appearance was subjected to what Gardner (1995) refers to as "inspection draw"—close public scrutiny. Thus, while it was natural for them to maintain their appearance, they also saw it as a means to protect themselves from failing inspection and thereby increasing the probability of being victimized. They were acutely aware of the association that has been culturally constructed between dirt and homeless people (Douglas, 1966; Lankenau, 1999).

To avoid this detection while sitting in public spaces participants used props, such as books, magazines, newspapers and various religious items (e.g. bible, yarmulka) to signal that they were involved in an activity and not simply resting. As Goffman (1963) suggested in *Stigma*, these types of strategies, which he referred to as "passing," are frequently employed by stigmatized individuals to mask their identity.

Both the frequency of victimization in resting places and the amount of energy required to avoid it left many of the participants angry and heightened their sense of displacement. Sam, who said that he was often the victim of hate speech in resting places because he was carrying the wrong plastic—a grocery bag and not a credit card—expressed this sentiment in poignantly clear

words that reflect his sense of feeling unwanted, unwelcome, and warned-out. As he lamented, "I feel like I am losing my place on the planet . . . Why as a homeless person are you given no space at all?" Resting in public space, in quiet solitude and peace, is an act that is reserved for the privileged.

Although relatively few have sought to systematically study access to bathrooms, they are also spaces where various power relations are reinforced and reproduced, and thus sites where the people in this study encountered warning-out through hate. In this location, however, the perpetrators were no longer predominately "nasty white males in cars," but rather men and women from a broad array of socioeconomic backgrounds. This victim-offender pattern is important to understand for, as Perry (2001) explains, hate crime "is much more than the act of mean-spirited bigots. It is embedded in the cultural and social context within which groups interact" (p. 1; and see Bowling, 1993; Young, 1990).

Among the participants, almost one-third ($n = 8$) described instances in which hate-filled words and actions had been used to deny them access to semi-public bathrooms, such as those found in gas stations and fast-food establishments. All of these individuals this was based on the fact that they were homeless and not because they were trying to use bathrooms that were private or "for customers only."

The most common strategy used to exclude the participants from toilet space entailed the employment of the claim that homeless people routinely create dirty messes in bathrooms, particularly when they used them to care for their bodies—e.g. brushing their teeth, washing their faces. Five of the eight participants who had been warned-out of bathrooms were told they could not use a certain facility as homeless people "trash" bathrooms. Duneier (1999) reports that the homeless men in his study were also subjected to this hurtful accusation. Stan was told by the manager of a Burger King that while it was *good* for the homeless to use toilets rather than the streets, "the restroom, right, it's not for taking and making a mess and trying to wash your face." One woman who sought to brush her teeth in a gas station was told by the attendant that it wasn't a "hobo homeless bathroom for her to dirty," and she overheard this individual calling her a white, homeless bitch. When confronted by the homeless woman

the attendant stated simply, "Ma'am, this is not for homeless people—that's all I got to say." By contrast, the airline traveler who attends to personal hygiene in an airport bathroom washes in peaceful privilege.

Nonetheless, many homeless people used clever strategies to gain access to bathrooms and to shield themselves from being warned-out of them. Hiding one's identity, or "passing" in Goffman's (1963) terms, was the central mechanism they employed to carry out these objectives. Jill, who was a former elementary teacher and had fled a physically abusive husband explained, "[In hotels I] pretend that I'm waiting for someone or that I am inquiring about the conference upstairs. And I can do that—go into the bathroom, freshen up."

Similarly, Marge used conversation about travel to pass as a tourist and thereby gain access to bathrooms in gas stations for her children when they were living in a car. She asked for directions while her children washed and used the toilets. Marge would also talk to the attendants about fictitious travel experiences. As she noted, "I was always pretending that we were traveling to different places . . . So we just kind of played the game that we didn't live any different than anybody else." Chad, as another case in point, would periodically represent himself as someone who was seeking employment and would start to fill out a job application form before slipping into the bathroom.

Traditionally, the actions that the participants used to gain access to bathrooms have been categorized in the literature on homelessness as either stigma management efforts or resourceful survival mechanisms (Anderson et al., 1994; Snow & Mulcahy, 2001). It is clear, however, that this behavior must also be understood as hate crime victimization prevention. They are strategies to avoid hearing the hate-filled words that Jim and his partner endured when they sought use of a bathroom to wash-up: "Why don't you get a house!"

Like finding a bathroom, finding a place to sleep is another daily challenge (Mitchell, 1997; Wright, 2000). Among the participants in this study, approximately two-thirds had slept outside in cars, tents, boxes, and recycling bins. These individuals were forced to work hard, as Wright (2000) so evocatively noted, "to fit themselves into the never-world cracks of the city" (p. 29). But

sleeping in a public space in now a criminal act. Approximately one-third of the participants who had slept outside reported being dislodged from their sleeping place by agents of social control (i.e. police, city workers, state road crews); five men and two women indicated that disparaging, hate-filled words and actions were used to carry out the task.

Although residing in shelters can shield the homeless from the hate crime victimization tied to sleeping outdoors, many were deterred by the discomforts and regulations of shelters. For example, the shelter could not provide arrangements for individuals to sleep with or be near those they cherished—e.g. husband or wives, partners, boy friends or girl friends, pets. One young woman said that she would never use a shelter as that would mean separation from her dog. As she explained, “They watch over you, they keep you company, they’re your best friend, they don’t *hate* you.”

There are three different types of urban space that homeless people may sleep in. Prime space as any realm that is used by the domiciled for residential, recreational, navigational, financial or entrepreneurial purposes. Marginal space, the second type, is land that appears to be abandoned or ignored. Transitional space, the third type, is land occupied by low-income, marginalized individuals who are, nonetheless, domiciled (Snow and Mulcany, 2001). Not surprisingly, homeless people have great trouble occupying prime space.

Most who camped in the marginal space were seldom asked to vacate their sleeping arrangements. However, some had established tent encampments in prime space near roads and these were the source of significant spatial contests. Five men reported that hate-motivated acts and/or words had been used to remove them from these areas. These individuals slept near roads as this space provided them with easy access to routes they used to traverse the city. They used the landscaping along roads, particularly bushes, to shield themselves from the watchful eye of the police and public. As such, it was prime space for them as well, but sleeping in it was not without risks and dangers.

Often, when evicted from roadside encampments, city or state transportation crews would also destroy their belongings. One

man who had recently experienced having all of his possessions thrown away by a transportation crew said that the destruction of his property was deeply symbolic of societal hate and contempt for the homeless. Further, he stated angrily, "They . . . never ask, 'Whose is this? Whose is that?' They just take it and dump it. I'm homeless not worthless."

Typically, the road crews began their destruction of the camps by employing the power of law and suggesting, whether true or not, that the police were en route. This statement, of course, led to frantic scrambles among the men to salvage what they could before fleeing the site. Describing this scene, one man explained, "And so you make a choice, what do you take with you? You got seconds to get out of there so you usually grab the small back pack and your day pack . . . You got two seconds or you are going to jail." These flash point moments, in which they lost their survival gear, created lasting financial hardships for the men and some described them as emotionally painful. Reflecting on seeing all of his worldly possessions destroyed, one man stated, "I mean I was hurt. You know I felt like dirt." Physical violence can accompany eviction. One man reported that on two occasions a road crew employee had kicked him in the ribs as a method to rouse him. "It was a pretty good kick in the side," he lamented.

Developing a sleeping place that was somehow hidden from public view was the most common strategy to avoid victimization. In many instances, vegetation played an important role in this endeavor. One couple, for example, had established a safe campsite by burrowing deep into a large stand of Japanese knotweed, a bushy, invasive plant in New England that was originally introduced to hide outhouses. Concealed by the plant, they slept undisturbed in this place each summer.

In one of the roadside encampments, known as "Camp Cal," the men had developed a furtive technique of carefully timing their entrance and exit from the bushes in order to keep their sleeping place secret. Camp Cal was in a particularly prized location as it was near a noisy highway overpass that functioned to drown out their voices and radios. Nestled in the protection of the bushes, the men felt, as one stated, "[that] they were right

behind enemy lines." Indeed, one might say that homeless people are always behind enemy lines.

Conclusion

In his brilliant novel *Midnight's Children*, Salman Rushdie (1995) suggests that when you have "city eyes" you overlook the human suffering of the homeless—"the beggars in boxcars don't impinge on you, and the concrete sections of future drainpipes don't look like dormitories" (p. 100). But city eyes turn away. Homeless people in this country are also subjected to "imperial eyes" which look directly and are filled with hate.

The hate that homeless people are subjected to in public and semi-public space does much to reconfirm the dominant social-spatial hierarchical organization of rural and urban communities, and it ensures that they are kept at the margins of public and semi-public space (Mitchell, 1997). Thus, like the experiences of the wandering homeless in colonial New England, those without shelter today fail to be recognized as fellow citizen and, therefore, are warned-out of the public and private space that configures into the contested landscape of this country. In this sense, as Wright (2000), argues, cities and towns continue to be "staging grounds for advancing social inequalities" (p. 25).

To change this it is not enough to simply pass new laws that would ban hate crimes against the homeless, nor does it suffice to increase funding for job training programs or shelter grants. The heart of privilege must come under attack (Wright, 1997; Wagner, 1993; Cohen, 2001). This will require, as Wright (1997) suggests, "[broad scale] changes in employment, health care, housing, media, and education" (p. 302). This sentiment was shared by many of the participants in this study. Almost half of the participants (N = 14) volunteered ideas about means to end hate crime, with over one-third citing social policies as the best solution to this problem. As one man stressed, to get rid of hate crime we "need more mental health workers, we need more mental health care, we need more substance abuse care, we need more affordable housing . . . we need more jobs, we need a living wage." Only through such change will we reduce the conditions that make homeless people feel "out of place" in the landscapes of public space (Wright, 1997).

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