

Book Review: The Right to Housing: Laws, Concepts, Possibilities

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*Drawing on insights from disciplines including law, anthropology, political theory, philosophy and geography, this book aims to address important questions on the role of human rights in belonging and citizenship, the formation of identity, the perpetuation of forms of social organisation and, ultimately, of the relationship between the individual and the state. **Matt Hartman** finds that **Jessie Hohmann's** work is a fitting introduction to the convoluted topic of housing as a human right.*



The Right to Housing: Laws, Concepts, Possibilities. Jessie Hohmann. Hart Publishing. March 2013.

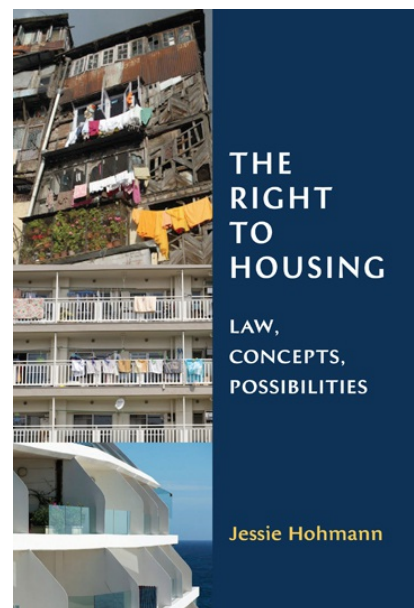
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The reality of homelessness is a pressing injustice, especially given examples like the growing refugee populations in Syria, the mistreatment of the Roma across Europe, and the ubiquity of street dwellers in first world countries. But as [Jessie Hohmann](#) explains, conceptualizing housing as a human right has proved difficult. It is covered, to various degrees, in the Universal Declaration of Human Rights and other international covenants, the national constitutions of India and South Africa, and various legal bodies, and yet its institutionalization is fraught with problems. *The Right to Housing* aims to rescue its titular concept from that mire in order to uncover its emancipatory potential.

Hohmann's analysis is best in dealing with particular cases, such as the places where housing is addressed in subject-specific conventions. For example, Hohmann is particularly interested in the role a right to housing plays for women. She looks at [Cecilia Kell v Canada](#), in which an Aboriginal woman was evicted from a home she co-owned by an abusive partner "despite the fact that as an Aboriginal woman Kell had the right to housing under a government sponsored scheme while her non-indigenous partner did not" (p.40). Hohmann argues that Kell's desire to reclaim her home, despite the fact that it was a place of abuse, shows that "while women may experience the home as a site of oppression ... the home may also remain a positive place as a site of empowerment" (p.40).

It is this thought that grounds Hohmann's defense of the right to housing. Housing (and its lack) is the medium through which wrongs are enacted or worsened—for women as well children, and in cases of discrimination and torture, as Hohmann details—so enshrining housing as a human right would combat these abuses, as well as confront more general inequality.

Throughout the lengthy literature review, which comprises roughly half of the book, Hohmann concludes that these protections are inadequate in their current form because "the right's interpretation is overly procedural" (p.2). This failure is related to the difficulty of defining adequate housing. But Hohmann never satisfactorily explains *why* these failures recur so regularly around the globe, in part due to her decision to divorce her conceptual analysis from the literature review (a choice she defends in the introduction).



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Eloy Chaves Square in Jundiaí, Brazil. Credit: [Fernando Stankuns](#) CC BY-NC-SA 2.0

despite the structural issues with the book, Hohmann's conceptual analysis is the strongest asset of *The Right to Housing*. She utilizes three helpful concepts—privacy, identity, and space—to investigate what a right to housing truly consists of.

The issue of privacy is especially insightful. Hohmann looks at three kinds of homelessness through the relations they assume between the private and the public. She focuses on “the spatial aspect of freedom—that one must have *somewhere* in which one is free to do *something*,” claiming that without control of that space one is at the constant whim of others (p.150). Street and pavement dwellers, whose blatant lack of housing is a denial of private space, are perhaps the most obvious example due to the constant threat of removal they face (which Hohmann details in the earlier part of the book). In contrast is the kind of homelessness faced by many women: essential homelessness. This kind “is a condition of homelessness that occurs within the home itself, when a woman has no *legal* entitlement or right to the home in which she lives” (p.156). The lack of control amounts to a denial of the public as the woman is trapped in the home. Finally, domestic workers, whose living and workplace are owned and controlled by their employer, live in a world where the private/public divide is nearly meaningless and in which “there is both no retreat from the pressures of work and public into the safety and relaxation of home, nor yet is there the unfettered ability to move beyond this sphere to enjoy the rights and privileges of social, economic and political citizenship” (p.160).

This analysis points to Hohmann's interest in the radical possibilities of the right to housing. Its emphasis on the material conditions in which people live is simultaneously the cause of many critics' worries and its greatest promise. Hohmann successfully argues that the skepticism surrounding the right to housing is not some essential difference between it and more codified rights, but rather “whether a given right's status qua right is seen to be a political question or not” (p.237).

Her claim is that the true potential of all human rights discourse, as shown in the debate over the right to housing, lies “in the agency of those who claim rights” (p.239). Her aim is to defend human rights discourse from critics who highlight its limitations by emphasizing the *human* in human rights and pointing to the way in which the political act of claiming a right creates the right in the first place—something she calls their performative nature.

Interestingly, Hohmann uses Jacques Rancière as a guide in this effort. But Rancière famously made the distinction between policing—his term for governance—and politics—his term for the kind of claim making Hohmann is interested in. However, if the true power of human rights is that people actually claim them in an effort to alter the material conditions of their lives, it is unclear what benefit this particular way of making the claims has. Hohmann does not adequately meet her critic's charge because she cannot forcefully explain why these claims must be made as rights claims.

Nonetheless, Hohmann's work is a fitting introduction to the convoluted topic of housing as a human right. She adds insightful commentary to the concepts of housing and home, though her work does not succeed in defending rights language as the mode to address the wrongs it targets.

Matt Hartman is a writer and critic whose work has appeared in *Forge*, *Colloquium*, *ASAGE*, and *The New Internationalist*. He studied philosophy and the humanities at the University of North Carolina at Chapel Hill and the University of Chicago where he focused on the nature of the self. He currently lives in Durham, North Carolina. [Read more reviews by Matt.](#)

