There's No Place Like Home: An Analysis of the Rhetoric of Homelessness in a Judicial Opinion, an Advocate's Congressional Testimony, and Testimonial Narratives by the Homeless.

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There's no place like home: An analysis of the rhetoric of homelessness in a judicial opinion, an advocate's congressional testimony, and testimonial narratives by the homeless

Young, Niki L., Ph.D.
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THERE'S NO PLACE LIKE HOME:
AN ANALYSIS OF THE RHETORIC OF HOMELESSNESS
IN A JUDICIAL OPINION,
AN ADVOCATE'S CONGRESSIONAL TESTIMONY, AND
TESTIMONIAL NARRATIVES BY THE HOMELESS

A Dissertation

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in

The Department of Speech Communication

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ABSTRACT

The central question this dissertation seeks to answer is: What does homelessness mean, and how is that meaning rhetorically constructed? What homelessness means is not fixed nor static, but varies with use. To discover and develop these different meanings, three sets of data were examined: a judicial opinion, an advocate's congressional testimony, and testimonial narratives by the homeless. This data includes rhetoric produced from three distinct points of view -- one that is sympathetic to the homeless, one that is hostile to the homeless, and one that has experienced homelessness.

A Burkean methodology was employed, supplemented, where appropriate, with insights from postmodern theorists. The goal of this research was to articulate the multiple voices which make up the text of homelessness. This study departs from traditional rhetorical studies by focusing on the homeless, a marginal group. It also embodies tradition by examining the official text of the dominant group.

Four conclusions can be drawn from this research. First, the rhetoric of the homeless is unique, for through it, the homeless
work to overcome liminality. The act of testifying is a means of asserting one’s self. Second, the site of the discourse is an important component of a speaker’s legitimacy. Homeless individuals speaking on Capitol Hill are considered legitimate; those speaking on the street are not. The site confers legitimacy. Third, the presence and absence of the homeless are rhetorically significant. Presence was used rhetorically to justify laws making the homeless absent, to urge action on their behalf, and as proof that action can be effective. Absence was used rhetorically to make the homeless go away and to deny responsibility for the problem. By testifying, the homeless became a presence which could not be ignored. Fourth, something is undeniably lost when others speak for us. Telling one’s own story may be the ultimate means of empowerment. The homeless, however, may never get access to the political apparatus without representation by an advocate. The key to the success of any social action is to control, as much as possible, the way the audience perceives it. The means to this end is rhetoric.
CHAPTER 1
INTRODUCTION

1.1 Statement of the Problem

The central question this dissertation seeks to answer is: What does homelessness mean, and how is that meaning rhetorically constructed? To understand what homelessness means requires that one consider the language people use to talk about homelessness. Malinowski (1923) offered a valuable perspective on language and meaning when he observed that language means as it is used. Hauser (1986) elaborated this position when he noted "meaning lies in an interaction of language and context" (p. 140). As Lakoff (1990) states, "Language is politics, politics assigns power, [and] power governs how people talk and how they are understood" (p. 6). Put another way, comprehending the meaning of homelessness necessitates studying the rhetoric of homelessness.

This research is based upon two fundamental assumptions. I believe that what people say about homelessness matters. Rhetoric reflects one's understanding of a problem. "Through rhetoric, we size up situations and name their structure and
outstanding ingredients. How we describe the situation indicates how we are perceiving it and the choices we see available to us" (Foss, 1989, p. 336). Humans respond to the world symbolically, through language. Language is the medium of the communicative exchange, the means by which communication is possible. Language allows individuals to define, catalog, categorize and manage social problems. Campbell (1972) argues that one’s very interpretation of the world, because it is symbolic, is rhetorical.

Hauser (1986) defines rhetoric as “communication that attempts to coordinate some social action” (p. 2). Social action is goal-driven and purposeful, and communication aimed at accomplishing social action is rhetorical. Language provides important clues to people’s values, to the goals they are trying to achieve. Language is the means by which trades are negotiated. Trading is necessary because some goals cannot be accomplished except at the expense of other goals. Economists tell us there is no such thing as a free lunch, that all actions have consequences. In a like manner, social actions have consequences. Social action is conducted symbolically, through language. Thus the way people talk about homelessness affects homeless people, for “The world
is articulated in a speech that questions and responds, everywhere subordinating and ordering" (Lingis, 1979, p. 154). Because language expresses order and communicates values, language can either bring people together or keep them apart. Thus the words people use to talk about homelessness carry significant consequences.

The second assumption underlying this research is the belief that the person doing the talking matters. This observation is drawn from the contributions of the poststructuralists. Michel Foucault (1971/1972) observed in *The Discourse on Language*, that "...in every society the production of discourse is at once controlled, selected, organised and redistributed..." (p. 216). Speech is controlled for many reasons, argued Foucault (1971/1972), but the most significant reason is "to avert its powers and its dangers, to evade its ponderous, awesome materiality" (p. 216).

Paying attention to the speaker requires a willingness to listen to what King (1992) terms "the subaltern voice." The subaltern voice -- known variously as "the emerging voice" or "the muted voice" -- "is the voice of the periphery, not of the center. It
is the voice of the silent ones who are struggling to speak" (p. 2).

The voice of the homeless is the subaltern voice. King (1992) contends that those on the margin "have historically lacked access to large audiences, political apparatus, and public media" (p. 2); so, too have the homeless.

Not all speech concerning homelessness is made by the homeless, however. Advocates for the homeless have access to the political apparatus. Adversaries confronting the homeless have access to the public media. Discerning the meaning of homelessness requires a willingness to listen to multiple voices. Borrowing again from the postmodernists, speech concerning homelessness can be viewed as a text. "The idea of a text," explains Klein (1992), "is no longer confined to a written representation of 'reality' or, more narrowly, a work of literature. Any statement of experience -- any oral or written record, any theory or method, any natural or human science -- is a discursive practice that can be 'read’" (p. 10). A text may exist "as a fragment or trace of a larger dialogue;" its nature is "multivoiced or polysemous" (King, 1992, p. 5).
To assemble the text one must consider the voice of the speaker, the voice which produces the text. The person who makes the argument exercises some degree of influence. Thus the identity of the speaker is important as it relates to power. I am particularly interested in how the person making the argument influences homeless people, and what kind of influence, if any, the homeless themselves have.

The focus of this dissertation is the rhetoric of homelessness. More specifically, I wish to investigate the rhetoric of the homeless. I became interested in the homeless as I discovered how rarely their voices were heard. Foucault (1971/1972) has observed that speech is regulated because speech is power. "It is as though discussion, far from being a transparent, neutral element, allowing us to disarm sexuality and to pacify politics, were one of those privileged areas where they [society] exercised some of their more awesome powers" (p. 216). Speech is regulated in a variety of ways. One rule or form of regulation deals with who speaks, or who is allowed to speak. Foucault (1971/1972) observed that "not just anyone, finally may speak of just anything" (p. 216). A second way speech is limited is
topically, by regulating what may be said. "We know perfectly well that we are not free to say just anything, that we cannot simply speak of anything, when we like or where we like..." (Foucault, 1971/1972, p. 216). A third limitation is location. "The place where a speech is given dictates the kinds of things that can be said and the ways they can be said" (King, 1992, p. 5).

As I conducted my research I was repeatedly struck by the absence of the homeless from most discourse about homelessness. This absence very powerfully suggests the degree to which the homeless are marginalized. There is a great deal of speech about the homeless, but very little speech by the homeless. Speech about the homeless tends to fall into two general categories: speech produced on behalf of the homeless, by advocates, and speech directed against the homeless, by adversaries. One of the only places where one can find speech by the homeless, other than the speech directly solicited in interviews, is the Congressional hearing. Here, homeless people speak for themselves, publicly articulating their own experience before an audience. These speeches are the focus of this inquiry.
Once I discovered these speeches, several questions subsequently followed, the answers to which suggested that a large story was waiting to be discovered and told. These questions are: (1) Is speech by the homeless different from speech about the homeless? Are some speakers viewed as legitimate while others are denied legitimacy? (2) What similarities do these speeches share? Do the speakers begin from the same premises? Make the same kinds of arguments? Reach the same conclusions? (3) To what degree are the homeless present or absent from the rhetoric surrounding homelessness? And (4) how significant is their presence or absence? What is lost and what is gained by letting others speak for us?

To fully answer these questions one must first examine the rhetoric produced by these different actors. To this end, in this dissertation I examine discourse produced by the adversary, the advocate, and the homeless themselves. Chapter Two deals with the rhetoric of the adversary. The data used for this discussion was the Opinion written by Circuit Judge Altimari in Young v. New York City Transit Authority (1990). This opinion was selected because it is representative of the negative attitudes many people
hold toward the homeless. These attitudes are expressed in varying ways in the press, but few are expressed as clearly and succinctly as in Judge Altimari's opinion. The focus of Chapter Three is the rhetoric of the advocate. Here, I examine a speech delivered by the advocate Mitch Snyder. This speech was chosen because it is representative of the arguments made by advocates in general. Snyder is perhaps the best known advocate for the homeless, and, some would argue, the most articulate. In Chapter Four, the testimony of several homeless people is examined. These testimonial narratives were selected because they represent the only published speeches produced by the homeless. Both Snyder's speech and the speeches by the homeless were given as testimony at Congressional hearings on homeless which occurred between 1980 and 1992.

One must also consider the influence of the various situations on the rhetoric. The place from which discourse originates confers legitimacy on the speaker. Francesconi (1986), building from the writings of Jurgen Habermas, connects legitimacy with the speaker's worthiness to be recognized, arguing that legitimacy arises from the nexus of "political communication
and social identity" (p. 21). Identity is created socially, through interaction in particular situations (Hewitt, 1989). The situation is the time and the place in which communication occurs.

Spatiality and temporality, argues Soja (1989), concretize social relations and social practice (p. 143). Spatiality -- the "place" element of the situation -- confers (or denies) legitimacy to the extent that it communicates identity. Legitimacy is contestable because claims of legitimacy rest upon "normative" judgments, and because legitimacy is asserted through speech, it is "capable of discursive redemption or rejection" (Francesconi, 1986, p. 16). Conceived of in this manner, legitimacy is a fundamentally rhetorical construct.

1.2 Purpose of the Study

The rhetors and situations examined in this dissertation were selected for several reasons. The three rhetors -- the advocate, the adversary and the homeless -- all have something important to say about homelessness. Examining their discourse is important because it allows one to develop a more complete picture of the issue, from the point of view of those sympathetic to the homeless, those hostile to the homeless, and those who have
actually experienced homelessness. Studying the site in which the
discourse is produced enables one to elaborate the concept of
legitimacy, to get at the underpinnings of a speaker's power. The
adversary, in this case the judge, is legitimated by virtue of his
position. The judge possesses institutional authority. The
advocate, Mitch Snyder, derives his legitimacy from personal
experience. His authority is created in part by his experiences
living among the homeless, and in part by the attention he has
received from the media. The homeless person on the street
possesses no authority; this speech is largely ignored. When
homeless individuals offer public testimony, however, they are
asserting their identities and becoming legitimate entities.
Comparing these situations allows the scholar to study the
presence and absence of the homeless in the process of social
change. Once this analysis is complete, I will examine the
meaning of homelessness.

The study of the rhetoric of homelessness is justified for
several reasons. Perhaps the most important contribution this
study can make is to articulate the significance of the presence or
absence of the homeless in the processes of policy formation and
social change. The homeless are liminal entities, "betwixt and between the positions assigned by law, custom and convention" (Turner, 1969, p. 95), who slip through the classifications which locate states and positions within the community. Having no presence, the homeless are defined by their absence. Possessing no power, the homeless are not permitted to speak on their own behalf. As King (1987) comments, "All speakers are not created equal. Some...are virtually ignored or met with hostility" (p. 9). As a result, most discourse about homelessness is filtered by others, by individuals who are not homeless. In most social movements, the victim(s) rarely speak for themselves, but rather allow others to speak for them. The mouthpiece of a movement is often removed from the circumstances for which the movement is fighting. These individuals are selected as leaders in large part because they are different; because they have power to induce social change. For a movement to be successful, however, it must empower the masses; it must let them tell their own stories, it must let them speak.

The only people who can fully communicate the meaning of homelessness, I will argue, are the people who have experienced
homelessness, because language communicates individual experience: "It is one's whole existence that articulates and speaks... " (Lingis, 1979, p. 161). Telling one's own story is the ultimate act of liberation and the ultimate means of empowerment. The communication of individual, particularized experience functions as what Turner (1969) calls "communitas," as a "corrective expression of solidarity which seeks the unity of man" (Giamo, 1989, p. 104).

1.3 Literature Review

Homelessness has only recently begun to be explored by communication scholars. The few studies that have been conducted to date fall into three general categories: (1) those which explored the meaning of homelessness, (2) empirical studies which examined media portrayals of the homeless, and (3) qualitative studies which employed naturalistic methods and participant observation.

Explorations of the meaning of homelessness have been produced by Fiske (1991) and Campbell (1988). Fiske (1991) used a case study from which to develop a discussion of homelessness as a cultural product. Fiske (1991) concluded that homelessness is
created by the structure of American life and policy: "These homeless men are some of the flesh-and-blood meanings of a policy that minimizes the role of the state in social life and maximizes the roles of capital and market" (p. 461). Fiske (1991) was the first theorist to employ a cultural studies perspective. The author argued that this method represented an "attempt to listen," an attempt "to try to hear" the homeless. Fiske's goal was to listen to the homeless, to articulate to the ways "their speech was accented by them, not by the dominant" (p. 469). Campbell (1988) also examined speech but explored instead the "ideological rhetoric" of "all men are created equal." He analyzed text from the film Welfare, which compared the situation of the poor to the situation of Waiting for Godot. This author did not deal specifically with the issue of homelessness but rather examined the meaning and significance of the metaphor Waiting for Godot. His discussion of the ideology of equality is based on his understanding of the metaphor.

Studies of portrayals of the homeless have been conducted by Power (1991) and Campbell and Reeves (1989). Power's (1991) dissertation examined the portrayal of the homeless in network
television news. Power's (1991) study is one of the most comprehensive conducted to date; he examined 98 network news segments, broadcast on ABC, NBC, CBS, and CNN, between 1982 and 1988, in which homelessness or homeless people were the main themes. The central questions for Power (1991) were whether and how the media influenced communication about homelessness. Did the media aid the homeless in creating identification or did the media inhibit the creation of identification by communicating otherness? The results of this study were interesting because the media both aided and inhibited the creation of viewer identification. Power (1991) found (1) that the media did not more often portray the homeless as stigmatized -- he had assumed that the media, as a cultural product, would legitimate the dominant order and stigmatize the homeless -- and (2) that some portrayals of the homeless increased identification. Specifically, portrayals where the homeless were not stigmatized, and where the life circumstances of homeless people were attributed to social forces rather than the individual, increased viewer identification. While Power (1991) rejected his hypothesis "that the media system legitimized existing economic and political structures by
marginalizing homeless people" (p. 148), he concluded that the manner in which the media addressed issues such as homelessness invited "few alternative interpretations beyond a focus on presence or absence of individual effort" (p. 149). The media significantly influenced communication about homelessness.

Campbell and Reeves (1989) also investigated depictions of the homeless in the evening news. They studied the "Joyce Brown story," the story of a homeless woman in New York City who was institutionalized against her will. The authors compared the story across the three major news networks, and contrasted the network stories with the telling produced by the program *Sixty Minutes.* Specifically, their project aimed to (1) identify the process by which the network news made sense of homelessness, (2) describe how network news organizations framed and narrated social problems, and (3) analyze how television news marked boundaries between the marginal and the mainstream. They found that the network news made sense of homelessness by blaming the individual; people were homeless as a result of drunkenness or mental illness. The authors found that the networks framed the problem according to dominant social values; society celebrates
economic and material success and views regression as failure. The networks identified the homeless as deviant and distanced them from the audience; *Sixty Minutes*, however, subverted the traditional order, by putting Joyce Brown in the center. *Sixty Minutes* let Joyce Brown tell her own story. The agency of narrative, the authors contend, translated the unfamiliar into the familiar. Through narrative, Joyce Brown was portrayed, not as a danger to society, a woman too mentally ill to take care of herself, but rather, as the hero in a battle between individual and state. The ways that news organizations frame and narrate social problems is directly related to the ways news marks boundaries between the marginal and the mainstream.

Qualitative studies have been conducted by Robinson, Seiter & Acharya (1992), and Lisosky (1992). Robinson et al. (1992) examined influence strategies used by the homeless. Their study extended research on persuasive strategies by applying them to the homeless. These authors examined (1) the number and type of persuasive strategies employed by homeless individuals and (2) the extent to which such tactics were adapted to targets. The authors also evaluated the general effectiveness of these strategies. They
found that homeless individuals relied upon five primary persuasive tactics: appeals to altruism, efforts at obligation, offers of exchange, the direct request, and the promise. In addition, homeless individuals often employed supporting tactics, which were used in conjunction with primary tactics, never by themselves. These tactics were politeness, props (such as signs), and source characteristics, which the authors defined as “any attempt to facilitate begging success through increasing or emphasizing specific personal characteristics, such as looking pitiful, honest and clean” (Robinson et al., 1992, p. 4). The authors found that individuals who used the greatest number of tactics were the most successful at obtaining money. As begging success increased, the use of altruistic forms of persuasion increased and the use of the direct request decreased. The authors noted that more successful beggars elaborated their requests in comparison to the less successful, giving additional and qualifying reasons to explain their needs. The more articulate the homeless individual is, the more successful that individual is. Communicative competence is important for the homeless.
Lisosky (1992) studied coping strategies of homeless children. This study extended research by going beyond documenting the occurrence of anxiety and frustration in homeless children to exploring how homeless children communicated their anxiety and frustration. Lisosky (1992) observed homeless children communicating in their natural environment before inviting the children to draw and tell stories about their experiences. From these exchanges, the researcher concluded that homeless children expressed empathy more and were more selfless than other children. Homeless children tended to be other-oriented, able to focus on and attend to the needs of other family members. Homeless children coped with their situation, Lisosky (1992) argued, by suppressing their needs and suppressing their anger.

Lawrence & Hocking (1990) studied attitudes toward the homeless and the effects of pro-social communication. They found that individuals who interact with the homeless develop more positive attitudes about homeless people and homelessness in general. Subjects who interacted with homeless individuals developed more favorable attitudes toward them. Experimental subjects rated homeless individuals less blameworthy and more
socially attractive than the control group. Interaction with homeless people also altered behavioral intentions. Experimental subjects displayed a greater degree of willingness to help the homeless than control participants.

Five general conclusions can be drawn from this research. First, for the homeless, the ability to communicate is essential for survival. Robinson et al. (1992) indicate that begging is instrumental communication aimed at obtaining the necessities of life. The coping skills Lisosky (1992) identifies among homeless children are communicative abilities. Lawrence and Hocking (1990) go so far as to suggest that one possible solution to the plight of the homeless is to increase their communication with others.

Second, the meaning of homelessness is not fixed, but fluid, the product of the tensions between a dynamic set of social forces. Homelessness results from "a clash of contradictory meanings and competing values..." (Campbell & Reeves, 1989, p. 23). Fiske (1990) believes homelessness is a product of culture, which he defines as both "a whole way of life," and "the generation and circulation of meanings, pleasures and values" (p. 455). To Lawrence and Hocking (1990), what homelessness means is a product of social attitudes.
Third, much of what is known about the homeless is mediated. Power (1991), Fiske (1990), and Campbell and Reeves (1988) all acknowledge the role of the media in communicating homelessness. Television is seen as being particularly powerful. Fourth, the homeless are marginalized because they are different from the majority. Lastly, and perhaps paradoxically, communication can either bridge that gap and decrease the distance between the mainstream and the margin or it can increase separation and difference. Campbell and Reeves (1989) observe that "At the same time television peeks at the plight of those without homes, it also imposes a distance" (p. 40).

This study extends the work of Fiske (1991) and Campbell (1988) by examining what homelessness means to different rhetors in different situations. Making such comparisons will enable me to articulate the competing ideologies at work in regard to homelessness. Like Power (1991), and Campbell and Reeves (1989), I am interested in the communication of “identification” and “otherness.” Their insights about the role of the media will help inform my judgments about the role of the advocate as mediator. This study enlarges the scope of their discussion to include
interested social actors. The work of Robinson et al (1992) on persuasive tactics employed by homeless individuals provides a solid empirical foundation for a philosophical investigation of the broader question: Does society legitimate this form of speech (begging)? Lisosky's (1992) discussion of homeless children will supplement the analysis of the testimonial narratives. Lawrence and Hocking's (1990) observations about attitudes toward the homeless will augment the discussion of adversarial rhetoric.

This study is an attempt to articulate the multiple voices which make up the text of homelessness. This study -- by focusing on the homeless, a marginal group -- departs from traditional rhetorical studies. It also embodies tradition -- by examining the official text of the dominant group. Combining these perspectives, both the new and the old, will produce a much fuller and richer understanding of the rhetoric of homelessness.

1.4 Methodology

The approach used in this study is what Campbell (1972) terms "organic," in which the critic applies "critical categories that grow out of the nature of the discourse" (p. 14). The goal of the critic is to examine rhetorical acts "as patterns of argument
and interaction that grow out of particular conditions" (Campbell, 1972, p. 14). The critical system most suited for this analysis is Dramatism. Brock, Scott and Chesebro (1990) explain that Kenneth Burke's "rhetorical philosophy," initially labelled "dramatism," has "evolved from literary into social criticism, with markedly sociopsychological overtones" (p. 172). Such an approach is fitting for a discussion of homelessness. Homelessness is a social problem of considerable magnitude. While an exact figure is impossible to come by, estimates of the number of homeless people range from 350,000 to over 3 million. Homelessness is a problem with "sociopsychological overtones." Homelessness demands a response both at the "socio" or societal level and at the level of the individual. Burke's perspective provides the critic a way of discussing both individual and societal motives, for he offers a unique insight into the role of language and action:

The dramatistic view of language makes explicit the idea that our thoughts and ideas are never free from the language we use to frame them. Our words create orientations or attitudes, shaping our views of reality and thus generating different motives for our actions (Foss, Foss & Trapp, 1991, p.181).
Burke (1968) accounts for motives systematically:

"Dramatism is a method of analysis and corresponding critique of terminology designed to show that the most direct route to the study of human relations and human motives is via a methodical inquiry into cycles or clusters of terms and their functions" (p. 341). Bizzell and Herzberg (1990) observe, "In this system, statements about motives can be studied and compared by examining the ways in which they treat the dramatic elements of human relations: act, scene, agent, agency and purpose" (p. 990).

Burke (1945/1969) defined these elements as follows:

In a rounded statement about motives, you must have some word that names the act (names what took place, in thought or deed), and another that names the scene (the background of the act, the situation in which it occurred); also you must indicate what kind of person (agent) performed the act, what means or instruments he used (agency), and the purpose (p. xv).

The five elements of the pentad enable the critic to make comparisons across the different situations. The analysis begins with the identification of the elements of the pentad. This identification will be supplemented, where appropriate, with insights from postmodern rhetorical theory.
The first element in the pentad is the act. "The dramatistic approach," contends Burke (1968), "is implicit in the key term 'act.' 'Act' is thus a terministic center from which many related considerations can be shown to 'radiate,' as though it were a 'god-term,' from which a whole universe of terms is derived" (p. 445).

The act refers to what the speaker does. One might distinguish the different acts in this study in the following manner, by claiming that the homeless individual on the street begs, the advocate advocates, the adversary blames, and the homeless individual appearing before a Congressional committee testifies.

The second element in the pentad is the scene. The scene is the background or setting, the place or location in which the act occurs. The scene is important because it "contains the act" (Burke, 1945/1969, p. 3), providing the context out of which the act emerges. The writings of Michel Foucault also contribute to one's understanding of the scene. Foucault (1969/1972) is concerned with the relationship of the scene (which he terms the site of the speaking) and legitimacy. "We must also describe the institutional sites from which the [speaker] makes his discourse, and from which this discourse derives its legitimate source and
point of application (its specific objects and instruments of verification)” (Foucault, 1969/1972, p. 51).

Three different scenes will be discussed in this study, the public streets, the Congressional hearing site, and the courtroom. Examined from the perspective of Foucault, the different scenes provide differing degrees of legitimacy to different speakers. The public streets, for example, are not a “legitimate” forum for expression, thus the homeless who speak there are ignored, while Congressional hearing rooms and courtrooms are sites of institutional authority, where only certain types of speech by certain people are allowed. “In public types of discourse,” remarks Lakoff (1990), “speakers are careful to spell things out, and often there are formulaic ways of speaking to ensure full explicitness. There is an established, explicit order of business to ensure that everyone can follow what is going on” (p. 43).

The agent refers to the person performing the act. Foucault (1969/1972) also has something to say about the agent. His focus, again, is on the what gives the agent legitimacy.

First question: who is speaking? Who, among the totality of speaking individuals, is accorded the right to use this sort of language (langage)? Who is qualified to do so? Who derives
from it his own special quality, his prestige, and from whom, in return, does he receive if not the assurance, at least the presumption that what he says is true? What is the status of the individual who -- alone -- has the right, sanctioned by law or tradition, juridically defined or spontaneously accepted, to proffer such discourse? (Foucault, 1969/1972, p. 50).

The agents in this inquiry are the homeless, the advocate, and the adversary.

The agency refers to the means by which the act is accomplished. The different agents considered here make use of different agencies. The adversary employs the agency of declaring. He defines the act, then defines the agent in terms of the act.

Judge Altimari uses his opinion as a vehicle for asserting authority. The advocate makes an argument using himself as the agency. Snyder himself is a means to an end; in this case, message and messenger become intertwined. The homeless person's agency is narrative. These different means of accomplishing the act influence the audience in different ways; thus the selection of agency can significantly influence a speaker's success.

The purpose is the reason for performing the act. The adversary, Judge Altimari, ostensibly is acting in the best interests of the state to protect the public good. The advocate,
Mitch Snyder, is acting for the purpose of aiding the homeless and stimulating a compassionate response from the audience. Snyder, in other words, is trying to make people feel something for the homeless. When homeless people testify before Congressional committees, they are acting to generate social change and are asserting their own identities.

Foss (1989) notes that "The naming of the five elements of the pentad is just the first step in the discovery of motive. The next step is to discover the relationships among the five terms, using what Burke calls ratios" (p. 339). Accordingly, the next step in this analysis will be the application of the ratios and discussion of the insights this exercise produces. "An examination of all or many of the ratios possible from the five terms should produce one term that has the most impact on the other terms or that determines the nature of all or most of the other terms in the pentad" (Foss, 1989, p. 341). The analysis suggests that the scene-agency ratio is the most important, for only certain types of speech may be legitimated in certain situations.
1.5 Implications

This study has several significant implications. This dissertation offers a new way of looking at mediated communication. Instead of focusing on technology as mediator, this discussion centers on how communication is mediated by other people. This research answers the question, what is gained or lost when others speak for you? This is an important question and has received little attention from scholars.

I believe something fundamental and essential is lost when others speak for us. Hewitt (1989) calls this one’s self, one’s personal identity. “The self is...its own perspective” (Hewitt, 1989, p. 185). When others articulate our experience they take something from us, they rob us of the ability to tell our own story. Gregg (1971) states that “rhetoric has to do with constituting self-hood through expression” (p. 74). The advocate for the homeless, with the best of intentions, marginalizes the homeless by talking for them. The homeless are present -- they are being taken care of, their needs are being expressed (by the advocate) -- but they are also absent, for they are mute. When others evaluate our experience, as the adversary does, they go further still. They
exclude us, negating our voice, and that which makes us human. In this situation the homeless are most absent.

A traditional reason for engaging in criticism is to produce new knowledge. According to this perspective, considering the speech of the homeless, advocates, and adversaries, is valuable because it will lead to a better understanding of an important social issue. One reason to listen to the homeless is to learn about their experiences. Contemporary scholars take this argument one step further, enlarging the role of the critic considerably. Brown (1992) urges rhetorical scholars to use criticism to produce "more adequate narratives for our political community" (p. 219). According to this perspective, the end of criticism is not the production of new knowledge but rather the "empowerment" of the marginalized and disenfranchised. What Brown (1992) is suggesting is that the critic engage in the creative construction of a story. The danger of this approach is that in so doing, critics-as-advocates will marginalize the very groups they seek to empower. This observation places an enormous burden on the critic. Great care must be taken to amplify the voice of the homeless without distorting or diminishing that voice.
This research represents an attempt to understand the meaning of homelessness. Accomplishing this goal required crafting a distinctive critical approach which blended together both new and traditional elements. Tradition dictated that rhetorical scholars study legitimate speech, what Aristotle termed forensic and deliberative speech, the speech of the courtroom and the assembly. Contemporary rhetorical theory urges the scholar to listen to the voice at the margin, the subaltern voice.

Incorporating legitimacy into the analysis became necessary because in this case, the marginal group -- the homeless -- is speaking from established or dominant sites -- the courtroom and Capitol Hill.

I attempt to contextualize the voice of the homeless within the broader social text because I do believe that critically examining the rhetoric of homelessness -- keeping the above cautions in mind -- will produce a fuller understanding of homelessness. As Eagleton (1983) reminds us, rhetoric takes the most comprehensive view of the operations of discourse, seeking meaning in interaction, in culture, and in ideology. This
dissertation attempts to bring to light the meaning hidden in the margins.
CHAPTER 2
THE RHETORIC OF THE ADVERSARY

The central question this dissertation seeks to answer is: what does homelessness mean, and how is that meaning rhetorically constructed? To understand what homelessness means requires one to consider the language people use to talk about homelessness. Humans respond to the world symbolically, through rhetoric. Rhetoric helps individuals define, catalog, categorize and manage their affairs. Social action is conducted symbolically, through rhetoric. Because rhetoric expresses order and communicates values, it can bring people together, through what Burke (1966) calls identification, or it can keep them apart, disassociating them, through what Burke (1950/1969) terms division.

To discern the meaning of homelessness one must listen to multiple voices and determine who is producing the rhetoric. Foucault (1971/1972) has observed that in every society speech is regulated. These regulations can be both explicit and tacit; they represent an attempt by society to control what Foucault
(1971/1972) calls the “awesome” (p. 216) power of rhetoric. Because the identity of the person (or persons) producing the rhetoric is important as it relates to power, three different rhetorics by three different rhetors will be examined. The focus of this chapter is on the rhetoric of the adversary.

The term adversary is suggested by the nature of the legal system, from which the data is drawn. The case centers on the issue of whether the New York City Transit Authority’s ban on begging and panhandling in the subway violates the First Amendment rights of homeless individuals. The question before the Circuit Court is whether begging is a form of speech entitled to Constitutional protection. At the level of the district court, Judge Leonard Sand who wrote the opinion in Young v. New York City Transit Authority 729 F.Supp. 341 (S.D.N.Y. 1990), concluded that it was, and observed: “While often disturbing and sometimes alarmingly graphic, begging is unmistakably informative and persuasive speech” (p. 352). Judge Altimari reversed and vacated the district court’s ruling when the case was appealed to the Circuit Court, in Young v. New York City Transit Authority 903 F.2d 146 (2nd Cir. 1990). This opinion is analyzed here.
A judicial opinion was selected for several reasons. The legal arena is the site of a struggle to assert and establish the rights of homeless people. Blasi and Preis (1992) contend that "the legal system has occupied a peculiarly central place in public debate and decision making about homelessness" (p. 310). Not until 1962 did the Supreme Court hold that states could not "criminalize the status of being ill or poor" (Blasi & Preis, 1992, p. 310). Today the enactment of new laws has prompted vigorous legal action. As Alexander Wohl explains in the American Bar Association Journal, "In the last decade, legal advocates for the homeless have begun to challenge the most visible manifestations of homelessness..." (1990, p. 58).

Second, "courts provide a ready source of social details from which to construct popular narratives of social change and tension" (Denton & Woodward, 1990, p. 260). The business of the courts is to wrestle with values. In the case at hand, Judge Altimari considers which is more important: an individual's freedom of speech or the government's obligations to the public. The ruling is a vehicle for resolving the conflict. The opinion is an elaborate narrative justifying the decision and articulating the social values
on which it is based. Goss (1974) argues that communication scholars "should become more immediately involved in legal decision making" (p. 47). She calls the role of the courts as instruments of social change "crucial" (p. 47).

The legal system is known for resolving disputes objectively. LeDuc (1976) describes law as "a unique communication process through which certain public or private controversies can be categorized and thereby resolved by reference to appropriate preexisting generalized and objective standards" (p. 279). Legal discourse is generally perceived as dry and impersonal, composed mainly of references to precedent and judicial philosophies, and developed with painstaking logic. A judicial opinion is a formal expression of the law; it also expresses social norms. The court rules on the case according to standards, but it develops and defends its position rhetorically. References to testimony and precedent are just two examples of the many available means by which judges support and elaborate their positions.

While rhetorical scholars have been eager to study the behavior of jurors (Buchanan, Pryor, Taylor, & Stawn, 1978; Arnold, 1976; Reinard & Reynolds, 1978; Miller, Fontes, Boster, &
Sunnafrank, 1983; Parkinson, 1981; Wright & Hosman, 1982; Bracac, Hemphill, & Tardy, 1981; Friend, & Vinson, 1974; Tate, Hawrish, & Clark, 1974), and lawyers (Beach, 1985; Wasby, D’Amato & Metrailer, 1976; Bennett, 1979; Mills, 1976; Abbott, 1974; Quel, 1954; Parkinson, Geisler & Pelias, 1983), they have been slower to examine the force of judicial opinion (Bosmajian, 1992; Newell & Rieke, 1986; Makau, 1984; Rabin, 1978; Bartanen, 1987; Hagan, 1976; Goss, 1974; Crable, 1976; Jones, 1976; LeDuc, 1976). The review of the literature reveals that researchers are using a variety of methods of analysis. Rarely is the same method used twice. This suggests that one reason scholars have been slower to examine judicial opinions is the difficulty in finding a suitable method of analysis.

Newell and Rieke (1986) employ a practical reasoning approach. They focus on the underlying value within an argument, viewing legal doctrine as a “web of warrants for decisions” (p. 213). Their analysis of First Amendment cases centers on three issues: jurisdiction, interpretation, and prioritization and negotiation. Each issue is then divided into warrants. Jurisdiction, for example, is divided into principles concerning “the function of
the Supreme Court, the role of various levels of government, and characteristics of the specific case” (p. 215). Issues of interpretation fall into categories of definition, special privilege, and rights to protection. The third area consists of “prioritization of conflicting rights, negotiation between the perceived needs of society and the rights of free speech, and transcendence above the conflicting issues” (p. 216). This approach, contend Newell and Rieke (1986), “helps display the complexity of legal justification” (p. 217).

Rabin (1978) applies Gottlieb’s model of rule-guided reasoning to *Griswold v. Connecticut*, a case in which the Supreme Court overturned a Connecticut state law making the use of contraceptives illegal. The strength of the Gottlieb model, according to Rabin (1978), is that it provides a systematic and rule-based method for evaluating judicial decisions. Rational decisions correspond to the facts and/or rules, state the law correctly, are not broader than the situation requires, are not arbitrary, employ principled choice, and are consistent with presuppositions, consequences and other “unavoidable” features. Rabin (1978) concludes that Gottlieb’s theory “succeeds quite
well" at "assessing the rationality of rule-guided decision making" (p. 90), but that it is poorly suited for analyses aimed at producing understanding.

Jones (1976) sought to gain a deeper understanding of justification in legal opinions through a category system. He explains that "A category system is a tool that organizes information into distinct classes for the purpose of comparing and analyzing" (1976, p. 121). Using an "operational hybrid" of categories, Jones (1976) analyzed two Supreme Court cases, one of which effectively overrules the other, and compared these justifications with the justifications offered by the attorneys in their briefs for the second case. Contrary to legal theory, Jones (1976) found that justices rely more heavily on forms of argumentation other than precedent. His intent was to describe the justifications he found, not to evaluate them or determine which were the most important or influential.

This discussion highlights the wide range of methodologies employed by scholars. This research also makes it clear that forensic rhetoric differs considerably from deliberative. (Deliberative rhetoric will be discussed in the next chapter.)
Researchers tied to the argumentative tradition find that legal arguments must adhere to a set of prescribed and detailed rules. These rules make the accompanying rhetorical analyses equally detailed. Not all research, however, is rule-based.

Other scholars have analyzed Supreme Court opinions without tying their conclusions to a particular method. Michael R. Hagan (1976) concluded that justices simply choose legal concepts and precedents that support their decisions and downplay “matters which would support an opposing view” (p. 199). Hagan (1976) examined the rhetoric of Roe v. Wade. Bartanen (1987) examined the rhetoric of dissent. She found that dissenting opinions, like majority opinions, were motivated by “a need to defend” a particular interpretation, a desire to “bolster the Court’s image,” and as a potential remedy to be used in future deliberations (p. 244). She observed that appeals to values, particularly the values of justice, democracy, and logic, characterize judicial rhetoric. Bartanen (1987) concludes that her analysis “reveals how effectively the value appeals identified as characteristic of judicial rhetoric serve the motives of...” justices (p. 261).
Several conclusions may be drawn from the review of the literature. Perhaps the most significant conclusion is that judicial rhetoric presents the scholar with methodological difficulties. Rule-based or rule-guided approaches (Newell & Rieke, 1986; Rabin, 1978; Jones, 1976) produce detailed descriptions of judicial rhetoric that “can be overwhelming” (Newell & Rieke, 1986, p. 217). Scholars who embrace no particular methodology, preferring instead to draw their conclusions directly from their data (Hagan, 1976; Bartanen, 1987), produce better descriptions of the particulars surrounding each opinion, but with limited generalizability. Bearing in mind the limitations of any method, I hope, in performing a pentadic analysis of Judge Altimari’s opinion, to offer a discussion of the particulars sufficient to warrant drawing more general conclusions. As Burke (1950/1969) writes, ideally the pentad “should provide us with a kind of simplicity that can be developed into considerable complexity and yet can be discovered beneath its elaborations” (p. xvi).

There are two important reasons for selecting this particular opinion. Judicial opinions are significant because courts have the capacity in them to speak not just to the litigants but also to a
larger audience (LeDuc, 1976, p. 279). Opinions are designed to influence several audiences. Judge Altimari directs his views to different people at different times, communicating certain information to the district court, the Transit Authority, the homeless and their advocates, and to society at large.

The second reason for selecting this opinion is suggested by the term adversary. Judge Altimari views begging with hostility and considers beggars a menace to society. He writes: “Begging in the subway often amounts to nothing less than assault, creating in passengers the apprehension of imminent danger” (p. 158). Although this belief is arguably widespread in American society, it is not often explicitly articulated. The majority of the literature on homelessness is produced by advocates who portray the homeless sympathetically. One reason that President Reagan’s assertion that most of the homeless “lived on the streets by choice” so outraged advocates and is so often cited by them is that it is one of the few expressly anti-homeless messages attributable to a powerful political figure. It may be more expedient for political authorities to pay “lip service” to the issue of homelessness -- to listen sympathetically by holding hearings and
investigating the problem, for example -- than to openly show
disdain or contempt. Hence the dearth of anti-homeless rhetoric in
the political arena. Judge Altimari's opinion is a more detailed
expression of the anti-homeless position. In this sense, it perhaps
reflects explicitly what many other powerful officials suggest
only implicitly.

The suit was brought by the Legal Action Center for the
Homeless ("LACH") on behalf of two homeless men. The plaintiffs
contend that a regulation established by the New York City Transit
Authority ("TA") prohibiting begging in the subway system violates
their rights under the First Amendment. Under the regulation,
individuals can solicit for organized charities, but not for
themselves. The defendants contend that begging is not protected
speech and that legitimate state interests justify the regulation.
The district court ruled in favor of the plaintiffs. Judge Sand,
speaking for the court, concluded that "a meaningful distinction
cannot be drawn for First Amendment purposes between
solicitation for charity and begging" (p. 352). The circuit court
must determine if the lower court interpreted the law correctly.
My analysis of the opinion follows.
The opinion contains sufficient material that several aspects of the pentad may be considered. Begging is the central act. Begging is mentioned in the opinion 75 times. What begging means is related to the scene, the New York City subway. Burke (1954) states that an event takes on "character, meaning, [and] significance in accordance with the contexts in which we experience it" (p. 7). What the act means is also related to the agent: begging means different things to different people. Several agents are identified in the opinion: the circuit or appeals court, whose views are expressed by Judge Altimari; the district or lower court; the Defendant/Appellants, primarily the Transit Authority, and the Plaintiff/Appellee, the LACH, which brought the suit on behalf of two homeless individuals, William B. Young and Joseph Walley. "Both the act and the agent require scenes that 'contain' them," contends Burke (1945/1969, p. 15). Not all the agents are accorded the same significance, however. The district court, mentioned 77 times, receives the bulk of the attention. Next in importance are the Transit Authority, mentioned 54 times, the circuit court, mentioned 43 times, and lastly the plaintiffs, who are mentioned merely 15 times. "Ideas are the property of agents,"
observes Burke (1945/1969, p. 12). Ideas connect agents with agency, the instrument or means to an end. The end or goal may illuminate the agent's purpose. The presence of several agents makes this case complex.

Because Judge Altimari spends so much of his time discussing the various agents involved in the case it seemed logical to begin this analysis in a similar manner. One could argue that four separate pentads exist in relation to each agent. In Pentad #1 the act is begging, the scene is the subway, the agent is the circuit court, the agency is the opinion and the purpose is reprimanding the lower court. In Pentad #2 the act is begging, the scene is the subway, the agent is the circuit court, the agency is the opinion declaring that begging is not free speech, and the purpose is to assert institutional authority. In Pentad #3 the act is begging, the scene is the subway, the agent is the TA, the agency is the regulation prohibiting begging in the subway and the purpose is to protect the common good. In Pentad #4 the act is begging, the scene is the subway, the agent is a beggar, the agency is harassment and the purpose is to gain money. Each of these pentads will be discussed in turn.
2.1 Pentad #1: “No good deed goes unpunished...”

The emphasis in the first pentad is on the district court. Judge Altimari’s remarks cast the district court in a negative light. The agent is the circuit court, which identifies, examines, and evaluates the conduct of the lower court. The appellate court’s evaluations are harsh. These evaluations fall into three general categories.

Criticism of the lower court’s actions is the first category. Altimari criticizes the district court’s use of precedent, observing that “the district court misconstrued the line of reasoning” (p. 155) used by the Supreme Court in an earlier case. He disparages the district court’s ability to resolve the issues, noting that “Despite the district court’s inability to draw a distinction between begging and solicitation by organized charities, the amended regulation reflects the TA’s ability to do so” (pp. 155-56). He also suggests that “The district court attempted to discredit this difference” (p. 156). Altimari denounces the lower court’s actions, stating that the “district court’s analysis reflects an exacerbated deference to the alleged individual rights of beggars
and panhandlers...” (p. 158). Indeed, he contends, the district court “misapprehends the TA’s intent in revising the regulation” (p. 161).

Almost all of the criticisms falling into this first category juxtapose the ineptitude of the district court with the propitious intent of the Transit Authority. The “district court improperly decided to replace the TA as manager of the subway system and falsely assumed the competence to judge how much protection of the system and its passengers is wise and how that level of safe public transportation will be attained” (p. 161). The circuit court clearly considers the Transit Authority to have the better judgment and experience in this matter. This conclusion also suggests that the Transit Authority was motivated to action by its concern for passenger safety. Altimari maligns the lower court by concluding that its motives were impure: “Confronted with the district court’s holding, a cynic might remind the TA that ‘no good deed goes unpunished’” (p. 162). In fact, argues Altimari, these actions “contravene the fundamental principle of judicial deference owed to officials in carrying out their responsibilities based on expertise and experience” (p. 161).
Criticisms falling in the second category deal with errors of omission. The district court failed to inquire “as to which level of judicial scrutiny [wa]s appropriate” (p. 157). This “omission and presumption w[as] fatal to the district court’s reasoning” (p. 157). In fact, the district court “lacked subject matter jurisdiction over this issue” (p. 163), and was “ill-disposed to undertake such a task” (p. 164). In addition, the district court emphasized certain aspects of the case, such as “the total prohibition of begging in the subway,” but neglected to consider other aspects of the case as it was legally required to. The district court “failed to address the fact that there has been no showing in this case that the remaining avenues of communication are inadequate” (p. 160). Furthermore, the district court ignored its own circuit court’s precedents. “Previously, we held...that the subway is neither a designated nor a traditional public forum. However, the district court proffered that...our decision was of ‘limited precedential value’” (p. 152).

Lastly, the circuit court attacks the judicial activism of the lower court. The district court, Altimari argues, took the law into its own hands. “The district court directed that the complaint be amended on numerous occasions; it sua sponte contacted the
Attorney General, and when he declined to intervene, directed that he be made a party so that New York Penal Law section 240.34(1) be at issue; it instructed that over a dozen defendants be added, and that the class be enlarged to include all needy persons in New York State” (p. 151). In so doing, “the district court designed a much different case than the controversy that originally came before the court” (p. 162). Citing Supreme Court rulings, the circuit court reprimands the lower court, asserting that “A district court ought not ‘reach out for...issues, thereby depriving state courts of opportunities to develop and apply state law’” (p. 164).

The lower court erred in several ways. It misinterpreted and misapplied precedent. It upheld individual rights at the expense of the common good. It took control away from the proper authorities. It lacked jurisdiction. Its analysis was incomplete. In short, the district court simply went too far.

The circuit court defines itself in contrast to the district court. The circuit court is the higher court whose task is to determine if the lower court acted appropriately. Since the ruling is reversed and vacated, the audience has but one conclusion: the
district court was wrong. The circuit court therefore is right. This division casts the circuit court in a favorable light. Its interpretation is accurate and appropriate. Its analysis is thorough and complete. In short, the circuit court is everything the district is not.

Judge Altimari adds to the higher court's ethos by casting the circuit court and his own actions in a positive manner. The circuit court, for example, goes beyond the requirements of the situation: "Although not necessary to our holding in this case, we briefly turn to the district court's conclusion that the subway is a public forum in which begging and panhandling must be permitted" (p. 161). This observation suggests good will. It demonstrates that the appellate court intends to set things right. This desire is so strong, in fact, that the court does more it has to, so that it may clarify the legal issues. A great deal of clarification is called for, since the lower court made so many mistakes. The district court is lower and inferior; the circuit court, above it and superior. The situation, notes Burke (1945/1969), is a "synonym for scene" (pp. 12-13). Here Judge Altimari uses scenic properties to elevate one agent
and to denigrate another. The circuit court remains the focus in
the second pentad.

2.2 Pentad #2: “Here, what common sense beckons the law
ordains.”

Here, the circuit court must make a decision. It must decide
if begging is protected speech. The plaintiffs challenged the
regulation on constitutional grounds, contending that “begging is
pure speech fully protected by the First Amendment” (p. 152), and
arguing that “whenever a homeless and needy person is extending
his hand, he is communicating” (p. 153). The regulation permits
individuals to solicit on behalf of organized charities but prohibits
individuals from begging in the subway system. The defendants
contend the regulation did not deny anyone freedom of speech and
that the Transit Authority was acting both within its legal rights
and in the best interest of the state.

Judge Altimari begins the opinion with an observation: “We
initiate our discussion by expressing grave doubt as to whether
begging constitutes the kind of ‘expressive conduct’ protected to
some extent by the First Amendment” (p. 153). This observation
sets the stage for what is to follow. The court is the ultimate arbiter of what is and is not protected speech.

The court establishes the standards to be used in judging this case. The first standard is “Common sense,” which “tells us that begging is much more ‘conduct’ than it is ‘speech’” (p. 153). Defining the standard in this way allows the court to simply assert its claim because what common sense tells us is true on its face. This movement eliminates any requirement for proof. Next, the court links this standard to legal standards. “Here,” observes the court, “what common sense beckons the law ordains” (p. 153). A discussion of the specific legal standards follows: “In determining ‘whether particular conduct possesses sufficient communicative elements to bring the First Amendment into play,’ the Supreme Court asks ‘whether [a]n intent to convey a particularized message was present and [whether] the likelihood was great that the message would be understood by those who viewed it’” (p. 153).

Once specific legal standards have been identified it is a simple matter for the court to show how these standards have not been met in the present case, thus justifying the reversal. The court simply asserts that “…begging is not inextricably intertwined
with a ‘particularized message’” (p. 153). Furthermore, writes Altimari, even if begging were intertwined with a particularized message, “there hardly seems to be a ‘great likelihood’ that the subway passengers who witness the conduct are able to discern what the particularized message might be” (pp. 153-54). In fact, the court suggests, passengers would not likely even pay attention to the message, if indeed they understood it: “Given the passengers’ apprehensive state of mind, it seems rather unlikely that they would be disposed to focus attention on any message, let alone a tacit and particularized one” (p. 154).

Ultimately, argues the court, begging is not fundamentally about speech but rather is about money: “Whether with or without words, the object of begging and panhandling is the transfer of money. Speech is simply not inherent to the act; it is not the essence of the conduct” (p. 154).

Appeals for organized charities, on the other hand, “involve a variety of speech interests, including ‘communication of information, the dissemination and propagation of views and ideas, and the advocacy of causes’” (p. 155). These varied speech
The opinion functions as a rebuttal in which the circuit court refutes and overturns the arguments of the lower court. The fact that the actions of the circuit court are always reported in the plural -- "We do not think, however, that the regulation is directed at speech itself..." (p. 148) -- adds weight and authority to the opinion.

The opinion is largely constructed of assertions, questions, observations and suggestions. Assertions are used to communicate certainty. When the court claims to "have no doubt," that "based on the facts it seems fair to say," or that "common sense tells us," it preempts argument. Observations communicate the impression that the court simply had no other choice, as when the circuit court notes, "We can only conclude in the instant case that the district court improperly decided to replace the TA as manager of the subway system..." (p. 161). Questions allow the court to cast doubt on the merits of the case or the soundness of the reasoning of the lower court. Suggestions enable the court to frame the issue in a favorable way, as when it takes the opportunity to show how
limited its own powers are. The language the court uses allows it to distance itself from the issue at hand and to appear above the fray. For instance, careful not to appear to dislike the homeless, Altimari suggests that the court is sympathetic, but that its power is limited. He writes: “We take this opportunity, therefore, to suggest that it is not the role of this court to resolve all the problems of the homeless, as sympathetic as we may be. We must fulfill the more modest task of determining whether the TA may properly ban conduct that it finds to be inherently harmful in the subway system” (p. 156). That conduct is the focus of the third pentad.

2.3 Pentad #3: “In the subway, begging is inherently aggressive.”

The function of the circuit court in this appeal is to make a ruling based on the law. Reexamining the evidence in the case is optional; arguments in appeal are made on the basis of application or misapplication of the law, not on the basis of earlier testimony or evidence. Nonetheless, the court found certain testimony compelling enough to include it in its opinion.

Judge Altimari begins by noting that “In 1988 the TA initiated a lengthy study-process concerning ‘quality of life
problems' experienced by riders in their use of the subway system” (p. 149). This reference is a deliberate one designed to remind the audience that the Transit Authority is concerned about its riders. Information for the study, the court continues, came from “A research survey conducted by Peter Harris” (p. 149), and an “outside consulting company,” whose president, “Professor George Kelling” is “an expert with extensive national and international experience in social problems” (p. 149). Information was also provided by “Detective Bernard Jacobs, a twenty-four year veteran of the Transit Authority Police and initiator of the Transit Crime Prevention Unit,” who “met with numerous groups of citizens and passengers” (p. 149).

Judge Altimari presents the credentials of each expert witness to create favorable ethos for these individuals and their testimony. The ethos is needed because the results of the study later become the justification for banning begging in the subway. The study revealed that “subway passengers experience begging as intimidating, harassing and threatening” (p. 156). It is in fact the begging and not the communicating, Altimari argues, which is the problem. “In the subway, it is the conduct of begging and
panhandling, totally independent of any particularized message, that passengers experience as threatening, harassing and intimidating” (p. 154). *This* is the conduct that the TA is regulating.

Altimari constructs the argument carefully. First, he proves that the TA has regulatory power. “The TA, in fact, has a broad statutory mandate to promulgate rules governing the conduct and safety of the public as it may deem necessary, convenient or desirable...” (p. 158). This statutory mandate gives the transit authority legitimacy. Second, the court suggests that far from being new, the regulation prohibiting begging and panhandling in the subway is “long-standing” (p. 149). To strengthen this claim, the phrase “long-standing prohibition” is repeated throughout the opinion. By identifying the prohibition as a long-standing one, Altimari suggests that only a minor policy shift has occurred. He implies that the regulation has been on the books for a long time, but up to now it was not rigorously enforced. The only change in policy, then, is the strength of enforcement. This reference also counters the plaintiff's claim that the Transit Authority created a new policy aimed specifically at the homeless. The TA’s action is
consistently referred to by the court as a “prohibition” (17 references) or “regulation” (36 references), rarely as a “ban” (8 references). Regulations and prohibitions are less intrusive and more innocuous than outright bans. Again, the language suggests a minor, not a major change in policy. Language names the act. Burke (1954) observes that “A great deal of character is imparted to events by purely verbal means, as when we label a bottle poison...” (p. 7).

The policy is necessary, the court reasons, because the mission of the TA is to promote public safety in the transit system. “The TA is empowered to establish regulations governing passenger conduct, in order to facilitate an effective, safe and reliable means of public transportation” (p. 148). In fact, the TA’s concern for the public is what prompted it to enforce the regulation in the first place. Here, language justifies the act. Burke (1945/1969) writes that “policy, strategy, [and] tactics are all concepts of action” (p. 14).

Next, Altimari contends that the district court simply misunderstood the motives of the transit authority. “The district court’s conclusion misapprehends the TA’s intent in revising the
regulation" (p. 161). The TA's goals were for the common good, writes the court. "The amended regulation demonstrates the TA's concern to safeguard the system and honor the First Amendment" (p. 160). It is because of TA's concern for the public good that "the regulation...leave[s] open ample alternative channels of communication" (p. 160). Indeed, the court observes, "there has been no showing in this case that the remaining avenues of communication are inadequate" (p. 160). Thus the Transit Authority did not intend to deprive anyone of their freedom of speech. "To the contrary, the TA regulation is simply not directed at any expressive aspect of the proscribed conduct. In fact under the amended TA rules, the message may be expressly delivered" (p. 159). Exactly what message may be delivered is unclear, but it is presumably communicated through the alternative channels remaining outside the authority of the TA. Having assured the audience that communication persists and having disposed of the harm, the court proceeds to justify the TA's action.

Altimari writes that the Transit Authority established the regulation for the express purpose of protecting the public safety. The regulation specifically bans begging because "Quite apart from
any particularized idea or message it might arguably possess, *begging* poses significant dangers to the subway system” (emphasis added) (p. 159). Begging, by definition, is dangerous, and it is “These dangers, independent of the alleged communicative character of begging, [which] give rise to the regulation” (p. 159). Soliciting for charity was permitted because this activity is not dangerous: “Nowhere in the record is there any indication that passengers felt intimidated by organized charities” (p. 156). This explanation suggests that intimidation is the beggar’s agency. This topic will be developed in the fourth pentad.

The legitimate and compelling interests of the state justify the TA’s actions. Behavior such as begging “generates high levels of fear in the passengers, thereby discouraging use of the system” (p. 149). According to the transit authority, some three million people ride the New York City subway daily (p. 158). The court offers a detailed description of the ridership, noting that: “The subway is not the domain of the privileged and powerful. Rather, it is the primary means of transportation for literally millions of people of modest means, including hard-working men and women, students and elderly pensioners who live in and around New York
City and who are dependent on the subway for the conduct of their affairs” (p. 158). This elaborate portrait of the ridership is an attempt to create identification. Burke (1966) argues that “Basically there are two kinds of terms: terms that put things together, and terms that take things apart. Otherwise put, A can feel himself identified with B, or he can think of himself as disassociated from B” (p. 49). By describing the subway ridership as hard-working people of modest means, Judge Altimari increases the likelihood that people who read the opinion will find someone like themselves or someone possessing similar attributes in the description of the subway patrons. Altimari is encouraging the audience to identify with the majority whom the state and TA protect.

In contrast, the homeless are mentioned rarely. The homeless are discussed specifically in “The Kelling affidavit,” which “earmarks research indicating that the homeless in the subway are generally males afflicted with serious mental illness and suffering from alcohol and/or drug abuse” (p. 150). This specific reference is an attempt to create what Burke (1950/1969) terms “division” (p. 28), the opposite of identification. Its aim is to portray the
homeless as the other, as alien, and as deviant. The homeless who beg in the subway are derelict old men who can't even take care of themselves; they are different from the responsible citizens who pay to ride the subway. The court notes that "the sad statistics reveal that during a ten month period in 1989, an average of six homeless persons per month died in the subway, including fifteen persons who were struck by trains. As a result Kelling counselled that this 'subset of the homeless' should not be encouraged to beg and panhandle in the system 'for their own well-being'" (p. 150).

Here the opinion is a vehicle for asserting authority. The TA is a representative of the state. It is empowered by the state to establish rules and regulations governing conduct within the system. The scene empowers the agent. The TA can act within the system. It can create rules governing behavior there. The "conduct of begging in the subway," (emphasis added) observes the court, "amounts to nothing less than a menace to the public good" (p. 156). The act is dangerous because of the scene: the danger justifies the action. The transit authority, based on its experience, "obviously reached a judgment that the only effective way" to
eliminate this danger was “through the enforcement of a total ban” (p. 160).

To the court, the action speaks for itself. It is “obvious” to the court (and presumably to everyone else) that the transit authority possessed the acumen and expertise to make the appropriate judgment. This suggests, in Burke’s (1945/1969) parlance, that justice is a property of the agent. The TA’s experience justifies its decision. It is also clear that the Transit Authority had no other choice: “Further, the TA obviously made a judgment that while solicitations by organized charities could be contained to certain areas of the system, the problems posed by begging and panhandling could be addressed by nothing less than the enforcement of a total ban” (p. 156). Burke (1945/1969) observes that the scene-act ratio “can be applied deterministically in statements that a particular policy had to be adopted in a certain situation...” (p. 13). This language creates the perception of urgency. Begging is so severe a problem that nothing will contain it but a total ban.
2.4 Pentad #4: ...the very sight of beggars is threatening...

The emphasis in pentad four is the act. Begging is referred to 75 times in the opinion. Begging is dangerous. It is "inherently aggressive" to the "captive" passengers in the subway system (p. 158). It "poses significant dangers to the subway system. The conduct threatens passenger well-being and safety as well as disrupts the system's smooth operation" (p. 159). Begging has no redeeming social value: "It seems fair to say that most individuals who beg are not doing so to convey any social or political message. Rather, they beg to collect money" (p. 153).

The agents or persons committing the act -- "beggars" (10 references) or "panhandlers" (5 references) or "the homeless" (11 references) -- are identified infrequently. The reason? The agent is defined by the act. **Beggars beg.** Society silences and negates agents by avoiding any references to them. The absence of the agent in many references is a way of making the agent go away; it is used to silence the agent. The generic terms "beggar" and "panhandler" are used to distance "those people" from the rest of society. Often, these labels are joined with negatively connotated words, creating a negative image of beggars and panhandlers. The
court observes, for instance, that “The only message we are able to espay as common to all acts of begging is that beggars want to extract money from those whom they accost” (emphasis added) (p. 154).

Rhetoric creates the perception that begging is hazardous. The court’s observation that “Begging...has the serious potential of creating an accident and injuring many people” (p. 150) can be reconfigured as follows: “Reacting to beggars in the subway, passengers could create an accident,” or, “Passenger reactions to beggars begging in the subway have the potential to create an accident.” This language masks the judgments and perceptions of the passengers, creating the impression that begging causes the passengers to feel intimidated. Rhetoric produces ideologies or ways of thinking (Farrell, 1993, p. 153). The observation that “…begging contributes to a public perception that the subway is fraught with hazard and danger” (p. 149), can be rewritten to read: “The public perceives the subway as a dangerous place because they see beggars there.” In each case, begging is not the cause of the perception, the passenger is. The public believes the subway is threatening because of what they see there. In other words, the
very sight of beggars is threatening. When one changes the sentence “the sight of beggars is threatening” to identify a different group so that it might instead read, “the sight of blacks is threatening,” or, “the sight of women is threatening,” the normative force of the judgment becomes more clear. As a basis for law this ruling is frightening. If one’s mere presence is threatening, asking the time could be considered harassment, since it could cause people to feel intimidated. Such a precedent could also be used as a justification for removal. If the sight of beggars is threatening, the answer is removing them. If the sight of blacks is threatening, is the solution erasure?

In truth, what is threatening stems not so much from what the homeless bring to the situation but rather what passengers project on them. Golden (1992) observes that homeless people serve as a repository for the myths and fears of the larger society. “Homeless [people] can serve this function because their separation from society distances them psychologically and turns them into blank shapes on which we can project various images...” (p. 6). The public transforms its vision to reflect its beliefs. The public sees
the homeless as alien, as the other. Burke (1954) argues that often language conveys the attitudes of those making judgments.

The scene also influences perception. Perhaps what is most threatening about begging in the subway is not the beggar or the act, but the subway itself. Judge Altimari writes that:

Open city streets allow pedestrians what sociologists term “fate-control,” or the ability to avoid and move away from an intimidating person. To the contrary, subway riders enjoy considerably less fluidity of movement and ability to control what happens to them...the rider feels “captive.” As a result, Kelling concluded, in the subway environment, begging is inherently aggressive even if not patently so (pp. 149-50).

Altimari and Kelling suggest that the rider is the captive of the beggar; in actuality, however, the rider is a captive of the subway. Begging is aggressive because in the subway passengers can’t avoid it.

2.5 Discussion

Judge Altimari’s opinion is a rich source of information about homelessness and the role of the courts. His opinion aptly illustrates the rhetoric of the adversary. Rabin (1978) observes that “Judges do not like to be accused of being subjective; they prefer to maintain at least an appearance of objectivity...” (italics in original) (p. 85). In this opinion Judge Altimari communicates
disdain for the homeless while at the same time couching his judgments in the "objective" language of the law. Such a maneuver allows the Judge to appear removed from the situation and masks his personal involvement in the opinion. His language, like his bench, is above it all, above the fray. The specialized vocabulary of the court, replete with references to judicial precedent and legal concepts, in which all parties are referred to in the third person, distances and depersonalizes the homeless.

Jones (1976) observes that "justices need only a few justifications in order to establish their decisions" (p. 127). For Judge Altimari the central justification for the regulation is the act itself: begging. The opinion is an elaborate narrative which justifies the decision and articulates social values. In the judgment of the court, begging is a dangerous activity that threatens the public safety. Beggars harass and intimidate the public for the purposes of extracting money from them. The entire exchange is carried out through the agency of harassment; beggars do not make simple requests -- they threaten, accost and coerce the public into action. The Transit Authority, in contrast, is a benevolent representative of the state. The TA is cast as hero, the
public as victim, and the beggar as villain. Society mandates that
the villains be dealt with; the forces of good must triumph over the
forces of evil. Thus the story ends, the regulation stands, and
beggars are ejected from the scene because their behavior is
defined as criminal.

Several conclusions can be drawn about the meaning of
homelessness based upon an analysis of Judge Altimari's opinion.
First, homelessness is a problem. Judge Altimari spends
considerable time arguing that the presence of beggars in the
subway is harmful to society. Second, homelessness is a deviant
condition. The homeless are members of a marginal group whose
rights are subordinate to the majority. They perform deviant acts
(begging) in the subway and pose a threat to society. The purpose
of the regulation is to prevent the act from occurring. Because the
agent and the act are intertwined -- beggars beg -- the Judge
implies in the opinion that the best way of dealing with
homelessness is to banish the agent.

The meaning of homelessness is constructed through a
variety of rhetorical devices. The two most significant rhetorical
devices are also the most powerful. Judge Altimari defines the act
-- begging -- as dangerous, then defines the agent by the act. This creates division and portrays the homeless as alien and dangerous, allowing the Judge to rhetorically make the agent go away. The agent is a villain who must be vanquished. The agent must be removed, and the scene or situation justifies this act. The public does not wish to be troubled by beggars; not only is the act of begging threatening, but more significantly, the sight of the agent is also. The adage "out of sight, out of mind" might be used to sum up the perceptions of society. The presence and absence of the homeless interact in a particularly postmodern way. It is the very presence of the homeless that precipitates the action legally requiring their absence. Presence is the justification for absence. It is this same troubling presence of the homeless in the subway that produces an absence of the homeless in language. Defining the agent by the act is a way of making the agent go away, a way of rhetorically changing the agent's presence to absence.

Presence and absence create a formidable rhetorical difficulty for the homeless and their advocates. How can presence and absence be transformed? How does one confront society, to make it see what is invisible, to erase what is under its nose?
How do other rhetors speak, and what does homelessness mean in these contexts? These questions will form the focus of the next two chapters. Chapter Four is an analysis of the rhetoric of the homeless, while Chapter Three examines the rhetoric of the advocate. Homelessness means different things to different people. The different agents employ different strategies and use different rhetorical devices to communicate the meaning of homelessness. Homeless advocate Mitch Snyder’s testimony before a Congressional committee illustrates one way that a rhetorician can deal with the difficulty of presence and absence. Snyder’s speech is an example of one way that a rhetorical transformation can occur. Snyder’s testimony will be examined next.
CHAPTER 3
THE RHETORIC OF THE ADVOCATE

In Chapter Two, the rhetoric of the adversary was examined. In Judge Altimari's opinion, rhetoric operated divisively, separating one group of people from another. Rhetoric can also function communally, bringing different groups of people together. Bringing people together is one of the goals of the advocate. The focus of this chapter is the rhetoric of the advocate.

The term advocate refers both to a person who pleads the cause of another or who argues in place of another, and to an action, arguing in favor of or in support of a position. Both senses of the term are suggested in Mitch Snyder's testimony before the House Subcommittee on Housing and Community Development. Snyder, a well-known advocate for the homeless and member the Community for Creative Non-Violence ("CCNV"), spoke about homelessness in America. His testimony will be analyzed here.

As a result of this analysis, I hope to articulate another view of homelessness. I believe that the advocate and the adversary define homelessness differently and that homelessness has
different meanings for them. This suggests that the advocate and
the adversary will also make use of different rhetorical devices to
construct these meanings. In this chapter, I will identify these
devices and attempt to explain their functions.

Before turning to Snyder's testimony, however, it will be
useful to examine the influence of the situation on those
testifying. The Congressional hearing is an unusual context, a
place where talk equals action, a setting where rhetoric is the
(1989) claims that "hearings appear to be a unique rhetorical
situation for the production of argumentative discourse" (p. 38).

"On Capitol Hill," observes Davidson (1981), "the center
stage is held by committees and subcommittees. They are the
political nerve ends, the gatherers of information, the sifters of
alternatives, the refiners of legislative detail" (p. 99).
Committees perform much of the work of the legislature. Keefe
and Ogul (1968) call the committee "the principal agency" for
gathering information and "the principal instrument by which the
legislature can defend and maintain itself in struggles with the
chief executive and the bureaucracy" (p. 206). Committees gather
information by conducting hearings. Information is provided by
witnesses who appear before the committee. Van Der Slik and
Stenger (1977) state that committee hearings are an
institutionalized opportunity for citizen witnesses to address the
legislature. Hearings are organized for particular reasons and are a

The Congressional hearing is also a formal speech situation.
Formal speech situations characteristically influence participation
(Lakoff, 1992). Participants in hearings must follow a prescribed
set of rules. Hearings usually begin with Opening Remarks. “A
committee witness begins his presentation by reading or
summarizing a statement of his views” (Keefe & Ogul, 1968, p.
209). These remarks are normally followed by testimony.
Testimony is generally prepared beforehand and read to the
committee. The most common strategy for preparing to address a
committee is to use position papers and oral testimony in
conjunction with each other (Kleinkauf, 1981). Testimony must
fall within prescribed time limits. Oral testimony is transcribed,
and written copies of the testimony and accompanying documents
are submitted for the record. Davis (1981) concluded that “record
building is the predominant function” of committees (p. 103). Participants give their testimony according to the designated order, although “Coalitions developed to support or oppose a bill often carefully coordinate their comments and positions” (Kleinkauf, 1981, p. 300). A period of questions and answers usually follows the testimony. Only committee members are permitted to ask questions; non-members are not allowed to make inquiries or to interrupt the proceedings. Norms of politeness are observed and parliamentary procedure is followed. Witnesses use formal terms of address, directing their remarks to The Chair, The Chairman, The Senator, The Representative, and so on. These terms set the hearing apart from other forms of social interaction and “signal that something special is going on” (Lakoff, 1990, p. 93). An individual’s presence at a hearing communicates something about that person’s status and importance, for, “Entering the congressional arena as a witness clearly is atypical citizen behavior” (Van Der Slik & Stenger, 1977, p. 468). Witnesses typically include people who have a stake in the outcome (Denton & Woodward, 1990), and people who have been invited to appear
before the committee, but "anyone can ask to appear before a committee" (Keefe & Ogul, 1968, p. 212).

"Despite the ubiquity of congressional hearings" as a part of the legislative process, "very little systematic research from any discipline has been done on congressional hearings" (Halkowski, 1990/1991, p. 2). Studying the testimony produced at congressional hearings is important for several reasons. Rives (1976) states that "the purpose of inquiry is action" (p. 45). Congressional hearings are formal inquiries conducted by the legislature that provide researchers with valuable data about social problems and political actions. Peterson (1988) observes that "Political performances reaffirm hierarchy" (p. 261). Examining testimony emerging from a political process like the legislative hearing could provide one with information about social values and hierarchy. Asbell (1989/1990) suggests that "much is revealed about the relationship between the disabled and our laws through an examination of the Congressional hearings" (p. 5). A similar claim can be made in this case: An analysis of the testimony of the advocate for the homeless can reveal much about the relationships among the homeless, the advocate, and society.
Investigating the role of the advocate is particularly important. As Peterson (1988) notes, “a hearing provides an opportunity for groups to frame a situation around their own interests” (p. 261). Comparing the testimony produced by the advocate and by the homeless gives me the opportunity to identify and explore their particular interests. Their testimony provides a glimpse of how each rhetor perceives and responds to the world of homelessness.

Rhetorical studies of committee discourse have been conducted by Asbell (1989/1990), Peterson (1988), Davis (1981), Rives (1976), and Schuetz (1986). Asbell (1989/1990) examined hearings concerning the Rehabilitation Act of 1973 before the House Subcommittee on Education. Her dissertation employed a Neo-Aristotelian analysis to generate an argumentative profile of the text. The profile showed which content and structural elements were present in the arguments. Her goal was to shed some light on the ways the legislative process affected society in general and the disabled minority in particular. Asbell (1989/1990) concluded that all of the testimony was highly contrived and very formally communicated, that most arguments were based on factual claims and were supported by statistics, and
that rarely were both sides of any issue explicitly discussed.

Working from an organizational perspective, Peterson (1988) examined the rhetorical strategies participants used to construct institutional authority in Senate subcommittee hearings on wilderness legislation. She found that participants in the hearings used three strategies to communicate authority: position markers, pseudo-requests, and images of order. Peterson's (1988) analysis of the communication of authority included both witnesses and legislators. Davis (1981) content analyzed forty-eight committee hearing sessions from the 1971 deliberations on national health insurance. She developed a seven category system which identified various aspects of communicative utterances in the committee sessions. These categories included the type of utterance, purpose of utterance, the time focus of the utterance, the orientation of the utterance, the topics discussed in the utterance, and the apparent audience of the utterance. Davis (1981) concluded that legislators carefully controlled communication in hearings. Her research is among the most thorough conducted to date. Rives (1976) performed one of the first studies of congressional hearings. He investigated hearings on the Taft-Hartley Act before the House
Committee on Education and Labor, and the Senate Committee on Labor and Public Welfare. He concluded that hearings "can best be described as a modern adaption of dialectic" (p. 44). He found five elements of classical dialectic present in committee hearings. Hearings employed logical inquiry, stimulated information-gathering, permitted the expression of opposition in thought, used the technique of question and answer, and encouraged speculation about courses of future action. Additional work has been done by Schuetz (1986). Her work differs somewhat from the research discussed previously in that she did not study specific hearings; instead, she wrote about the legislative process itself. Schuetz (1986) examined overlays of argument present in the legislative process. She distinguished between the overt and covert functions of political discourse. The overt function determines the public nature of arguments, while the covert function is protective, concerned with achieving conformity with policy, limiting criticism of an action, or justifying the adoption of a flawed policy. The overt function is policy-driven, while the covert is concerned with the perpetuation of power.
The review of the literature reveals that scholars are using a variety of methods to investigate congressional hearings. The review of the literature in the previous chapter also revealed that scholars can choose from a number of methods to study judicial opinions. There are several reasons for this similarity. First, congressional hearings and legal actions are both forms of political communication. Denton and Woodward (1990) define political communication as “public discussion about the allocation of public resources (revenues), official authority (who is given the power to make legal, legislative and executive decisions), and official sanctions (what the state rewards or punishes)” (p. 14). Judge Altimari’s opinion dealt with questions of official authority and official sanctions. He ruled that the Transit Authority had the official authority to determine what behaviors were permissible and impermissible in the subway system. Thus beggars could be removed from the system for violating the official sanctions. The testimony in the present chapter falls within the rubric of public discussion about the allocation of public resources. The witnesses appearing before the committee attempt to persuade the
legislature to allocate public resources for the benefit of the homeless.

The second similarity between the two sets of data is the complexity of the rules governing this speech. Political communication is public, occurring in a context that influences both what is said and the way that it is said. Justifications must be grounded in law; the reasons for the action must be connected to statute and/or precedent. Testimony must be grounded in experience; the reasons for the action must be connected to the person before the committee. The judicial opinion, in Burkean terms, emphasizes the act/scene ratio, while testimony highlights the act/agent ratio.

The third reason that scholars use so many different methods to investigate forensic and deliberative rhetoric is that scholars may choose to examine different aspects of any political act. Testimony and opinions are rich sources of data; many questions can be asked about them. Some methods of inquiry are better suited to some questions than others. Research methods are like lenses; they help people see things in different ways. Some methods are wide angle lenses, offering a broad picture of events
(Asbell, 1989/1990; Peterson, 1988; Rives, 1976), while other methods are more narrow, focusing on the details (Davis, 1981).

An advantage of employing a Burkean perspective is that the pentad is broad enough to encompass the complexity of political communication; the elements of the pentad are present in all of the data examined here. The pentad is not so broad, however, that it limits a discussion of the particulars. Indeed, through the ratios, various aspects of any element of the pentad can be examined in considerable detail. Last, and perhaps most importantly, the application of the same method to three different sorts of speech will allow me, in Chapter Five, to compare and contrast them. Out of that discussion I hope to produce a more complete and more useful understanding of what homelessness means.

What follows next is a discussion and analysis of homeless advocate Mitch Snyder’s testimony before the House Subcommittee on Housing and Community Development. Each element of the pentad -- act, scene, agent, agency, and purpose -- will be discussed individually.
3.1 Act

The act is testifying before a Congressional committee. Testimony can be considered narrative; when Snyder testifies he tells a story, sharing his experiences and his perspective with the committee. One might expect that because it is a narrative, the most compelling feature of Snyder’s testimony would be ethos or pathos. To the contrary, one of the most striking features of the narrative is its logos, its logical framework and structure.

Snyder begins by acknowledging the situation with a few introductory remarks: “Thank you for the opportunity to bring together people from across the country who obviously have a story to tell and whose story is of interest to growing numbers of people” (p. 16). He then immediately launches into his testimony, stating that: “Four people are dead. They died in 3 days” (p. 16). This statement stands out because there is no transition preceding it, nothing prepares the audience for this revelation.

The report that “Four people are dead” is both observation and assertion. The observation is a factual report: in the last three days four people have died. The assertion is communicated in what follows, the explanation of the cause of death. “They died of
homelessness and exposure and lack of shelter. They died because local officials are both unable to and unwilling to deal with the problem” (p. 16). Snyder uses the assertion to accomplish several ends. First, the assertion establishes the significance of the problem. Homelessness is serious because it leads to death. Four people died of homelessness. Second, Snyder uses the assertion to place blame for the problem on the government. These individuals died, the audience is told, because local officials could not and would not help. Snyder remarks that “...local officials are incapable of dealing with the problem” (p. 17). According to Schuetz (1986), placing blame is a covert function.

Next, Snyder declares that “We have a twofold dilemma on our hands” (p. 16). He spends considerable time explaining what this dilemma is. He begins by observing that there are more people homeless now than there have ever been before, even more than were homeless during the Great Depression. He notes that winter is coming and predicts that people will die. People have already died. Here Snyder presents visual evidence to support his claim. “I have here a friend. His name is John Doe. Those are the cremated remains of a human being who died 2 years ago, homeless and alone
in this city” (p. 17). The visual presentation is somewhat macabre, but Snyder believes that “...it's only when the emotions are aroused that people begin to think” (in Rader, 1986, p. 4). This homeless man’s death apparently aroused Snyder’s emotions; Rader (1986) reports that Snyder “carries the cremated ashes of a homeless friend” (p. 5) around with him. Bringing the ashes with him to the hearing room is an effort on Snyder’s part to elicit a similar emotional response on the part of the audience in the hearing room.

The visual evidence supports Snyder’s claim that people are suffering. The presence of a suffering minority ought to be enough to move the majority to action. However, Snyder contends, nothing is being done to alleviate that suffering. “The President has been incredibly adroit at creating three ring circuses and focusing attention everywhere except where it needs to go” (p. 17). He tells the committee, “So while we deeply appreciate the sympathy and sensitivity that has gone into these hearings, and while we understand that if you didn’t care you wouldn’t be here and we wouldn’t be here; that ain’t enough” (p. 17).

The argument continues to build. Snyder turns the tables to make the problem and its solution more clear, effectively putting
pressure on Congress. "If you were on the streets, let me tell you right now, bills would fly, legislation would pass hands so fast our eyes would not be able to keep up with the speed. If you had to face the next three months with cold hands and feet, fingers falling off because of frostbite and gangrene, if you had to figure out how to live through the next 3 months with your families with no place to go but maybe your car if you were lucky, you would do more than you are doing now" (p. 17).

Finally, Snyder names the act. The problem facing the Congress is how to get homeless people off the streets now before they die. "What we have to concern ourselves with now is getting folks in off the streets, particularly in those parts of the country where they may well die as a result of their homelessness" (p. 18). Rhetorically, the magnitude of the defined problem determines the strength of the desired response. Snyder argues "record numbers" of people are dying and suffering, suggesting that the problem is enormous. Next he states that "This is a national emergency. Treat it as such. Do everything that you have to do, everything that you can do, to make space for those people" (p. 18). Calling the problem an "emergency" communicates urgency to the audience.
Snyder's language is a subtle way of pressuring the committee to act immediately.

"Ideas," observes Burke (1945/1969), "are the property of agents" (p. 12). Several ideas are communicated in Mitch Snyder's testimony, the most significant of which is the notion that people are dying because government officials will not help them. These deaths are terrible not because death itself is terrible, but because these deaths were preventable. Snyder appears to believe that if he can get the committee members to understand the situation, to see how needless these deaths are, that this knowledge alone should be sufficient to call the committee to action. The situation demands action. "The scene/act ratio," writes Burke (1945/1969), "...may be applied in hortatory statements to the effect that a certain policy should be adopted in conformity with the situation" (p. 13).

3.2 Scene

To understand the scene requires one also understand the role of the agent, as a different scene is mentioned in relation to the different agents identified in Snyder's testimony. Each agent -- Snyder himself, the Congress, and the homeless -- is located
differently. The homeless are located on the streets, outside, anywhere. Snyder observes that homeless people are living on the streets, some “with no place to go except maybe their cars if they are lucky” (p. 17). They are living wherever they can -- in their cars, in tents, in abandoned buildings, making do -- doing whatever is necessary to survive. The homeless are anywhere. The homeless are also here. Snyder repeatedly makes that point that the homeless and destitute are here, in our nation, in America, this fabled land of opportunity. There are “millions of people in this country right now who are living in utter destitution, in absolute poverty, and are crying out, moaning from one end of the country to another” (p. 17). Homelessness is pervasive, it is present all across the United States. The homeless are here, there and everywhere. Paradoxically, the homeless, who in one sense are so present, are also undeniably absent. The homeless are placeless, absent because they are unconnected to the community and barely acknowledged by it. The homeless are everywhere and nowhere.

Snyder locates himself in the world of the homeless. He alludes to his own experience on the streets in his testimony, explaining that he spent 2 months on the streets in 1980, and
telling the committee he plans to return to the streets later this month. Snyder acknowledges that he doesn’t like living on the streets, admitting that: “It isn’t pleasant. It isn’t comfortable” (p. 18). Snyder explains that he must move to the streets “because my brothers and sisters are there” (p. 18). By locating himself on the streets with the homeless Snyder demonstrates his ability to represent them. Snyder can speak for the homeless because he himself has been homeless. Thus he is a credible witness. It is in terms of his own experience and not the experiences of others that Snyder acknowledges that being on the streets makes you invisible. He spent 4 months on a streets and millions of people passed by him, but few of them saw him. “They looked right through me. I didn’t exist. They kept me at arm’s length and I was not a human being” (p. 21). In other words, Snyder is there but not there, present but absent. Snyder explains this response. The people “are seeing something at a distance. They are seeing what their minds allow them to see...” (p. 21).

It is somewhat ironic for Snyder to talk about invisibility. Snyder’s activism on behalf of the homeless is notorious; it is hard to imagine anyone less invisible. Victoria Rader (1986) describes
Snyder’s actions as political theater in her “social history” of the CCNV. She writes of Snyder: “He dresses and lives like a street person. He begs and yells,...he pours blood on cathedral altars and prays in the middle of the street and gets arrested. If the audience still does not respond, he starts starving himself to death, always, always, in front of the cameras” (p. 5).

Perhaps it is his anger at the experience of being invisible that Snyder transforms into action. He channels his anger into his testimony, making specific judgments about particular players in the political process. Sometimes the target of that anger is the President, as was mentioned earlier. At other times, Snyder focuses his attention on Congress. Congress is located in a particular time and place, in the hearing room and in Washington, D.C. Their immediate location, “This hearing room,” Snyder observes, “is a fine location for people to lie down and sleep and maybe avoid freezing to death” (p. 17). There is historical precedent for such action, argues Snyder. “The U.S. Capitol during the Civil War was pressed into service as a hospital because American lives depended on it. If we were at war right now and someone suggested that the Capitol, or that great new structure,
the Hart Building, might be an appropriate place to seek safe refuge during attack, there isn’t one person in Congress who would argue against that use” (p. 17). However, when “a similar suggestion” was put forth to them it was ignored. It was asked that “Congress open its doors to the homeless and an invitation, as an act of leadership and example as a way of helping people in this country given the seriousness of the times. And we are still waiting for somebody to make that suggestion” (p. 17).

The three scene-agent ratios each highlight a different purpose. The homeless are located on the streets, simultaneously anywhere, everywhere, and nowhere. This description highlights the notions that homelessness is pervasive, existing at all levels and all across the country, and that the homeless are alienated from society. Snyder himself is located on the streets, where he is present yet absent. This reference calls attention to Snyder’s status as an insider, one who knows what the problem is because he has experienced it first-hand. Snyder is also a political insider, familiar with the ins and outs of power in Washington, D.C. These references remind the audience that Snyder is both accessible and inaccessible, here then gone, always in motion, where the action is.
Congress is located in the here and now, in a hearing room at the nation’s capitol. This reference highlights the committee’s locale as a seat of power. Burke (1966) writes that “Our presence in a room is immediate, but the room’s relation to our country as a nation and beyond...is a function of the symbol systems that report on them” (p. 48). The function of the committee is to produce legislative action; the function of Snyder’s rhetoric is to persuade the committee to act.

3.3 Agent

The agents -- Snyder, Congress, and the homeless -- can also be considered independently of the scene. The references to the homeless serve several functions. The homeless are always identified as “people” or “Americans,” not as “beggars” or “panhandlers.” These labels have more positive connotations and are designed to promote identification. Burke (1966) observes that “All terminologies must implicitly or explicitly embody choices between the principle of continuity and the principle of discontinuity” (p. 50). Some references are numeric, which contribute to the sense of magnitude and suggest that homelessness is a significant problem. Snyder repeatedly mentions
that “millions of people” are homeless and that “large numbers of people are suffering” (p. 17). Early on in his testimony Snyder observes that between 2 and 3 million Americans are homeless, and that this number is larger than at any other time in American history; larger even than the number during the Great Depression. This reference implies that homelessness is an even bigger problem today than it was in the 1920s. This reference serves a temporal function as well. When Snyder suggests that “maybe we can begin to find new ways of dealing with old and growing problems” (p. 18), he characterizes homelessness as an old problem, one which has been around at least since the Depression. Other temporal references contribute to a sense of urgency, as when Snyder notes that “millions of people in this country right now are living in utter destitution, in absolute poverty” (p. 17).

The homeless are cast in a positive light. They are “innocent Americans,” victims of circumstance, who are “criss-crossing the country looking for work, begging for jobs” (p. 16). They are “scrambling and scraping as best they can to hold their families and themselves together...” (pp. 16-17). The homeless are deserving people who are doing the best that they can, trying to get
work and keep their families intact. They are not lazy individuals who seek a public handout. The homeless are not responsible for their plight, they are simply “down and out” (p. 17).

Curiously, Congress is referred to as “you” throughout Snyder’s testimony. In some senses this deictic form separates Snyder from Congress. Deixis “is the aspect of language that indicates, mentions or makes explicit use of...the connection between speaker and hearer” (Lakoff, 1990, p. 244). Deictic forms can point to connections of a spatial, temporal, social or emotional nature. “Deictic forms include time and space adverbs (now, then; here, there); and first- and second-person pronouns (I, you)” (Lakoff, 1990, p. 244). The people who are concerned about homelessness are identified by inclusive deictic references, us and we. Because these references “explicitly invoke the participants and their relationships to one another,” they “often acquire symbolic emotional function. Their original spacial or temporal connection is realized as emotional closeness or distance” (Lakoff, 1990, p. 244).

Snyder uses the pronoun you to identify Congress. Congress is distanced when Snyder turns the tables. When Snyder says that
"if you were on the streets" something would be done, he is focusing his attention on Congress, blaming them for their lack of action. When Snyder calls Congress to action, he again uses the pronoun you. "Do everything you have to do, everything you can do" (italics added) (p. 18). In contrast, Snyder’s references to himself and to the people who do pay attention to the homeless are expressed by the pronoun we. "We know" about the problem, he says, because we work with the homeless, "we see...what is going on in this country" (italics added) (p. 17). In fact, we are the ones who are bringing this problem to your attention: "And so we bring you a sense of urgency, a sense of magnitude" (italics added) (p. 18). The use of these deictic forms implies that we are distinct from you. The contrast between the informed advocate and uninformed legislature also gives the advocate greater credibility because Snyder, unlike the legislature, knows about the problem.

Snyder’s references to himself and his experience are designed to legitimate him as an advocate for the homeless. His experience entitles him to speak. Snyder’s allusion to the length of time he has spent with the homeless: "And we spent the last 11 years of our lives eating with, living with, sleeping with, feeding
the homeless, sheltering them” (p. 21), gives him considerable ethos. Snyder’s experience makes him an expert on homelessness. In other words, he is one of them.

3.4 Agency

The agency is the instrument or means by which the act is accomplished. In many senses the advocate is the agency. The pentadic analysis is complicated by the fact that the term advocate is both a noun and a verb. The noun identifies a person who pleads the cause of another or who argues in place of another; the noun form of advocate refers to the agent. The verb refers to the action of arguing in favor of or in support of a position; the verb form of advocate describes the act. The act is communicated by means of testimony.

Coady (1992) defines testimony as “a certain speech act” (p. 25) that “involves a speaker...testifying to the truth of some proposition which is either in dispute or in some way in need of determination...” (p. 38). Snyder’s testimony presents the truth about homelessness. Homelessness is in some way in need of determination in these hearings. Snyder is qualified to testify because he has had “some kind of direct acquaintance or
observation" with the problem (Coady, 1992, p. 35). Snyder stands for the homeless at the hearing; his presence reminds the audience of the homeless, who are generally absent from the political proceedings that concern them. Snyder himself can be considered the agency, for he is the instrument, he is the mouthpiece of the movement. Such an observation illustrates the difficulty in separating the act, the agent, and the agency. It is Snyder’s testimony, however, which will be the focus here.

As the means, testifying accomplishes several ends. One use of testimony is to educate others. Denton and Woodward (1990) write that testimony “frequently serves an educational function” (p. 279). Keefe and Ogul (1968) elaborate, explaining that “Hearings...present an opportunity to ‘get at all the facts,’ to ‘hear all sides,’ (and ‘interested parties’), [and] to educate...and inform the representative...” (p. 207). Information is communicated through testimony. A second function of testimony is “to attract attention” to a problem or to a proposal (Denton & Woodward, 1990, p. 303). When Snyder presents the truth of homelessness in these legislative proceedings, he is attracting attention to his point of view. Policy-making is another function of testimony. Van Der
Slik (1977) explains that "A committee is a subset of legislative body, and its members specialize in considering, preparing, evaluating and recommending a specific subset of the policy proposal placed before the legislative body for policy adoption" (p. 177). The committee considers and evaluates legislation based on the testimony it hears.

Testimony accomplishes a variety of goals. Testimony is a means of communicating important information, making policy recommendations, and establishing credibility and good will. Snyder’s presence at the hearing, his testimony, is a willful and significant rhetorical act.

3.5 Purpose

The purpose of the discourse is related to its audience. Schuetz (1986) claims that three audiences “are likely targets for political arguers” (p. 227). The official audience is composed of those elected or appointed to make decisions. In the present case, the official audience is the committee. Snyder appeals to the official audience in several ways. He attempts to arouse their emotions by reminding the committee that the winter is coming and that people are dying. Perhaps the most memorable emotional
appeal is the presentation of the cremated remains of a homeless man; this presentation concretizes an otherwise abstract and distant experience.

The bulk of Snyder's testimony is aimed at producing action. He particularly urges Congress to take immediate action to alleviate the suffering. He reminds them that "people are waiting for a signal. They are waiting for an example. They are waiting for leadership. And they haven't gotten it" (p. 18).

The second target audience is composed of constituents. Constituents are people who have a stake in the outcome, who have an interest in the policy. Snyder includes the constituents in much of his testimony. In his opening remarks he thanks the committee for "the opportunity to bring together people from across the country who obviously have a story to tell and whose story is of interest to growing numbers of people" (p. 18). Most of the testimony in the hearings, in fact, is given by constituents. All people who provide services for the homeless would fall into this category. Constituents would include shelter operators, volunteers, advocates, social workers, and government agencies who are service providers.
Snyder never refers to constituents directly or by name. Sometimes the references are vague, "So you have those who are struggling to feed, clothe, and shelter the millions of people in this country who are virtually destitute, down and out" (p. 17). At other times constituents are included in his pronouncements, as part of us or we. When Snyder urges action he invokes the we, so that he speaks not just with his own authority, but with the authority of the constituent audience. "But we need space. We need it now. We don't need equivocation. We don't need slow moving proposals" (italics added) (p. 18).

The third target audience is the media, who may report on the hearing. The media share characteristics with what Furay (1977) terms the "grass roots mind" (pp. 4-5). According to Furay (1977), grass roots decision making is influenced by the image of the source, and the degree to which the story is interesting and involving. Snyder tells a good story. The structure of his narrative is intriguing. Snyder begins by acknowledging the situation. He thanks the committee for the opportunity to address them; he follows social custom. Then he abruptly tells the audience that four people are dead. He describes suffering. He presents the
remains of a single human being who died on the streets, who died because no one cared. He affixes blame for this problem on the President and the Congress. He angrily suggests that if the situation were reversed that more action would be taken. He again tells the committee that people are suffering and dying. He returns to the deaths of the four individuals and invites the committee to attend a memorial service being conducted for these people that afternoon. Snyder tells the committee he knows what this suffering is like because he has experienced it. And, he suggests, the committee should experience it too. Then he calls for a solution, reiterating his earlier points, that many are suffering, that the situation is a national emergency. Snyder's story sounds like a sermon.

Indeed, a religious interpretation of Snyder's testimony is plausible. Victoria Rader (1986) interprets Snyder's life and his actions as a "radical" response to the Gospel. He is a man who abides by moral absolutes: "Mitch...speaks with total certainty...and his style is stunningly abrasive. Snyder tells it like he sees it...no holding back" (pp. 38-39). She describes him as "More of a blistering prophet than a saint, Snyder is a man with
‘fire in his belly’” (p. 35). The Community for Creative Non-Violence (“CCNV”), in fact, has a religious history. It was founded under the auspices of the Catholic Church by Paulist Priest Ed Guinan in 1970. Snyder himself, though “culturally Jewish” (Rader, 1986, p. 41), became Catholic before joining CCNV. CCNV’s ties to the church have always been loose, however, and CCNV is best described as an ecumenical organization.

3.6 Discussion

The focus of this chapter has been the testimony of homeless advocate, Mitch Snyder. Studying the testimony produced at congressional hearings is important for several reasons. Congressional hearings provide researchers with valuable information about social problems and the political process. The hearing is a conduit to bring the people and their representatives together, which lets citizens inform their representatives of their wishes. Hearings are a means of communicating information; Denton and Woodward (1990) observe that hearings often serve an educational function. One way to view Snyder’s testimony is as an act of information-giving. Davis (1981), however, found the hearing process was of limited information value, noting that “in
general, members do not come to the hearings to gain new information” (p. 100). Rather, they appear to use the hearings to confirm their own understanding and to verify information. This observation may account for some of the anger in Snyder's testimony. Rader (1986) describes Snyder's style as “abrasive” and states that “he is deliberately inflammatory” (p. 4). She notes that “Many observers find this style polarizing, unnecessarily confrontational” (p. 39). Snyder himself, however, “believes the collisions are necessary -- to bring out the truth” (Rader, 1986, p. 40). Snyder may have to go to such lengths to overcome the barriers he perceives on Capitol Hill. Snyder is a complex and contradictory figure. His narrative is confrontational; his style is abrasive. Yet he also communicates sincerity. He is deeply, perhaps obsessively, concerned with the plight of the homeless.

What does homelessness mean to Snyder? Snyder, like Judge Altimari, defines homelessness as a problem. Unlike Altimari, however, Snyder does not focus on the harms of homelessness to society. If anything, he argues that the condition of homelessness is harmful to the homeless themselves, by equating homelessness with death. Needless deaths are harmful to society because they
are morally wrong. The tacit message here is that life is sacred and must be protected. Snyder may concede that the homeless are members of a marginal group, but in no way does he suggest that the rights of the homeless are subservient to the majority. To him, the homeless are not deviant, but rather victims of circumstance. Snyder uses their very humanity to assert their right to expect help from society.

Snyder's argument is a moral one. Homelessness is a social ill which demands appropriate action. Snyder himself is outraged that the mere presence of suffering people is insufficient to stimulate that action. Thus Snyder has assumed the role of bringing that suffering to light. While Snyder does not use religious imagery in his testimony, his message is messianic: he is spreading the word to the masses in the hopes that they will become enlightened. Once people recognize and understand the human suffering that is homelessness they will begin to take steps to alleviate it. Snyder's testimony is an attempt to convert the non-believer.

I suspect that it may be easy to dismiss Snyder's words the first time one hears them. His style may speak louder than his
words. The first time I read his testimony I was struck most by Snyder’s anger. Rader (1986) observes that “CCNV members...are driven to extremes. What brings them to behave so outrageously...[is] their proximity to the poor” (p. 9). After examining this speech several times in the course of this analysis, I find much in it to admire. Ultimately, however, Snyder perplexes me. I am left wondering how useful Snyder’s anger is for this social movement. Are congressional representatives able to get beyond that anger? Are they persuaded by it? Is the public? Or does Snyder’s abrasiveness polarize the debate? Some might argue that Snyder alienates the very audience he seeks to persuade. I will wait to comment on these concerns until Chapter Five.

The analyses conducted in Chapter Two and Chapter Three illustrate two very different meanings of homelessness. Interestingly, these meanings are constructed similarly, from several of the same rhetorical devices. Reconciling these divergent meanings appears to be difficult. Before discussing the ways in which the various meanings of homelessness fit together (if they fit together at all) to make up a “text” on homelessness, I shall examine one last type of rhetoric. This is the rhetoric of the
homeless themselves. I believe that homelessness means something entirely different to the homeless than it does to either the adversary or the advocate. I suspect that the devices the homeless use to rhetorically construct their perspective will also differ from those used by Judge Altimari or Mitch Snyder. The rhetoric of the homeless will be discussed in Chapter Four.
CHAPTER 4
THE RHETORIC OF THE HOMELESS

In Chapter Three, the rhetoric of the advocate was examined. Snyder painted a picture of homelessness quite different from the one constructed by Judge Altimari in Chapter Two. Altimari defined homelessness as a deviant condition which potentially threatens society. Snyder defined homelessness as a condition of suffering. Both of these rhetors addressed a problem and offered a solution. Judge Altimari, the legitimate representative of the state, prescribed a legal remedy. Mitch Snyder, a representative of a marginalized group, urged the legislature to take action on this group's behalf. The focus of this chapter is on the marginalized group itself. In this chapter I investigate the rhetoric of the homeless.

I became interested in the homeless as I discovered how seldom their voices were heard in the political process. The homeless are liminal entities, "betwixt and between the positions assigned by law, custom and convention" (Turner, 1969, p. 95); they slip through the classifications which locate states and positions
within the community. Like others on the margin, the homeless "have historically lacked access to large audiences, political apparatus, and public media" (King, 1992, p. 2). In fact, most of the rhetoric on homelessness has been produced by adversaries and advocates -- people who are not homeless themselves.

The rhetoric of the homeless is unique. The voice of the homeless is the subaltern voice, "the voice of the periphery, not of the center" (King, 1992, p. 2). This voice "is the voice of the silent ones who are struggling to speak" (King, 1992, p. 2). The homeless are struggling to speak because of their position: they are powerless. The homeless are often not permitted to speak on their own behalf. "The poor are politically invisible. It is one of the cruelest ironies of social life in advanced countries that the dispossessed at the bottom of society are unable to speak for themselves. The people of the other America...are atomized. They have no voice" (Harrington, 1963, p. 21). As King (1987) observes, "All speakers are not created equal. Some...are virtually ignored or met with hostility" (p. 9).

Consider the case of homeless people begging on the street. The homeless are present in the sense that they are active agents,
asserting a limited type of control over their immediate situation. They are absent in the sense that they have limited power to compel or produce a response; they have little control over the responses of others and cede that control to the other. The other, because the interaction takes place in public space, is given the choice to act or not to act, to notice or ignore the homeless. As LaRusso (1977) explains, "...in public space [people are] exposed to many more stimuli than in [their] personal space -- but in such impersonal fashion as to allow [them] greater choice in deciding which of those will affect [them]” (p. 126).

It is only recently that scholars have begun to examine the subaltern voice. The voice of the margin or the voice of the fringe has historically been ignored while the voice of the majority was analyzed. There are several important reasons for studying the majority voice. Presidential rhetoric, for example, influences not just our nation but potentially the entire world. Policy debates on topics like health care have significant effects on the practice of medicine in the real world. Why then, study the voice of the margin, the voice of the powerless?
Perhaps the best place to begin articulating an answer to this question is by examining the idea of the subaltern voice as “the voice of the silent ones who are struggling to speak” (emphasis added) (King, 1992, p. 2). Rhetoric is fundamentally about struggle. Humans use language to make sense of the world. Individuals rely on language to conquer uncertainty, it is a means of producing a shared vision, and it offers a method for handling or solving problems. Articulating the struggle to speak is an exciting challenge for the rhetorical scholar. This marks a theoretical move forward, beyond documenting the effects of rhetoric on a particular situation or explicating how a particular situation called forth a particular rhetoric. Studying the subaltern voice is a way of studying the struggles that unite people. By examining the rhetoric of the homeless, one gains an insight into the fundamental struggles for self and autonomy that all humans face.

The struggle to speak is simultaneously a struggle against oppression. The homeless are rhetorically oppressed through language. Identifying individuals as homeless is a way of defining them by their difference or deviance. Labeling a person or action deviant communicates separation, marginalizing that person or
action. Campbell and Reeves (1989) observe that “Being without a home transports a person, often violently and unwillingly, from mainstream to margin” (p. 21). Defining the homeless by their difference effectively excludes them from the community. Belonging to a community is a privilege, for “community is a moral ideal that expresses one valued mode of social participation” (Hewitt, 1989, p. 129). Community membership is desirable because it generates a sense of belonging. The homeless are symbolically removed from “the centrist values ‘home’ connotes,” contend Campbell and Reeves (1989, p. 21); they are denied “safety, stability, family, warmth, neighborhood, [and] community.”

Thus the struggle to speak is finally a struggle to assert one’s self. Homeless individuals offering testimony are asserting their identities -- they are in the process of becoming legitimate entities. The act of testifying is a way of making the invisible visible. This is because language communicates individual experience. Telling one’s own story is the ultimate act of liberation and the ultimate means of empowerment. The communication of individual, particularized experience functions as what Turner (1969) calls “communitas” and as a “corrective
expression of solidarity which seeks the unity of man” (Giamo, 1989, p. 104). It is a means of giving the homeless presence.

The data of analysis for this chapter are testimonial narratives by the homeless. One of the few places where one can find speech by the homeless is the Congressional hearing. I examine the testimony of sixteen homeless individuals. The testimony comes from four Congressional hearings on homelessness spanning the time period from 1982 to 1989. Through this analysis I hope to explain the uniqueness of the rhetoric of the homeless, and to show how the homeless use rhetoric to overcome oppression and to assert their identities.

The analysis in this chapter will differ slightly from the analysis in earlier chapters. In each chapter, the analysis has been organized around the pentad -- the act, scene, agent, agency, and purpose. This method was employed in the analysis of Mitch Snyder’s testimony in Chapter Three, the rhetoric of the advocate. It is necessary, occasionally, to modify the organization to better accommodate the data. For example, to make sense of Judge Altimari’s opinion and the rhetoric of the adversary in Chapter Two, four pentads, rather than one, were analyzed. A slightly
different organizational method will be used in this chapter as well. I found, as I analyzed the testimony, that the content of the narratives did not fall out on clear pentadic lines; rather, elements of the pentad appeared together, simultaneously. The agent, for example, is always mentioned in connection with the scene. The scene is always discussed in terms of its influence on the agents. The best way to handle this difficulty, I concluded, is to focus on ratios themselves. The scene and the scene/agent ratios will be discussed first. Thereafter, the agent and its ratios -- agent/act, agent/scene, and agent/purpose -- will be examined. An analysis of the agency will follow that.

4.1 The Scene and the Scene/Agent Ratios

References to the scene or situation make up the bulk of the testimony itself. All of the individuals who testified talked about the myriad ways that being homeless and being in this situation influenced them. They also spoke about the ways that the scene influenced their children, and about the ways that life in the shelters affected their families. A third theme the speakers addressed was the influence the situation had on others,
specifically, the shelter staff and other homeless people. These three ratios will each be discussed in turn.

4.1.1 The scene and its influence on the self

Several homeless individuals talked about how the scene influenced them personally. Many people were ashamed of being in this situation: "...you think about the embarrassment of having everything on the street, of being under eviction and not having the clothing to put on [your kids] to get them to school...It is a very degrading thing" (Robertson, 1989, p. 50). Becoming homeless was a difficult experience that few people wanted to believe could actually happen to them. "Like I said, there are a lot of homeless people out here who need help and don’t get it, and I know how they feel now because I am in the same situation that they are, which I never thought I would be" (Wilkins, 1982, p. 235). Becoming homeless was also an emotional experience. One woman described it in this way: "...I was just totally upset because this had never happened to me before because I went to school, I’ve been to college, my mother is middle class" (Narvaez, 1989, p. 68).

Along with the difficulty comprehending the reality of the situation, another common experience was personal pain: "...I cried
enough, I was depressed, stress was overwhelming at times -- I mean what do you tell your children after you have four years of college and end up in a welfare hotel. You tell your children to go to school so they can support themselves so you don’t end up in the situation -- but it happened to me” (Stanley, P., 1988, p. 22). A homeless man explained the challenges of life in the shelter system: “…one doesn’t live in a shelter or SRO [single room occupancy hotel], rather, one struggles to survive from day to day. I know, I’m one of the survivors of that shelter and SRO environment” (Marrero, 1989,. p. 30). Life in the shelter system was dehumanizing: “…at the Martinique [Hotel] you felt like you was in a cage waiting to crawl out, I couldn’t deal with it” (MacKenzie, 1989, p. 73).

Maintaining one’s self-esteem was therefore very important. Noted one woman, “I might be homeless but I still have some respect for myself…” (Pegues, 1982, p. 136). Sustaining that respect for one’s self was very difficult in the shelter environment. The influence of that environment became much more clear when it was discussed in relation to children.
4.1.2 The scene and its influence on children

Parents felt the influence of the scene on their children acutely. Life in the shelters influenced children's self-esteem: "--being in a shelter to me for a year and with the children the conditions are really bad, you know and they have very very low self esteem because of that, you know in an environment like that..." (Paterson, 1988, p. 45). Children in the shelter system lacked opportunities that many people take for granted. Children suffered because they hadn't any place to run or play. One parent admitted that: "My children have suffered because of it. My youngest two are I think overactive -- when they get out of the room, they go berserk. Because there is so little place to play, so little place to run around, as soon as they have some space to run around in they take full advantage of it and I call it bouncing off the walls because there is so much energy, they are so active" (Washington, 1988, pp. 24-25).

Perhaps harder to bear than the limited space of the shelter, was the shame of having to live there at all. One woman summarized her experiences: "Three and one-half years ago was the longest and hardest time of my life. I saw my children go through
so much stress living in three rooms and then we ended up in two rooms. After a while, things were beginning to happen. The children began to fight, they began to act out, they began to not want to study, they didn't want to go to school....They did not want to go to school, they were ashamed, it was getting harder” (Stanley, P., 1988, p. 23). One parent tried to explain to the committee the embarrassment and shame her children felt: “And knowing that my children, which were teens at the time when I was in the shelter system, the embarrassment of knowing that as soon as I go [they went] out this door someone is [was] going to recognize me [them] and know that I am [they are] in a shelter system and tease me [them], I [they] may end up in a fight because there is so many over crowded children there and have different attitudes, so many kinds of people. Those things are happening every day” (Robertson, 1989, p. 50).

This shame and embarrassment made it difficult for children to go to school. “[My kids] missed a lot of school. There was a period of time that we slept in the E.A.U. [Emergency Assistance Unit] because some of the hotels were so bad to stay in. We have been in six different hotels. I spent 15 days going from hotel to
hotel until the social worker came up with the Martinique Hotel...” (Stanley, P., 1988, p. 21).

Illnesses and disease were a very real threat: “It is very easy to get sick in a shelter or SRO because management dumps everyone in the same dorm; the young with the old, the healthy with the sick, the thief with the honest man” (Marrero, 1989, p. 30). For this reason, some people refused to enter the shelter system. “…they do have shelters and with the kids being exposed to meningitis and my daughter is still sick, I am not going to take her from one Dew Drop Inn to another” (Pegues, 1982, p. 137).

Children, like adults, were susceptible to depression. “My youngest daughter has internalized her anger. She is extremely depressed. She was very ashamed to tell people where she lived so she didn’t make many friends at school” (Washington, 1988, p. 25). One mother revealed to the committee that her son was hospitalized because the situation was so bad: “…during the time at the Martinique Hotel, my oldest son was hospitalized at Bellevue for depression, because he could not deal with the hotel situation” (MacKenzie, 1989, p. 72).
Conditions at the shelters were poor. A youth acknowledged that crime was a problem: “Living in the hotel for a while and I started like hanging out with other kids and they were like stealing and I didn’t want to do it, so when I hang out with them I got bad and my mother sent me away to a group home for a while. And it was bad there too. It was worse too out there” (Stanley, L., 1988, p. 24). Crime and disease were not the only problems, however. In the words of the youth: “Over there at the Martinique they sell drugs and everything. People get killed; it’s not a place for nobody to be in” (Stanley, L., 1988, p. 24). Conditions at some shelters were truly deplorable. One woman related the following story: “Harlem [the Harlem Hotel] created a lot of problems with me and my children. I have two other daughters that there was an experience in the Harlem where they had to leave -- they were in the elevator and there was a murder on the seventh floor there was a body in the elevator with my two daughters. At that time I had to get them out of the hotel...” (Macklin, 1988, p. 45).

After hearing stories like this, one can understand why some people preferred to avoid the shelter system altogether. “I don’t think -- I know that I am not going to take them [my children]
around -- I have never been in a shelter. I don't know what a shelter is. But from what I hear of it, in my opinion I don't want them [my kids] going from place to place like a hobo" (Pegues, 1982, p. 136).

It is difficult to imagine how families survived in such terrible conditions. The tensions of the shelter environment must have taken a toll on the families. Certainly maintaining a "normal" family life was a challenge. The emotional difficulties are perhaps the most clear in relation to the children, but in the final analysis, no one was unaffected by the situation. Besides homeless parents and their children, the situation also influenced shelter workers and other homeless people.

4.1.3 The scene and its influence on others

Several homeless individuals testified that the stress of life in the shelter system was difficult to bear. Large numbers of human beings occupying small physical spaces produced a sensation of crowding. One woman (Narvaez, 1989) reported that in a shelter where she had stayed, three families (hers was one) had shared one room. There was no privacy in the shelter system. The crowded conditions were dehumanizing. When large numbers of people in
need congregate in a small area, it is easy to view them as a nameless, faceless mass, not as so many individuals. The dehumanizing environment of the shelter system appeared to foster negative attitudes toward the homeless among the shelter staff. One woman recounted her difficulties locating employment, observing that "...in that process [looking for a job or an interview] you try to call the shelter and tell them about it. They did not even care about what happens to you. And then the staff there they’re really insensitive a lot of times, okay" (Narvaez, 1989, p. 69).

The scene also influenced other homeless people. "There are so many people out there I saw that got destroyed..." (Stanley, P., 1988, p. 22), lamented one woman. "...the system is destroying the people. They are breaking them down" (Stanley, P., 1988, p. 23). The system took away people’s hope, replacing it with despair. Some people simply gave up. Robertson (1989) explained that "A lot of times the ones on the grates, those are the ones that have really been through the system and are just really tired of it, hitting their head against the wall, with no help, no social worker there to really pay attention to them, to know that they are not
just another number on a piece of paper. That is the main reason
they are there, because they don’t have that kind of help” (p. 49).

There are very few references in the testimony to the
immediate scene, the hearing room itself. And if the immediate
scene was mentioned, the reference was brief. This may reflect
both a lack of knowledge of and a lack of access to legitimated
forms of discourse. Most references obliquely acknowledged the
situation. These references were typically made at the beginning
and end of the testimony. Opening remarks, like, “Mr., Chairman,
my name is...” (Detorie, 1982, p. 138), “Good morning,” (Johnson,
1988, p. 20), “Hi,” (Narvaez, 1989, p. 68), and “Thank you,
Congressman, for allowing me to be here. Good morning” (Marrero,
1989, p. 29), briefly acknowledged the scene. Concluding
comments, such as “Thank you,” (Johnson, 1988, p. 20; Mason,
“Thank you Mr. Chairman,” (Detorie, 1982, p. 140), and “These are
some of the things I have encountered in the last 7 months and 29
days of being homeless,” (West, 1982, p. 134) also indirectly
acknowledged the situation.
The focus in the testimony is not on the hearing room but on
the streets and how the streets influenced people. The focus, in
Burkean terms, is a scenic one. Barbara Johnstone (1990) writes
that "...stories can serve to create places" (p. 5). In these hearings,
the homeless speakers are taking the audience outside the hearing
room, away from this familiar place, to a different place, a
different scene -- the streets. This shift is a way of exerting
control over the situation. The homeless do not have much
legitimate power in the hearing room, but they possess expert
knowledge of their lives outside the hearing room. This movement
is significant because it is what fosters understanding. The degree
to which the audience sees the world through the eyes of the
homeless influences the degree to which they will work to help
them. The speakers -- through their testimony -- are attempting
to transform the audience and their attitudes. Thus the discussion
of the scene is a significant part of the testimony.

4.2 The Agent and Its Ratios

References to the agent largely make up the remainder of the
testimony. The agent/act ratio deals with the act of testifying
itself. The agent/scene ratios explain how each homeless
individual came to be in this situation. These ratios tell the story of how the agents became homeless. Finally, the agent/purpose ratios explain why these individuals chose to appear before the subcommittee and testify.

4.2.1 The agent/act ratio

An appropriate place to begin the analysis of the act of testifying is with a discussion of testimony itself. "Testimony," writes Kroll-Smith (1980), is a socially situated use of speech involving norms for its appropriate expression" (p. 18). An awareness of what people need to know and need to be able to do to produce testimony will be helpful in developing an understanding of what their testimony ultimately means.

In order to talk about an experience and produce testimony about that experience, an individual must understand the experience. Angueira (1988) explains that to produce testimony, individuals must reframe and recast their experiences into terms or categories that others understand. Individuals must name their experience. According to Anguiera (1988), testimony fundamentally requires intrinsic contact with one's perception of one's own reality. One of the reasons that the testimony of the
homeless is so moving and compelling is that it communicates individual experience. Phenomenologically, contends Lingis (1979), "It is one's whole existence that articulates and speaks..." (p. 161).

Next, the individual must recast this experience to publicly communicate it to others. This requires introspection. Anguiera (1988) argues that individuals must critically examine their experiences before they are able to share them. She believes that only by performing an internal dialogue with their experience -- in a sense, by talking to themselves -- can individuals enter into dialogue with others. This transformation of one's individual experience is what creates "the optimal situation for gaining access to another's subjectivity" (Kroll-Smith, 1980, p. 24).

Forging a connection with the other is a potent political force as well. Anguiera (1988) thus views testimony as a means of making public that which was previously hidden. She considers all testimony political.

In coming forward to publicly share their experience, the homeless become active agents in the struggle for social change. The homeless individuals are a physical presence who can not be ignored. Their presence lends credibility to the position that
homeless people need government aid. As Fiske (1991) remarks, the physical presence of homeless people is "...one of the flesh and blood meanings..." (p. 461) of government policy. The homeless before the subcommittee are therefore embodiments of the legislative process; they symbolically represent social progress. Their actions have potentially significant consequences. Testimony can be interpreted "as speech having significant consequences for the social organization" (Kroll-Smith, 1980, p. 16).

With so much at stake, it is interesting how rarely the act is referred to. There are very few references to the act of testifying before the subcommittee. Out of the sixteen people who testified, only two people explicitly referred to the act. Marrero (1989) began his testimony by formally acknowledging the act, "I have come here today to talk to this hearing to testify not so much for myself as for those who could not be here to speak for themselves" (p. 29). Robertson’s (1989) acknowledgment was more indirect. She began by saying, "What I would like to say is I really appreciate this opportunity" (p. 49), leaving this listener to fill in
the rest -- for example, “I really appreciate this opportunity to testify before this committee.”

Only one person openly acknowledged her reluctance to perform the act. Pegues (1982) mentioned “I feel like I didn’t want to come down here today...” (p. 136).

More often, the references to the act were brief and indirect. Andrews (1982), for example, referred to the act as a way of introducing his remarks. “Now I would like to say...” and “I would also like to say...” (p. 140). Narvaez (1989), also employed this strategy, “I want to state that...” (p. 30). Sometimes the references were to one’s earlier testimony. “Like I said...” was used by Wilkins (1982, p. 135) and Pegues (1982, p. 137) at different times. Sometimes the references were to other people’s testimony, as when MacKenzie (1989) remarked, “Well like she said...” (p. 73). At times the references to the act served to strengthen one’s position. Andrews (1982) used this technique when he stated: “The strongest thing I think I can say...” (p. 140). Such references could also weaken one’s position, as when P. Stanley (1988) said, “I don’t know what else to tell you...” (p. 23).
Very few people referred to their stories explicitly or possessively, as did Detorie (1982) when he said, “I could tell you heartbreaking stories” (p. 139). Another unusual reference occurred in Robertson’s (1989) remarks: “What I always like to say...” (p. 50) and “I always try to say...” (p. 49). These remarks were unusual in that they imply that the speaker has experience speaking publicly about homelessness. Likewise, Detorie’s (1982) statement, “Let me tell you, walking the streets is no picnic,” (p. 139) was unusual, as it suggested the speaker was an authority on the subject.

That few homeless speakers referred explicitly to the act of testifying suggests the individuals who addressed the subcommittee had little experience testifying. They appeared to be outsiders, unfamiliar with the political process. The fact that the speakers did not call attention to the act of telling their stories suggests that doing so would distract from the narrative. The stories thus appear stronger since the speakers avoided calling attention to the act.
4.2.2 The agent/scene ratios

What first strikes one upon studying the agent/scene ratios is how many different reasons there are for being homeless. Mr. Marrero, a homeless man, perhaps put it best when he said: "I want to state that my becoming homeless is not representative of all homeless people...my story is unique in and of itself, just as there are stories among you of success and failure, triumph and tragedy; unique because they are ours, yours and mine" (Marrero, 1989, p. 30).

Many people became homeless because of changes in their financial situation. Ms. MacKenzie (1989), for example, became homeless when her rent increased beyond what she could pay. "I became homeless in March 1987 and that was because I was in my apartment for 10 years, a new landlord took over and he wanted to raise the rent. And me, you know, being nervous, not knowing where to turn to, I got scared and ran. I didn't know about the Legal Aid or nothing at the time" (p. 72). Ms. Stanley's (1988) homelessness was related to insufficient income: "I became homeless in 1985 and what I found during that time was that the biggest rent welfare was paying was $385....and what I found
hardest that where will I go to look for an apartment [in New York City] for $385" (p. 20). "...the reason why I got into the whole program was because the place that I rented for 9 years went up four times within 1 year because it changed management companies, and I was already on a limited budget and I was working part time, and I knew actually several months before I became homeless that I was going to be homeless, and I went to so many different agencies trying to get help before I became one of those statistics, with no help at all, and I am still on waiting lists at different programs" (Robertson, 1989, p. 50).

A second reason for homelessness was changes in one's family situation. Divorce could contribute to homelessness. "I lived in New York all my life and I left because I got married, and it didn't work out so I came back to New York, lived with my parents but the housing was too many people, overcrowding my children...And we just couldn't get along, so I went out to the streets and stuff..." (Narvaez, 1989, p. 68). Illness could also contribute. "I can say that my homelessness or being undomiciled or being in the situation started back in February 1987 when my elderly father who I had been caring for died. Up until then, I had
been a full time student at the local university in my hometown of Lawton, OK. I had dropped out the semester preceding his death because the nature of his illness began to take a turn for the worst. My father and I had decided that since his illness had gotten so bad and being the daughter that I was and the nature of our relationship, we decided not to send him into a nursing home so the chore -- and it was a loving chore -- to care for my father we made that he would move in with us and I would care for him....and that is how I ended up in the homeless system, my entire family and I” (Johnson, 1988, pp. 6-7).

Some speakers portrayed themselves as victims: “...I became one of those statistics with no help at all...” (Robertson, 1989, p. 50). Some blamed their experience on bad luck. “I was burned out of an apartment 2 years ago and I stayed with the Fox Street Shelter for 2 years” (Paterson, 1988, p. 45). Others blamed their homelessness on their own bad choices. “Before becoming homeless, I was involved with intravenous drug abuse...Slowly I began to lose my friends, shortly thereafter I lost my apartment” (Marrero, 1989, p. 29).
Several speakers refused to accept personal responsibility for their homelessness. Said one: “I am not here by choice, I am here by force. When I say force I mean I was forced to leave my home, forced to leave my family -- forced to be separated from my family, rather. So it is a little different with me” (West, 1982, p. 134). Still others preferred to blame the government: “First of all I am not feeling sorry for myself but I am feeling embittered. I am embittered toward the situation that the Government has got the country in. I have five children, and I have worked for 10 years and due to something that is beyond my control....I am not blaming myself, I am blaming someone else” (Pegues, 1982, p. 136).

The homeless speakers gave many different reasons for their being homeless. Cumulatively, these explanations made the problem appear larger and more complex. By making the problem more complex, the speakers may have effectively made it more difficult for the audience to blame the victim. Thus, one could argue that the homeless are not necessarily responsible for the situation in which they find themselves.
4.2.3 The agent/purpose ratio

Few of the individuals who testified explicitly alluded to their purpose. The following comment, made by a homeless person with AIDS, was somewhat exceptional: “I have come here today to talk to this hearing to testify not so much for myself as for those people who could not be here to speak for themselves” (Marrero, 1989, p. 29). More often, speakers mentioned how difficult it was to talk publicly about their experiences. “It is hard to talk about being homeless” (Washington, 1988, p. 24).

A few speakers tried to get the audience to understand the complexity of the problem: “When you think about transitional housing and the hotel shelters, it is two totally different worlds. When you think about the single person that goes to a shelter, those are two different worlds. We need to get out there and find the difference in them and know that there are different problems” (Robertson, 1989, p. 50)

Only one speaker offered specific solutions. “Well, I could go on and on. I know your time is short. I would like to make some suggestions” (Detorie, 1982, p. 139).
Although there were few explicit references to the agent’s purpose, several implicit references suggested that the speakers were trying to accomplish certain goals in their testimony. An important goal was to portray the homeless positively. One way to accomplish this goal was by rebutting commonly held stereotypes of the homeless. "The strongest thing I think I can say to abolish the myth that all people who are living on the street don’t want to work. I want to work. I will take any kind of job" (Andrews, 1982, p. 140). When Robertson (1989) states, "...all homeless people are not dope addicts, alcoholics, people with mental problems..." (p. 49), she is trying to overcome the negative images many people have of the homeless. Likewise, when Mr. Andrews (1982) calls attention to himself in his testimony, "I would also like to say I am not an alcoholic, I am not a drug addict, I have no criminal record, and I have a good attitude" (p. 140), he is trying to portray himself positively.

Other speakers, such as Mr. Detorie, choose to admit that some homeless people do fit the stereotype, some are alcoholic: "It is true, I agree with the division commander of the Salvation Army that we have maybe 40 or 50 percent alcoholic. I know we have
some young people who have come in in the last year or two that have had home problems, or drugs, lost their way. Disasters” (p. 138). Mr. Detorie’s acknowledgement of this reality, however, does not undermine his attempt to portray homeless positively. In fact, his admission that some homeless people fit the stereotype may have increased his credibility -- Mr. Detorie is nothing if not honest. He then couples that gain in ethos with a sympathetic portrayal of the homeless: “I know people get embarrassed when they see [homeless people] out in the coffee shops, the library, wherever, Greyhound, Trailways, but believe me, these people don’t want to be there. They hate it more than you hate looking at them, saying ‘Thank God it is not me.’ They are good people. They want to stop drinking. They really do. It is hard. We all know it is hard” (Detorie, 1982, p. 139).

The details speakers revealed about themselves made them more accessible to the audience. When Wilkins (1982) shared her story, she too was trying to overcome the negatives associated with homelessness. The particular details of her own story are also quite touching. “This is the first time that I have ever been homeless. I am homeless because of family problems. I was out in
the street not knowing where to go and a friend told me about Mt. Carmel. This is at 471 G Street N.W. I have been staying there for about a month and a half. I have been seeking, you know, employment. I have cerebral palsy. I have had it all my life. I have had six operations. So I have been going down to the unemployment office seeking work for the handicapped...I know that their backlog is so high because there are so many unemployed. So I tell the unemployment agency my limitations” (pp. 134-135).

Another important goal was to promote identification. Accomplishing this goal was challenging. Could the audience, who had never been homeless themselves, identify with people who had? Marrero (1989) apparently thought not: “No matter what we say we can never fully communicate how we feel since none of you have lived as we have” (p. 29). Other speakers handled this difficulty more delicately. Robertson (1989), for example, told the committee: “Even though you are so far removed from the situation, being part of Congress, you really do need to leave those things behind and go” (p. 51).

Other speakers attempted to promote identification by highlighting characteristics they possessed in common with the
audience. "There are a lot of people who are like me," stated Andrews (1982), "I have seen several men who have been just as educated as I was and just as willing to work who are still on the street, today. They are handicapped because they have no address. Well, they have no hope, absolutely none" (p. 143). Wilkins (1982) pointed out that many homeless people, like herself, are handicapped: "I know there are so many other homeless people out here in the street that are more handicapped than I am..." (Wilkins, 1982, p. 135). By pointing out that some homeless people were educated, Andrews (1982) made it difficult to stereotype homeless people or blame them for being in this situation. When Wilkins (1982) observed that many homeless people are handicapped, she also countered the tendency to stereotype and tugged the emotions of the listeners.

All of the homeless individuals who testified attempted to portray the homeless in a positive light. The speakers employed a variety of rhetorical techniques to accomplish this goal. By revealing information about themselves (self-disclosing), the speakers became more vulnerable, but in so doing they also made an important connection with the audience. As Moerman (1988) notes,
"...face-to-face interaction is the constitutive substrate of social phenomena. Everything that matters socially -- meanings, class, roles, emotions, guilt, aggression, and so forth and so on -- is socially constructed" (p. 1).

4.3 The Agency

The agency is narrative. Through narrative the homeless take control of the situation. They shift the scene. The focus is not the hearing room but the streets and how the streets influence people. The homeless spend their time talking about the scene and the situation of homelessness. Their narratives focus on the influence of the scene on the agent.

The narratives also contain success stories explaining how some homeless people were able to get out of the system. The strong conclusion of the story, these testimonials provided the homeless a means of overcoming blame, and a method of illustrating they are worthy of help. "We are constantly letting people know who come out into the shelter program where I work at, here is another person that made it to the other side and you can do it, too" (Robertson, 1989, p. 51). Through testimonials individuals personify the outcome of assistance, becoming the
example justifying the action. "-- I came out of the system, for one. I am not going to be in it any more. I am not getting any type of assistance at all anymore" (Robertson, 1989, p. 51). The testimonial is a necessary conclusion to the narrative. "I don't know what else to tell you," stated one individual, "It's just that I've lived it, I've been on both sides, I know what it is like to be a working parent and support my family, I know what it is to be on the welfare line, but I survived it through the grace of God and only through the grace of God..." (Stanley, P., 1988, p. 23). Individuals, who have symbolically survived a dramatic encounter, ultimately enact success. This enactment empowers the individual and enlivens the dramatic encounter; the strategy of enactment is largely responsible for the power of the narrative. "I am a former homeless person. I work a full time job now. I came through a training program at a shelter. I was one of the lucky ones to have not been in the shelter system as long as some of the others who have gotten discouraged" (Robertson, 1989, p. 49).

The success stories fit into the larger purpose of the hearings, which is to prove to the legislature that homelessness is a problem, and that homeless people deserve help. Rarely, however,
is an explicit appeal made. The homeless are prohibited from making forceful demands because they have no power or authority. Instead, they rely on the quiet plea. The quiet plea appears most often as an observation, and is make almost indirectly, in phrases like, “It is sad that...” and “...it is a shame that...”. One woman lamented the situation when she observed: “I can’t understand how this country can take billions of dollars and send men to the moon and can’t even take mothers and families and give them affordable permanent housing. It is a shame” (Stanley, P., 1988, p. 23). Such observations often included appeals to American pride. For example, “It is sad that these things are happening here in America and this is the richest and most powerful country in the world, and we can’t even help our own people. Because we are people who are in stress or in need at the time...” (Stanley, P., 1988, p. 23).

The most poignant plea contained in the testimony was a very simple one. “I find that a house is -- when you have a home you become stable and when you don’t it’s -- it’s like there’s no place like home, I mean literally” (Narvaez, 1989, p. 74). Embedded within this message was a request to be included in the community, and a plea for simple human recognition.
4.4 Discussion

What does homelessness mean to people who are homeless?
Homelessness means losing one’s connections to the community.
Some homeless individuals lost their connections to family. To be homeless was to be different, to be marked as the other, to be alien, to be stigmatized (Robertson, 1989; Stanley, P., 1988).
Homeless people felt embarrassed, depressed and discouraged because they were treated different from others. They were looked down on or ignored. Some people experienced homelessness as a loss of their individuality. Others felt they even lost their humanity while they were homeless.

What homelessness means to homeless people is different from what homelessness means to the adversary or the advocate. To Judge Altimari homelessness posed a threat to the social fabric. Homeless people were deviant agents who represented a hazard to society. To Snyder, homelessness was a moral problem that required a policy remedy. To the homeless, homelessness meant being alone and constantly struggling. Homelessness means one is without a home, and without all the values home connotes. To be without a home, argues Somerville (1992), was to be without
“shelter, hearth, heart, privacy, roots, abode and (possibly) paradise” (p. 532).

The homeless individuals who addressed Congress made use of a variety of rhetorical devices to communicate the meaning of homelessness. The most significant rhetorical device was the story. The homeless speakers were able to transport the audience into their world by shifting the scene. Very few people mentioned the immediate situation or their purpose for being there, but all the speakers discussed the hardships they experienced on the streets and in the shelters. It is these accounts that make the testimony so moving and compelling.

Judge Altimari focused people’s attention on the subway and the threats passengers faced there. His argument, couched in legal language, is the most formal and least accessible of the three. Mitch Snyder focused people’s attention on the deaths that homelessness caused. He argues passionately; he is angrily self-righteous. The testimony given by homeless individuals, in contrast, is communicated more informally, and contains less anger. Yet this testimony also conveys the most emotional impact.
Each rhetor used a different agency or means to accomplish their ends. Altimari's agency was the legal opinion and the power of the law. This agency has the most institutional power. Snyder's agency was Snyder himself -- his visibility and notoriety contributed to his ability to influence Congress to act. This agency has a more limited authority. The homeless speaker's agency was narrative. This agency has the least legitimacy. Looking at the agency from another perspective, however, suggests that narrative is the most powerful means of establishing community. Johnstone (1990) writes that our sense of community "is rooted in narration" (p. 5). The homeless individuals speaking before Congress are participating in the political process and are simultaneously creating community. The homeless are in the process of asserting their identities and their self-hood, because "...the person comes into existence by participating in the community" (Kwant, 1965, p. 243).

The rhetoric of the homeless is truly unique, for through it, the homeless work to overcome liminality. Turner (1969) describes liminality as an ambiguous state, a state of flux, of being between states. "Thus, liminality is frequently likened to
death, to being in the womb, to invisibility, to darkness, to bisexuality, to the wilderness, and to an eclipse of the sun or moon” (Turner, 1969, p. 95). Through what Turner (1969) describes as the ritual process, liminal entities can enter “a relatively stable state once more and, by virtue of this,” they have “rights and obligations vis-a-vis others of a clearly defined ‘structural’ type...” (p. 95). I believe one can view the act of testifying as a ritual process which can enable the homeless to enter a relatively stable state. Community (in Turner’s terms, communitas) can be created through the ritual process.

Turner (1969) observes that “all rites of passage or ‘transition’ are marked by three phases: separation, margin (or limen, signifying ‘threshold’ in Latin), and aggregation” (p. 94). It is during the liminal period that the individual passes from one state to another. One can argue that when homeless individuals address the committee they go through these three phases. The period of separation occurs when homeless individuals publicly admit they are (or were) homeless. This declaration effectively separates the homeless person from the members of the committee who are not homeless. This act heightens the distance between the
homeless person and his or her audience, making the homeless individual the other, and alien. As the speakers continue their testimony they become liminal, they are in between worlds. The speakers are vulnerable, allowing the audience to see their weaknesses, letting the audience look in on their private experiences. The speaker is simultaneously present and absent, here and not here. The speakers are talking about a life and experiences that were lived outside of the immediate situation. The speakers themselves have very little connection to the hearing room itself, and are, in a sense, absent from it. Simultaneously, the speakers are a vital presence, for they are bringing this other world, and these alien experiences, to life before this audience. The last phase, aggregation, occurs almost simultaneously. As homeless individuals lose themselves, they can forge connections with the audience.

The focus of this chapter has been the rhetoric of the homeless. The rhetoric of the homeless is unique, for, through it, the homeless begin to assert their identities and attempt to overcome oppression. The central issue in this dissertation is what homelessness means and how that meaning is rhetorically
constituted. Several different, and often contradictory, meanings of homelessness have emerged from this analysis. Homelessness can be viewed as a social problem requiring legal action, a social problem requiring moral action, and as a social/personal problem requiring a humanistic response. Taken together, what do these different meanings mean? Can these divergent meanings be reconciled? How can rhetoric help one to understand conflicting positions? These questions will be discussed in Chapter Five.
CHAPTER 5
SUMMARY AND CONCLUSIONS

In the previous chapter, the question of what homelessness means to people who are homeless was examined. It is clear from the foregoing analyses that homelessness means something different to the homeless than it does to the adversary or the advocate. What homelessness means is not fixed nor static. Malinowski (1923) has observed that language means as it is used. Homelessness, too, means as it is used. To Judge Altimari homelessness posed a threat to the social fabric. To the advocate, homelessness was a condition of suffering that society had a moral obligation to end. To the homeless, homelessness meant being alone and constantly struggling. How can an examination of these divergent meanings of homeless help one to develop a new understanding of homelessness? Perhaps the best way to accomplish this goal is to return to the questions that prompted this inquiry. These questions were originally raised in Chapter One. They are: (1) Is speech by the homeless different from speech about the homeless? Are some speakers viewed as legitimate while
others are denied legitimacy? (2) What similarities do these speeches share? Do the speakers begin from the same premises? Make the same kinds of arguments? Reach the same conclusions? (3) To what degree are the homeless present or absent from the rhetoric surrounding homelessness? And (4) how significant is their presence or absence? What is lost and what is gained by letting others speak for us? I will examine each of these four questions in turn.

The first question asks if speech by the homeless is different from speech about the homeless. The answer to this question is yes. The analysis has revealed that homeless individuals speaking before Congress are both participating in the political process and simultaneously creating community. The rhetoric of the homeless is truly unique, for through it, the homeless work to overcome liminality. By testifying, the homeless are attempting to assert their identities and establish their self-hood. The rhetoric of the advocate represented an attempt to influence the political process on behalf of the homeless. Advocates, by virtue of their positions, can make arguments that the homeless, because they are powerless, cannot. Judge Altimari, speaking for the court and for
society, used rhetoric to argue that the rights of one group of people were superior to those of a deviant minority.

A question related to this first question is whether some speakers are viewed as legitimate while others are denied legitimacy. This is certainly true; some speakers are viewed as legitimate while others are denied legitimacy. The more important and interesting question waiting to be answered is why this is so. Legitimacy is related to a speaker's credibility. Stewart, Smith and Denton (1989) observe that one type of legitimacy derives from authority, tradition, and the law. This type of legitimacy entitles one to influence in a given area. The second type of legitimacy derives from one's abilities. The individual who responds effectively to the situation, and the person who makes an articulate argument, are people who have gained legitimacy through their actions and abilities. Their legitimacy is earned. Judge Altimari is an example of a person with the first type of legitimacy; his right to influence derives from the law and his position. Mitch Snyder possesses the second type of legitimacy. He has earned the right to influence in the area of homelessness through his activities and experiences. But what of the homeless?
The homeless do not possess the first type of legitimacy, derived from tradition, authority or the law. Nor do the homeless possess special abilities which entitle them to influence in a given area; they do not have the second type of legitimacy. What is missing from this description is a discussion of the site as a means of conferring legitimacy. The homeless are given the right to speak and be heard in a particular location, the Congressional hearing room. In the hearing room the homeless are invited to share their experiences and impressions with the audience. The reception the homeless receive in the hearing room legitimates them; here they are taken seriously by the audience. This positive reception makes it possible for the homeless to overcome their liminality. In this location, the homeless are afforded a certain amount of courtesy and respect. Such is not the case when the homeless attempt to communicate with others on the streets.

"The place where a speech is given dictates the kinds of things that can be said and the ways they can be said" (King, 1992, p. 5). The city streets as location influence human interaction. Soja (1989) observes: “In Foucauldian terms, cities are the convergent sites of (social) space, knowledge, and power, the
headquarters of societal modes of regulation” (p. 235). The streets are public places. Public space is shared with others. Public space is socially regulated; certain behaviors are allowed and certain behaviors are forbidden in public (Martin, 1982). More specifically, public places influence communication. For example, Edward Hall suggests that individuals maintain a greater physical distance between themselves and others in public interactions than in private ones (Littlejohn, 1989). This distance serves a protective function, for it limits one’s interaction with others, “it can be used to insulate or screen people from each other” (Hall, 1966, p. 123). Public distance is a cloaking device which provides individuals with anonymity. Distance is powerful because it discourages communication, it lets individuals avoid responsibility. Distance allows people to avoid connecting with others.

LaRusso (1977) argues that “the human organism is affected by the physical environment and the images derived from that environment” (p. 121). He contends that the images derived from the physical environment influence human behavior. In other words, an individual’s perception of space influences that person’s
behavior in that space. Being in public influences one’s attitudes. It creates a particular kind of vision, in which individuals see things in certain ways. This is illustrated by a mother’s recollection of an encounter with a homeless man: “My son asked, ‘Mommy, why is that man lying on the sidewalk?’...I didn’t really notice him. To me, he was part of the landscape...” (italics added) (Manning, 1992, p. 6D). This explanation of events, this vision of the world, is based on a geographic description, which erases and negates the homeless, making them invisible.

Kim Hopper (1991) observes that: “Like ‘the heath’ in Shakespeare’s time, ‘the street’ in our own time has come to signify a kind of close repository of things evil and alien...” (p. 129). Thus the act of speaking in this site renders the speaker illegitimate, deviant and alien. The place in which the speech occurs is significant. Homeless people who communicate on the streets violate public expectations. The act of speaking makes the intended audience uncomfortable. Explains Hastings (1992): “People are desperate. They want homeless people to be out of sight and out of mind...” (p. 10C). White (1992) speculates that homelessness disturbs Americans because it suggests that “the
American dream is failing” (p. 19). Labeling the streets an illegitimate public forum allows the public to protect itself and to ignore the homeless.

The second question asked what similarities these speeches shared. Did the speakers begin from the same premises? Make the same kinds of arguments? Reach the same conclusions? The speeches shared several similarities. Each rhetor made use of the rhetorical device of identification. Judge Altimari encouraged the audience to identify with the commuters who regularly rode the subway and their concerns. Mitch Snyder sought to achieve identification by identifying the homeless as hardworking Americans, people who possessed the same characteristics as the audience. The homeless themselves attempted to produce identification by sharing the details of their individual situations, thus making themselves more accessible to the audience. They also pointed out the attributes they shared with the audience.

One could argue that all of the speakers began from the premise that homelessness was a problem. However, each rhetor defined the problem differently and offered a different solution. It follows, not surprisingly, that the speakers employed different
types of arguments. Judge Altimari focused on the subway and the threats passengers faced there. His argument, couched in legal language, is the most formal and least accessible of the three. Mitch Snyder focused on the deaths that homelessness caused. He argued passionately; he was angrily self-righteous. Snyder’s anger may have made his argument less accessible to his intended audience. The testimony given by homeless individuals, in contrast, was communicated more informally, and contained less anger. Yet this testimony also conveyed the most emotional impact. This is because, in addition to using different arguments, each rhetor also employed a different agency or means to accomplish their ends. Altimari’s agency was the legal opinion and the power of the law. This agency has the most institutional power. Snyder’s agency was Snyder himself -- his visibility and notoriety contributed to his ability to influence Congress to act. This agency has more limited authority. Write Baum and Burnes (1993):

More than even the homeless themselves, Mitch Snyder made homelessness a major political issue of the 1980s and set the tone for the political debate. Robert Hayes, counsel to the National Coalition for the Homeless...credited Synder with
creating 'almost single-handedly a movement' for the homeless (p. 114).

The homeless speaker’s agency was narrative. This agency has the least institutional authority. Looking at the agency from another perspective, however, suggests that narrative is the most powerful means of establishing community. Narrative conveys the strongest emotional impact and establishes the strongest connection between speaker and audience. Johnstone (1990) writes that our sense of community “is rooted in narration” (p. 5).

The speakers also reached different conclusions. Altimari concluded that prohibiting begging in the subway was the only way to eliminate the danger the homeless posed to passengers. Snyder urged the committee he addressed to make space available so that deaths could be prevented. The homeless made quiet pleas for greater attention to the problem.

The third question asked to what degree the homeless were present or absent from the rhetoric surrounding homelessness. The homeless were the least present in Judge Altimari’s opinion. He focused on the act. The homeless were somewhat present and somewhat absent from Snyder’s testimony. Snyder sometimes
spoke for the homeless and sometimes for himself. Not surprising, the homeless were the most present in their own testimony.

The fourth question asks how significant the presence or absence of the homeless from the political process is. As has been shown in the foregoing analyses, presence and absence significantly influence political rhetoric. In Judge Altimari's opinion the presence of the homeless in the subway is used to justify a regulation mandating their absence. The Judge defines the agent by the act -- beggars beg -- and defines the act as inherently hazardous. It is because the homeless are such a strong presence that they are threatening. The advocate Mitch Snyder uses the presence of the homeless in the hearing room, in Washington, D.C., and across the nation, to illustrate the magnitude of the problem. Snyder argues that the homeless are everywhere; their presence suggests that the problem is enormous. Enormous problems require Congressional action. Finally, by coming forward publicly to share their experience, the homeless themselves became a vital presence and active embodiment of the outcome of assistance. The act of testifying helps the homeless assert their individual identities. All three rhetors used presence in their
arguments. The presence of the homeless was used rhetorically to justify laws making them absent, to urge action on their behalf, and as proof that action can be effective.

Absence is also a powerful rhetorical tool. Judge Altimari rhetorically makes the homeless go away, by defining the agent by the act, then focusing on the act. Altimari rarely refers to the agent at all, and when he does so, he uses the term beggar rather than the term homeless person. Snyder, who uses presence so effectively, also discusses absence. If the public doesn’t see the homeless they don’t have to worry about them. The absence of the homeless can be used to deny responsibility. Snyder (1982) acknowledges that “The people...are not seeing the humanity of the [homeless] people suffering in their cit[ies]” (p. 21). The homeless people who testified before the committee countered the public tendency to look the other way and deny the problem. They became, during their testimony, a presence that could not be ignored.

The last question asks what is lost and what is gained by letting others speak for us? It is important to acknowledge that something is lost and something is gained by letting others speak for us. The advocate may reach a wider audience and may exert
influence that individuals may not. Advocates may also detract from the individuals they represent -- they may be notorious themselves, or they may alienate their potential audience. Mitch Snyder, some would argue, had the distinction of doing both. "Over the years, many came to view Snyder as both a hero and the foremost leader of the activist homeless movement. Others came to regard him as a mentally disturbed middle-class individual who needed psychiatric treatment" (Baum & Burnes, 1993, p. 208).

The most significant loss is the loss of one’s own voice. When others speak for us, to some extent, they rob us of our personhood. The message rings less true because it is to a degree removed from the individual who experienced it.

In sum, all actors in social dramas walk a fine line. Advocates are at risk of becoming consumed by the movement or corrupted by their positions. Adversaries who respond too harshly risk alienating the public. The homeless may never get access to the political apparatus without representation by an advocate. The key to success is to control, as much as possible, the audience’s perceptions. The means to this end is rhetoric.
Of what significance, then, is the rhetoric of homelessness? Can these divergent positions be reconciled? In Chapter One I argued that the different rhetorics of homelessness -- the rhetoric of the adversary, the rhetoric of the advocate, and the rhetoric of the homeless themselves -- create a “text” of homelessness. Reconciling these divergent positions implies blending the perspectives to produce a new understanding. I reject the idea that these positions can be blended. The value of a rhetorical approach is that it allows one to understand the processes that produce these different perspectives. The most important process is repression.

When a social movement is suppressed, by law or by custom, the movement is strengthened. As the movement struggles against the dominant order, its support solidifies; the members unite against a common enemy. The civil rights movement is an example of a social movement which became stronger in response to oppression. In a like manner, the movement to end homelessness became stronger in response to oppression. I believe that the rhetoric on behalf of the homeless was at its most powerful when opposition to aiding the homeless was at its peak. Cornel West
(1994) characterizes the decade of the 1980s as a period of “retrenchment,” in which the public focused on accumulating wealth and ignored the disadvantaged. President Ronald Reagan, who argued that most of the homeless lived on the streets by choice (Wright, 1989; Hopper, 1990; Davis, 1990), became a symbol of public attitudes toward the homeless. Reagan was so closely identified with the anti-homeless position that Mitch Snyder (1982) blamed him personally for the plight of the homeless: “The President has been incredibly adroit at creating three ring circuses and focusing attention everywhere except where it needs to go” (p. 17). The callous and uncaring attitude of the Reagan administration gave advocates something to rally around; it strengthened the faith of the troops.

The rhetoric examined in this dissertation is significant because it was produced during a turbulent period of struggle. In 1982 representatives of the Reagan administration denied the problem entirely, claiming that no one lived on the streets (Hopper & Hamburg, 1986). A year later, Reagan advisor Edwin Meese called soup kitchens a “free lunch,” arguing that such programs served people who were not in need. Advocates struggled against these
attitudes. Rhetoric arises out of struggle. Foscarinis (1991) contends that, "As a result of extraordinary effort and pressure" on the part of advocates, the "political climate surrounding homelessness" eventually changed (p. 1234). Myriad policies and programs have been developed to aid the homeless, the first and most significant of which was the 1987 Stewart B. McKinney Homeless Assistance Act. Baum and Burnes (1993) credit Snyder and his activism for some of these changes, acknowledging that "There is no doubt that Snyder and the advocates he inspired succeeded in putting the suffering of homeless people into the national spotlight" (p. 117).

Of what significance is this rhetoric today? In 1994, the plight of the homeless is old news. Policies and programs to aid the homeless have achieved varying levels of success. Mathews (1992) argues that emergency-shelter programs "may have aggravated rather than eased the long term problem" by increasing dependency (p. 29). He observes that "Officials have had the best results turning shelters into transitional housing, where health and job problems can be addressed..." (p. 29). Homelessness has not
disappeared; it has not been solved. Homeless advocate Mitch
Snyder gave up the cause; in July of 1990 he committed suicide.

Today, the public appears to be less sympathetic to the
homeless. The tide has turned. Smolowe (1993) observes that “The
sympathy of the 1980s that gave way to compassion fatigue by the
turn of the decade is now an open expression of loathing for the
homeless” (p. 28). Some cities are passing legislation making
begging a crime and prohibiting homeless people from sitting on
the public streets (Santa Barbara is talking...1990; Hastings, 1992;
Egan, 1993). “Atlanta, Chicago, Dallas, New York City, San
Francisco, Seattle and Washington, DC, are among the major cities
that have attempted to enforce some form of anti-begging or anti-
camping ordinances...” (Hastings, 1992, p. 10C). Some observers
are calling this a backlash against the homeless (Smolowe, 1993).

Timothy Egan (1993), writing for the New York Times, reports that
“Political leaders...say their new posture reflects not just the
attitude of a public fed up with aggressive street people but also
the way new thinking on the homelessness problem is finding its
way into public policy” (p. 26L).
Why has the public attitude undergone such a change? What has contributed to the "new thinking" about homelessness?

Several factors have contributed to this transformation. First, it appears that the number of homeless people is not rising. Several cities reported in 1992 that their shelter populations were stabilizing or declining (Mathews, 1992). Second, officials believe that adequate social services now exist to provide food and shelter for those in need (Egan, 1993). Taken together these two trends have caused some people to speculate that the problem was being inflated (Mathews, 1992). More significantly, these two trends support the belief that "most of the homeless are not working people down on their luck and in need of a meal but rather drug abusers or alcoholics or are mentally ill" (Egan, 1993, p. 26L). Such a conclusion is supported by officials at shelters who have found that "Many potential shelter residents stay away...when told that they must undergo drug treatment and other forms of rehabilitation" (Mathews, 1992, p. 29). Support also comes from the experience of Portland, Oregon, which instituted a program encouraging pedestrians to give panhandlers vouchers that could be exchanged for food and shelter instead of giving them money. They
found that very few of these vouchers were being redeemed (Egan, 1993).

The public's perception of the homeless population has changed. In the 1980s the homeless population was romanticized. The homeless were portrayed as victims of a callous and uncaring government. In the 1990s the homeless are demonized. They are seen as deviant and dangerous. Smolowe (1993) states that the debate has been radically reframed "into terms that reject a sympathetic view of the homeless" (p. 29).

This change in public sentiment toward the homeless also reflects a change in rhetoric. Baum and Burnes (1993) contend that "the very word 'homelessness' is a misnomer coined by activists to persuade the public that street people are just regular folks with housing problems" (in Smolowe, 1993, pp. 29-30). The authors argue that the American public has been deceived by activists into believing that the homeless were people simply down on their luck when in fact "up to 85 percent of all homeless adults suffer from chronic alcoholism, drug addition, mental illness, or some combination of the three..." (Baum & Burnes, 1993, p. 3).
Campbell and Reeves (1989) offer some support for this contention. They note that a “semantic shift” occurred in American journalism in the mid 1980s. Prior to that time, “The New York Times Index provided no ‘homeless persons’ category, listing instead scattered articles under ‘vagrancy’ or ‘housing’...In 1983, the language dramatically changed as homeless persons displaced vagrancy as a classification” (p. 21). Campbell and Reeves (1989) observe that being without a home implies a lack of individual control or choice, suggesting homeless people are the victims of forces beyond their control, not drifters who choose to live on the streets.

Paradoxically, this change in public attitude could be exactly what the movement on behalf of the homeless needs -- what Bowers and Ochs (1971) term a “flag issue” (p. 27), a common enemy, a force which will rhetorically bring people together. Notes Foscarinis (1991), “A new agenda must be defined, and a new campaign mounted. The political landscape has changed since the original campaign [for the McKinney Act] was initiated in 1985. Certainly the rhetoric has changed” (p. 1234).
This research demonstrates that rhetoric influences public attitudes and ultimately influences social change. Observes Foscarinis (1991), "...rhetoric has enormous symbolic significance..." (p. 1234). What people say about homelessness matters, for language creates reality. "Through rhetoric, we size up situations and name their structure and outstanding ingredients. How we describe a situation indicates how we are perceiving it and the choices we see available to us" (Foss, 1989, p. 336). The judges who write judicial opinions directly influence public policy. The advocates who argue on behalf of others can influence the public and policy makers. They give the media a frame and characters for its dramas (Campbell & Reeves, 1989). "While commentators...often seem to suggest that all they are doing is describing an independent entity, what they seem to be doing is creating one" (Beresford, 1979, p. 141). Very often the voice that matters the least is the one belonging to the person about whom all the fuss is being made, the voice on the margin.

This study extends the work of Fiske (1991) and Campbell (1988) by examining what homelessness means to different rhetors in different situations. It augments the work of Power (1991) and
Campbell and Reeves (1989) by discussing the Burkean concepts of identification and division, and enlarges the scope of their discussion to include interested social actors. This dissertation builds upon Lisosky’s (1992) discussion of homeless children and Lawrence and Hocking’s (1990) observations about attitudes toward the homeless. My research extends the work of Robinson et al. (1992) on persuasive tactics employed by homeless individuals by examining whether society legitimates some forms of speech.

This study is an attempt to articulate the multiple voices which make up the text of homelessness. By focusing on the homeless, a marginal group, this study departs from traditional rhetorical studies. Yet it also embodies tradition, by examining the official text of the dominant group. Combining these perspectives, both the new and the old, has produced a fuller understanding of the rhetoric of homelessness.

Perhaps the most important contribution this study makes is that it articulates the significance of the presence or absence of the homeless in the processes of policy formation and social change. A second significant implication of this dissertation is that it offers a new way of looking at mediated communication.
Instead of focusing on technology as mediator, this discussion has centered on how communication is mediated by other people. This research has answered the question, what is gained or lost when others speak for you? This important question has received little attention from scholars.

Further study of the rhetoric of homelessness is warranted. Several questions can be raised as a result of this analysis; these questions should be examined in future research.

One area in need of further research is the rhetoric of the homeless. Examining the published speeches of homeless individuals is important, but it should be accompanied by research in the naturalistic tradition. Barbara Johnstone (1990) observes that “A person is at home in a place when the place evokes stories, and, conversely, stories can serve to create places. In an important sense, a community of speakers is a group of people who share previous stories...” (p. 5). Future studies of speech by the homeless could explore the relationship of narrative and place. Another area of inquiry might be to study homeless speech to discover if and how narrative helps homeless individuals develop a community.
The relationship of community and culture could be further developed from an ethnography of communication perspective. This kind of cultural study could produce a more detailed picture of homelessness. Ethnography of communication draws from the traditions of sociology, performance studies, anthropology, linguistics and philosophy. Such an approach combines "various threads of interest and theoretical orientation," (Saville-Troike, 1989, p. 1) which should produce new understandings of communicative behaviors and their roles in social life.

Additional work should be done on portrayals of the homeless in the popular media. Popular culture represents one way that people make sense of the world. The popular images of homelessness reflect, to a degree, contemporary understanding of this issue. Such work would augment analyses of the depiction of homeless people in the network news. Early portrayals of the homeless (such as a television program in which Lucille Ball was a bag lady) have been sympathetic. More recently, the homeless have been depicted as alien and the other. These media images may reflect the difficulties many people have in making sense of homelessness.
The Congressional hearings themselves are a rich source of data worthy of additional investigation. Future research might examine the functions of testimony itself. The relationship of advocacy and legislation would also be worthy of further investigation. Such an enterprise could be applied to the legal arena as well; the need for legal advocacy for the homeless appears to be growing. Advocates may shift their emphasis from legislative action to legal action on behalf of the homeless. There is much more to be discovered in regard to the rhetoric of homelessness and the use of rhetoric, distance and space to legitimize some people while disenfranchising others. It is my hope, that by conducting research of this type, a degree of understanding about such behavior will be produced.
NOTES


2. As Fiske (1991) notes, “Statistics are as important a site of political struggle as any other mode of representation” (p. 460). The lower figures tend to come from government sources (for example, the Department of Housing and Urban Development or HUD) while the higher figures come from advocacy organizations like the National Coalition for the Homeless.

3. The shift also illustrates one of the transcription problems posed by the data. The transcripts offer one access to the content of the testimony -- every statement uttered in the hearing room is recorded -- but provide no clues as to how the testimony was communicated. The underlying assumption is that what is said in the hearing matters but the manner in which it is said is unimportant. The transcripts do not indicate the volume level of any exchanges, for example. They do not mention any accompanying nonverbal behaviors. I often wonder how Snyder delivered his testimony. The introductory remarks suggest a congenial and friendly attitude. The abrupt change to matter-of-factly reporting that “Four people are dead” might have been accompanied by an abrupt change in attitude. These facts might have been communicated coldly and tersely, to gain the attention of the audience.
BIBLIOGRAPHY


Davis, P. (1990, September 27). 'For an instant, she met my eyes': Occasionally, if we permit it, a human encounter can break through the numbing statistics of homelessness. Parade, pp. 4-5.


Manning, A. (1992, February 5). Explaining plight of homeless to your kids. USA Today, p. 6D.


Santa Barbara is talking... (1990, September 24). *Newsweek*, p. 10.


Young v. New York City Transit Authority, 903 F.2d 146 (2nd Cir. 1990).
VITA

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Approved:

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