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1-1-2012

# Out of House, and Home: Refocusing on Homelessness, Vulnerable Populations, and Human Rights

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## Recommended Citation

Adele M. Morrison, *Out of House, and Home: Refocusing on Homelessness, Vulnerable Populations, and Human Rights*, 13 *J.L. Soc'y* 387, 390 (2012)  
Available at: <https://digitalcommons.wayne.edu/lawfrp/273>

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## INTRODUCTION

### OUT OF HOUSE AND HOME: REFOCUSING ON HOMELESSNESS, VULNERABLE POPULATIONS, AND HUMAN RIGHTS

ADELE M. MORRISON<sup>1</sup>

When I think of home I think of a resting place[.]

When I think of home I think of a place where there's love  
overflowing.

- "Dorothy" in THE WIZ<sup>2</sup>

Since the beginning of the recession of the late 2000s there has been a noticeable change in the public discourse around individuals and families who find themselves without homes or lacking a permanent place to live. The discussion has shifted toward describing the problem as a "housing crisis," and devising ways to address foreclosures and away from articulating the fact that people are living on the streets, in their cars, or in shelters and that what needs to be addressed is homelessness. It may seem subtle, but indeed there is a difference between focusing on housing rather than homelessness. Though each

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1. Associate Professor of Law, Wayne State University Law School. B.A. San Francisco State University, J.D. Stanford Law School, LL.M. University of Wisconsin Law School. Professor Morrison was an Echoing Green Fellow where she directed a project focused primarily on same-sex domestic violence that was incubated by San Francisco Neighborhood Legal Assistance Foundation. She was also a Remington-Hastie Fellow at the University of Wisconsin Law School. Professor Morrison is a Critical Theorist who teaches, writes and is committed to service in the areas of criminal law and family law, especially as they converge in addressing domestic and sexual violence and race, gender, sexuality and the law as well public interest and poverty law. Her scholarship often addresses the locations where these topics intersect as reflected in a chapter entitled *Black v. Gay? Centering LGBT People of Color in Civil Marriage Debates*, which appears in *LOVING v. VIRGINIA IN A "POST-RACIAL" WORLD: RETHINKING RACE, SEX AND MARRIAGE* (Kevin Maillard & Rose Cusion Villazor eds., 2012), as well as her article *Same Sex Loving: Subverting White Supremacy Through Same Sex Marriage*, 13 MICH. J. RACE & L. 177 (2007), and essay *Straightening Up: Black Women Law Professors, Interracial Relationships and Academic Fit(ting) In*, 33 Harv. J.L. & Gender 85 (2010).

2. THE WIZ—THE SUPER SOUL MUSICAL. The quote is from *Home* sung by Stephanie Mills as "Dorothy" in the Broadway Musical and on the original cast recording. See STEPHANIE MILLS, *Home*, THE WIZ—THE SUPER SOUL MUSICAL, ORIGINAL CAST ALBUM (Atlantic Records 1975) (lyrics and music by Charlie Smalls).

may be short or long-term, or an acute or chronic condition, a housing problem connotes difficulties with the structures themselves, seemingly forgetting that people live or lived there; whereas homelessness brings attention to those people who are going without stable shelter, without a place of regular safety, without the real or imagined comforts of home. There is a difference between a house and a home, between a housing crisis and homelessness. The articles in this edition, though they do address the housing crisis and its impact, bring the attention back to homelessness and the people who experience it.

Several of the authors address a population at special risk to become homeless and who are particularly impacted by it. Gary A. Benjamin focuses his analysis on the homeless in the Detroit area, specifically, suggesting solutions to what he describes as “a moral dilemma and economic drain.”<sup>3</sup> Both Brian Clauss and Margaret Costello consider the particular needs of veterans. Clauss provides insight into the increased risk for homelessness among National Guard and Military Reservists who come from rural areas, noting that, although they struggling with many of the same issues of urban and suburban veterans, their problems are exacerbated by the logistics of reaching services located many miles away. Professor Costello offers a broad view of veterans currently experiencing homelessness with a particular emphasis on those in Michigan. Next, Nasrat Ventimiglia introduces readers to a particularly vulnerable population; homeless youth who identify or are identified as sexual and/or gender identity minorities. In doing so, Ventimiglia demonstrates how they are particularly victimized. Yvonne Vissing addresses children and youth as well, providing a comprehensive assessment of, and strategies for, addressing their legal needs. Children and youth, as Dr. Vissing notes, are a growing population at risk of becoming homeless with their families or on their own. Finally, Maria Foscarinis frames homelessness as a “human rights crisis.”<sup>4</sup> Foscarinis turns to domestic and international locales for models of advocacy done by those who are homeless themselves and on behalf of those who are homeless, much of which is grounded in identifying housing as a human right.

Though indeed for some who are chronically or acutely homeless, home itself was not a place with “love overflowing,”<sup>5</sup> — I think of those victimized by domestic violence or youth kicked out for coming out as lesbian, gay, bisexual or transgender. For many, home does at least

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3. Gary A. Benjamin *infra*.

4. Maria Foscarinis *infra*.

5. MILLS, *supra* note 2.

symbolize a “resting place.”<sup>6</sup> The individuals and families who are homeless, of which these authors write, are most certainly unable to truly rest –something, which as noted by the United States Ninth Circuit Court of Appeals in *Jones v. City of Los Angeles*, human beings are compelled to do.<sup>7</sup> Veterans whether rural or urban, youth of all gender identities and sexual orientations, individuals and families in Detroit and around the nation, are all human beings with rights and all deserve the attention that these authors bring to their desires to do more than simply “think of home”<sup>8</sup> but to actually find one.

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6. *Id.*

7. *Jones v. City of L.A.*, 444 F.3d 1118, 1136 (9th Cir. 2006) (“[H]uman beings are biologically compelled to rest, whether by sitting, lying, or sleeping.”).

8. MILLS, *supra* note 2.

