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Homelessness and Freedom

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Abstract:

Within the small literature on homelessness in political philosophy, freedom-based accounts loom large. Such accounts, however, give rise to minimalism concerns: concerns that these accounts are too modest in what they demand for those who are homeless, particularly when homelessness is considered in the context of wealthier countries. In this paper, I consider the success of minimalism charges against freedom-based accounts of homelessness. I argue that whilst such charges are aptly levelled against two major freedom-based accounts, from Jeremy Waldron and Christopher Essert, a third account can evade or respond to such charges. This is the autonomy-based account of homelessness. Although the autonomy-based account has come in for significant recent criticism on grounds of minimalism, I argue that properly understood and developed, it has the resources to ground a plausible account of homelessness.

Keywords: homelessness; housing; freedom; autonomy; care

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1.

Homelessness, it is often pointed out, is an under-theorised area of political philosophy.¹ Within the relatively small existing literature in this area, one way of approaching homelessness has loomed the largest, namely, understanding homelessness as a condition of unfreedom.

However, freedom-based accounts of homelessness have given rise to what we might call *minimalism* concerns: concerns that such accounts are too modest in what they demand for those who are homeless, particularly when homelessness is considered in the context of wealthy states, such as the US or the UK. Such concerns have been raised both about specific freedom-based accounts of homelessness, notably Jeremy Waldron's, and about freedom-based accounts more generally. Theorising homelessness in terms of freedom, then, is taken to lead to disappointingly unambitious conclusions when it comes to provision for the homeless.

Here, I consider the success of minimalism charges against freedom-based accounts of homelessness. In the first part of the paper, I argue that the charge of minimalism is aptly levelled against two major freedom-based accounts of homelessness: Waldron's negative-freedom based account, against which it is often levelled, and Christopher Essert's republican account which, published much more recently, has seen little discussion on this score.²

In the second part, I turn to a more positive project: defence of a third freedom-based approach that, I argue, can evade or respond to the charge of minimalism. This is the autonomy-based approach. Autonomy-based approaches have recently been subject to a number of criticisms on grounds of minimalism. At least some of these criticisms, I argue, miss the mark because they depend on an implausible characterisation of an autonomy-centred view, or, more broadly, of the central commitments of liberal political philosophy. However, other criticisms point to ways in which autonomy-centred views need to change: in particular, I argue, by ceasing to frame discussions around the condition that is taken to be *definitive* of homelessness, and considering more broadly the situation of those we normally classify as 'homeless'.

In order to fully defend the autonomy-based view I turn, in the final part of the paper, to its major rival: the ethics of care approach to homelessness. This approach proposes that our response to those who are homeless is shaped primarily by an understanding of them as ‘trapped in a situation of dependency, need and suffering’ (van Leeuwen, 2018, p. 596). Recently, a novel version of an ethic of care approach to homelessness has been proposed as an alternative to freedom-based views, one which, it is claimed, evades the criticisms normally levelled at the approach. In the final part of the paper, I raise serious doubts about this view.

2.

In England in December 2019, the charity Shelter estimated that 280, 000 people in England were homeless (Shelter, 2019). In January 2019, in the US, it was 567, 715 (National Alliance to End Homelessness, 2020). When we think of homelessness, we may not immediately see the ways in which freedom, or unfreedom, are implicated. Other aspects of the condition may loom larger. Such aspects include, as Jeremy Waldron puts it, ‘the cold, the hunger, the disease and lack of medical treatment, the danger, the beatings, the loneliness, and the shame and despair that may come from being unable to care for oneself, one's child, or a friend’ (Waldron, 1991, p. 323). However, central contributions to philosophical work on homelessness have tended to place freedom and unfreedom at the centre of the analysis.

One such contribution is from Waldron himself. Waldron (1991) seeks to connect the condition of homelessness to a profound lack of negative freedom. In particular, he argues, those who are homeless often lack the negative freedom to perform basic acts such as washing, urinating, sleeping, eating or merely standing around (Waldron, 1991, p. 301). They lack the negative freedom to perform such acts when regulations governing public space prohibit these kinds of acts (as, Waldron argues at the time of writing, is increasingly the case) and when those who are homeless have no alternative but to perform these acts in public spaces, because of an absence of shelters or public bathrooms. In these circumstances, when someone who is

homeless performs these acts, they are liable to interference from others, that is, liable to being “forcibly prevented from or penalized for doing [them]” (Waldron, 1991, p. 308). Thus, they are negatively unfree.

On Waldron’s account, then, whether someone who is homeless finds themselves profoundly unfree depends on the regulatory environment, with respect to public space, and on what kind of provision is made for those who are homeless in his or her society. This leads to Waldron’s positive proposal: that we must organise our common property – our streets, parks, and so on – in a way that is considerably friendlier to those who are homeless. This would include measures like the widespread provision of public lavatories and the de-regulation of public spaces, so that those who are homeless are free to inhabit them (Waldron, 1991, p. 321).

Waldron’s account of homelessness, in virtue of issuing this conclusion, has been criticised on grounds of minimalism. That what we need to do for those who are homeless is simply de-regulate public space and provide certain kinds of facilities for the performance of basic acts seems extraordinarily modest as a conclusion, especially in wealthy countries like the US and the UK. This kind of conclusion seems to neglect important needs or interests on the part of those who are homeless – the need for or interest in safety, need for or interest in privacy, the need for or interest in protection from the elements (van Leeuwen, 2018, p. 591). Christopher Essert sums up the concerns we might have about Waldron’s account by noting that, if we accept such a modest conclusion about what is owed to the homeless, we ‘barely take into account the fact that the homeless are human moral agents’ (Essert, 2016, p. 275).

We might, justifiably, take issue with Waldron’s critics in the following respect. Waldron criticises views that see those who are homeless only in terms of unmet needs (1991, p. 303), but need not be read as claiming that we should see homelessness only in terms of a lack of negative freedom. Indeed, he explicitly states, in the passage I have already reproduced, that there are a range of concerns to be associated with homelessness, such as cold, hunger, danger, shame and despair. ‘By focusing on freedom in this essay,’ he states, ‘I have not wanted to detract from any

of that' (1991, p. 323). On this basis, Waldron can be understood as asserting that a lack of negative freedom is one aspect of the condition of homelessness, albeit a particularly important one and, furthermore, a feature particularly worth emphasising, since even those unmoved by the claim that we ought to meet the needs or protect the interests of those who are homeless may nevertheless be moved by the claim that those who are homeless are negatively unfree, if this claim can be shown to be true.³

In addition, it is important to understand that Waldron has a particular target in his major writing on homelessness: libertarians who 'fantasize about the possibility that *all* the land in a society might be held as private property' (1991, p. 300). He aims to show, through a discussion of homelessness, why this state of affairs would be so morally troubling, and to underscore the importance of (in crucial ways unregulated) collectively owned space. His aim, then, is not to offer a full account of homelessness.⁴ Elsewhere in his work of a similar era, we should note, Waldron argues that all should be provided with property, on the grounds that property is required for the development of agency, and contributes to our sense of identity (Waldron, 1988, Ch. 10).

However, whilst we can let Waldron himself off the hook by arguing that he is not committed to the claim that all those who are homeless are owed is reformed public space, the minimalist critic has still successfully indicted the negative freedom view of homelessness he provides us with. To remove the unfreedom of those who are homeless to sleep, wash, and so on, we only need to de-regulate public space and provide certain facilities. Like (perhaps) Waldron himself, then, we need to look outside the negative freedom arguments he provides in order to come up with conclusions about what is owed to those who are homeless that do not look unacceptably modest. These arguments alone do not do all the work that we want them to do.

3.

This leads us to the second freedom-based account of homelessness, from Christopher Essert (2016). Essert's account has received little discussion from minimalist critics, but I argue here that

it succumbs, like Waldron's, to a charge of minimalism. Essert, like Waldron, wants to claim that those who are homeless are profoundly unfree; however, the focus is not on negative unfreedom, but on unfreedom understood as *domination*. On the basis of this focus on domination, I will call Essert's account 'republican', although he sees his account as appealing to Kantians as well as republicans (Essert, p. 277, n. 18).⁵

Essert's work is complex. In presenting his account here, I will identify two, related, claims that he makes about the plight of those who are homeless. The first is that those who are homeless are unfree in that they lack access to 'a location where what one can and cannot do is not under the power of others' (Essert, 2016, p. 277). Whilst Waldron's account focusses on street homelessness, those who are homeless may inhabit a variety of places, beyond public space. These include the homes of family and friends, various forms of temporary accommodation, such as homeless shelters, and commercial spaces. In all these spaces, Essert argues, a homeless person finds themselves under the power of others in the following way: it is 'up to' (Essert, 2016, p. 277) others what they can do in that space, and, often, whether they can remain there. The point is perhaps most easily made with respect to others' private property. A sister living with her brother without any kind of formal tenancy may get to do what she wants, but it is still 'up to' her brother whether she does so, and he can remove this permission at any time, or simply ask her to leave (Essert, 2016, p. 277). He can do this, because his private property rights give him control of the space, her presence in it, and what she does in it. It is the same when it comes to homeless shelters, Essert argues. When a homeless person sleeps in a homeless shelter, 'there is a very clear sense in which this person is housed *with the leave* of the shelter, *at the pleasure* of the shelter. She has no (legal) right, as against the shelter, to remain there' (Essert, 2016, p. 274).

However, Essert suggests that this point extends to public space, too. In public space, what a homeless person can do is 'up to' those who set the rules for that space – that is, the public (Essert, 2016, p. 276). Essert's arguments also yield another way in which what a homeless person does in public space is 'up to' others. What I can do in public space is up to others, because it

depends to a significant extent on others refraining from doing things that end up interfering with the things I want to do – so, for instance, I can only sleep in the park if someone refrains from having a loud conversation with their friend right beside me (Essert, 2016, p. 280, n. 24).

For Essert, then, those who are homeless always inhabit spaces in which what they can do they do ‘with the leave’ or ‘at the pleasure’ of others (Essert, 2016, p. 274). On this basis, they are deeply unfree. They are deeply unfree, even if the parties in question ‘routinely and predictably’ allow them to remain in those spaces, and do what they want in them (Essert, 2016, p. 277).⁶ The solution to this state of unfreedom, Essert argues, is property. Property rights place the individual ‘in charge of a space,’ (Essert, 2016, p. 280) and in doing so make it the case that they do not remain in every space only with the leave, or with the permission, of others. If there is some space in which I do not need the permission of others to remain, then it is no longer the case that it is ‘up to’ others whether I can perform any action at all. In addition, if there is some space I am in charge of, it follows that it is not the case that I am always inhabiting spaces with others in charge; I no longer ‘lack a location where what [I] can and cannot do is not under the power of others’ (Essert, 2016, p. 277). Property, then, ‘provides the formal normative control’ that removes the relevant form of unfreedom (Essert, 2016, p. 280).

Essert, we should note, does not just want to provide us with an account of what is troubling about homelessness, he also wants to provide us with an account of what it *is* to be homeless. He explicitly identifies being homeless with being unfree and with lacking property rights. When we provide a person who is homeless with property rights over a space, we have therefore removed or (in Essert’s words) ‘eliminated’ their homelessness (Essert, 2016, p. 280).⁷

This concludes my summary of the first of Essert’s claims about homelessness. On the basis of this claim Essert’s account issues in a more robust conclusion than Waldron’s, namely that to remove a state of profound unfreedom, those who are homeless must be provided with property rights, not just access to public space and basic facilities. Nevertheless, his account so understood still succumbs to a charge of minimalism. This is because, on Essert’s account, as it

has been articulated thus far, what is both necessary and sufficient to remove the troubling unfreedom of those who are homeless, and thus to ‘eliminate’ homelessness, is property rights over *space*. There is no need, importantly, to provide housing, or even shelter. Homelessness, for Essert, is about being in a situation in which we cannot do anything, perhaps not even remain in a space, without the say-so of another party or parties. But once I am in charge of some kind of space, in virtue of exercising property rights over it, this kind of subordination to others disappears. It disappears, regardless of what kind of space it is, so long as it is one with respect to which I am in charge. Thus, to ‘eliminate’ homelessness, on Essert’s account, we could simply provide all those who are homeless with a small empty piece of land over which they can exercise property rights.⁸ This is an uncomfortably limited conclusion, in terms of provision for those who are homeless. We are unlikely to think that all those who are homeless are owed is some piece of land, over which they exercise property rights – without shelter, or housing.

Essert, however, also makes another claim, one which he develops more fully in recent work (Essert 2016, Essert, 2022). This is that we are not just worried that it is ‘up to’ others whether those who are homeless can do almost anything at all; we are worried that that it is ‘up to’ others whether those who are homeless can engage in certain ‘valuable activities and relations’ (Essert, 2022). These activities are the kinds of things that people do at home – Essert mentions hosting dinner parties, engaging in pillow talk, enjoying solitude, and doing certain ‘personal’ things like bathing (Essert, 2022). If I am homeless, I can host a dinner party only insofar as someone else lets me do it in their home – whether I can host a dinner party, then, depends on the permission of others (Essert, 2022). Thus, his claim is that there ‘are the things we do at home that we think are good things and that we think that it is bad that the homeless are unable to do without someone letting them’ (Essert, 2022).

It might seem, then, that Essert’s account can avoid an obvious charge of minimalism. What matters is that it is not up to others whether we can perform activities like hosting dinner parties, engaging in pillow talk, enjoying solitude, and doing certain ‘personal’ things like bathing.

These are the things that we normally understand people as doing in *housing*. Thus, it might seem, Essert's arguments issue in the conclusion that all must have property rights over housing.⁹

However, it is not clear that this is the case. To see this, notice that the person who inhabits the small piece of land discussed above can still do a wide range of Essert's activities, and, in virtue of having property rights in the land, it is not up to anyone else whether they do them. We might want to modify the case somewhat: let's imagine this land has a small outdoor bathroom, a tent, and a wall around the perimeter. Now, the inhabitant can invite people over to hang out on their land; they can engage in pillow talk in their tent, they can enjoy solitude, wash, and so on. It is not 'up to' anyone else whether they do any of these things. Yet, this looks like insufficient provision for those who are homeless, who remain, we are likely to think, at the very least inadequately housed (if we view them as housed at all): in cramped and flimsy accommodation and exposed to the elements.

For another version of a minimalism concern to which Essert's account is vulnerable, consider now that those who are homeless are furnished not simply with land, but with property rights over a damp, mouldy, unsanitary and otherwise hazardous apartment. Again, it looks as though this situation is not of concern from the perspective of Essert's republican account: it is not up to another party whether they can engage in the relevant valuable "activities and relations" in their dangerous and unpleasant accommodation. Yet, even if those who are homeless are provided with *housing* in this case, this nevertheless looks like troublingly inadequate provision, especially in the context of wealthy states.

Essert (2022) in his later work stresses the importance of 'home', but it is important to understand what 'home' means on his account. To have a home, on his account, just is to be able to engage in the relevant 'valuable activities and relations' without it being 'up to' another party whether or not one does so. But if this is the case then the individuals in our revised examples *do* have a home, and this home is all they are owed as a matter of removing the troubling situation of subordination or unfreedom that Essert, in his second claim, identifies. On this basis, we can

justifiably charge Essert's freedom-based account with minimalism. Leaving Essert's account aside, then, we now turn to examine a third freedom-based approach to homelessness: the autonomy approach.

4.

We can now turn to the third freedom-based approach to homelessness, the autonomy-based approach. Autonomy-based approaches to homelessness understand what is troubling about homelessness in terms of a lack of certain pre-conditions for autonomy, or in terms of a lack of a protected 'domain of personal autonomy' (Schrader, 2020, 109).¹⁰ As a response to homelessness, autonomy-based approaches have counselled, first and foremost, the *provision of housing*. In this sense, autonomy-based views propose a more generous response to homelessness than the views considered above.

In spite of this autonomy-based approaches have also come in for criticism on the basis of minimalism. One major concern, raised by Bart van Leeuwen (2018), is that such approaches counsel *only* the provision of housing, where housing is understood as something like a living space over which we exercise property rights. Yet, he argues, this is inadequate as a response to homelessness:

'Citizens who have become homeless often have specific needs that are related to the fact that they have become homeless in the first place—substance abuse, mental health problems, trauma, to name a few—that have to be addressed. In addition to that, transitions out of homelessness often require a myriad of support concerning things like living and household skills, finance/income and positive social networks. A home surely is an important condition for that, but unfortunately in many cases it is not enough' (van Leeuwen, 2018, p. 593).

Thus, he contends, autonomy-based approaches propose a solution to homelessness that is far too limited.

To assess – and dismiss – this criticism, I will first set out what I take to be a plausible version of an autonomy-based view. On this view, autonomy is understood as the capacity to form, revise and pursue a conception of the good – an idea of the good life – or, more straightforwardly, a plan of life.¹¹ What is troubling about homelessness, on this view, is understood in terms of a lack of certain fundamental pre-conditions of autonomy.

Housing is one fundamental pre-condition of autonomy. Housing is a pre-condition of autonomy in several different ways.¹² It is a pre-condition for autonomy because it provides us with a place to perform the kind of basic functions Waldron discusses, such as resting, sleeping, washing and so on, and it provides us with a place to do these things that is protected from the elements. To have a place of this sort is to have one of the basic pre-requisites for the capacity to form revise and pursue a life-plan, because without a sheltered place to rest and sleep, our health is imperilled and we cannot replenish our energy. We need to be able to do these things in the same place so our time is not consumed with moving between different locations.

The importance of housing also lies in the protection of our physical security and the security of our possessions. Although, as we have seen, exercising property rights over some space does not imply having housing there, having housing here is taken to imply the exercise of property rights, including, importantly for security, the right to exclude others. In addition, having a right to exclude others from our housing protects privacy and our freedom to decline association with others.¹³

Two further things must be true of housing, understood as a pre-requisite for autonomy. First, we must have an entitlement to remain in that housing for some reasonable minimum period, which protects us from eviction. This means that we are not constantly having, or at risk of having, to manage changes in our home environment: we can shift our attention from the matter of our housing, and focus on pursuing our plans and projects. Second, the housing in question must

meet certain standards when it comes to quality: it must not, for instance, be mouldy, dangerous, unheated, or in poor repair.

Those who are homeless, as this term is normally understood, are not furnished with the relevant housing-related pre-conditions for autonomy. Those who sleep on the streets lack any sheltered space to perform basic functions. They lack privacy, freedom of association, and their physical security and the security of their possessions is not protected.¹⁴ Those in homeless shelters lack, amongst other things, stability, in the form of any entitlement to remain living in one place for some reasonable minimum period. Insofar as homeless shelters involve communal rooms or communal facilities, there is a lack of freedom to refuse association with strangers in the place that functions as one's home.

However, an autonomy-centred view has more to say about those who are homeless than merely that they should be provided with housing. The motivation, on the autonomy-based view, for providing those who are homeless with housing is that this provides them with certain important pre-requisites for forming, revising, and pursuing a conception of the good. It follows, however, that if those who are homeless lack other important pre-requisites of the capacity to form, revise and pursue a conception of the good, then efforts should be made to ensure that they are provided with these pre-requisites.

In light of this, we can re-consider the minimalism charges van Leeuwen levels at the autonomy-centred view. First, consider his concern that transitioning out of homelessness often involves being supported in learning certain life skills – finance skills and 'living and household' skills, which an autonomy-based approach to homelessness does not seek to support the development of. If these are pre-requisites for the ability to successfully exercise one's chosen plan of life, it is not clear why a liberal approach would not support the provision of opportunities for those who are homeless to be able to learn these skills.

Second, there is the concern that autonomy-centred views ignore the importance of 'positive social networks' in helping people to transition out of homelessness. Recent work on

autonomy has also emphasised the importance of distinctively relational goods and resources, by which I mean the goods and resources furnished exclusively by our relationships with others, for the development and exercise of the capacity to form, revise, and pursue a conception of the good. Goods like interpersonal trust, care, and emotional support, it is argued, are crucial for our capacity to form, revise, and pursue our conception of the good, and are only available within relationships with others.¹⁵ If this is true, then we might also think that an autonomy-based approach to addressing homelessness would make available opportunities to those who are homeless to form supportive networks with others.

Finally, there are the concerns that autonomy-centred views do not recommend that homeless people receive support for substance abuse, mental health problems, and trauma. Now, the question of how healthcare fits into autonomy-centred accounts of justice is an extremely complex one, and not one that I can do justice to here. However, the main thing to point out is that autonomy-centred accounts are emphatically not – as van Leeuwen suggests – indifferent to questions of health and mental health. On the contrary, work on justice and health emphasises the significance of healthcare on the basis of the relationship between healthcare and our ability to pursue a reasonable range of different plans of life (Daniels 1985, 2001). An autonomy-based view of homelessness, then, is highly likely to defend making available support for those with trauma, mental health, and substance abuse issues.¹⁶

An autonomy-centred view, then, has the resources to ground a more generous response to homelessness than the mere provision of housing. That autonomy-centred views have not always explicitly spelled this out may be due to a tendency of some philosophical treatments to frame normative discussion of homelessness around the condition taken to be *definitive* of homelessness. We saw this with Essert, in whose work what is taken to be definitive of homelessness is a certain kind of unfreedom/ a lack of property rights, and whose normative treatment of homelessness includes the claim that homelessness should be ‘eliminated’ through the provision of property rights. When it comes to autonomy-based theories, it looks like what is

taken to be definitive of homelessness is often understood as a lack of a *home*, where ‘home’ – a rather vague term, in need of further specification – is often understood in terms of a lack of *housing*.¹⁷ To ‘eliminate’ homelessness, here, those who are homeless ought to be provided with a home, that is, with housing.

In focussing on what is definitive of homelessness, however, we neglect the wider question of what those who are homeless are owed not as a matter of ‘eliminating’ the ‘distinctive condition’ (Essert, 2016, p. 266) of homelessness, but more generally. We also neglect to try to establish that our preferred theoretical perspective can indeed show that those who are homeless are owed these things. Van Leewen’s criticism, on the other hand, prompts us to consider these things. Once we do, I argue, we can see that autonomy-centred views have the resources to respond to his first concern. When autonomy-centred views turn their attention away from framing discussions of homelessness around providing a home, and consider instead what, more broadly, many of those who are homeless lack apart from housing, we can see that these are often other pre-requisites of a capacity to form, revise, and pursue a plan of life.

This focus on what is definitive of homelessness may also be why we find, in the philosophical literature on homelessness, that attempts to argue that homeless people are owed more than housing often do so on the basis of an expanded definition of what a ‘home’ is taken to consist in.¹⁸ Thus, in his discussion of what is owed to those homeless people who are mentally ill, G. John. M. Abbarno argues that ‘[f]or the mentally ill, ‘home’ requires community supports as well’ (2020, p. 243). Recently David Jenkins and Kimberley Brownlee, although not autonomy-theorists, have argued that ‘home’ is an idea that has an important social component: ‘home’ involves, centrally, *a sense of belonging*, cashed out in terms of a positive and welcoming social world (Jenkins & Brownlee, 2022). However, this kind of approach, unlike the one I have defended, requires us to ground a response to homelessness on particular conceptual claims, claims about what it really means to have a home, or what it really means for certain people (for instance, those who are mentally ill) to have a home. Such conceptual claims – such as Jenkins and Brownlee’s

claim that what it really means to have a home is to be part of a positive and welcoming social world – are controversial and difficult to defend. In addition, since people might reasonably disagree about what it means to have a ‘home’, we are also likely to worry that grounding a more generous response to homelessness on the basis of expanded definitions of ‘home’ looks inconsistent with a central commitment of many liberal views: a commitment to state neutrality, when it comes to different views about the good life.

That autonomy views only defend housing provision is not the only charge of minimalism that has been levelled against them. A second concern raised by van Leeuwen and others (Jobe, 2019) has to do with the extent to which liberal views of homelessness, which autonomy-based views as they are currently being construed are, are committed to an idea of personal responsibility that would imply leaving those who are homeless to their fate. A liberal view of homelessness, insists van Leeuwen, raises the question of why we should provide those who are homeless with housing, or anything else, ‘if their plight is the consequence of a series of free acts?’ (van Leeuwen, 2018, p. 593). Such approaches, on this view, are often likely to counsel no action to help those who are homeless, on the basis that they have chosen to be homeless.

If we are considering homelessness in the current context, that is, the non-ideal context of present day wealthy countries like the US and the UK, then the charge that a liberal approach to homelessness would advocate leaving those who are homeless to their fate is not an appropriate one. One major cause of homelessness is, unsurprisingly, a lack of affordable housing (Lee, Tyler, & Wright, 2010). Yet, I have argued above that housing of a certain kind is a pre-requisite of autonomy; an autonomy-centred liberalism must, on this basis, ensure that all have housing. If this is the case, then present levels of homelessness are related to governments’ failure to realise justice in housing, their failure to ensure that all have the conditions in place to form, revise and pursue a conception of the good. Given this, a liberal view is unlikely to counsel leaving those who are homeless to their fate, if they are homeless in large part due to the fact that the society in which they live has not provided them with that which they ought to be provided, namely, housing.

On the contrary, we can argue that a government that has failed its citizens in this way at the very least owes those who are homeless housing and appropriate support when it comes to transitioning out of homelessness.

In addition, when we look at what sociologists call the ‘micro-level’ causes of homelessness, these tend to include factors like physical or sexual abuse or neglect at a young age, mental illness, and (for women) domestic violence (Lee et al., 2010). Given these factors, it seems doubtful that a plausible liberal view would seek to hold those who are homeless responsible for becoming homeless, given that becoming homeless can often be traced back to troubling circumstances experienced by the now-homeless individual, for which that individual cannot be held responsible. In societies with inadequate mental health support – such as the US and UK – individuals will have had little opportunity to address and overcome difficult (for instance) childhood circumstances. Finally, of course, it is worth pointing out that there is considerable debate within liberal egalitarianism regarding the extent to which this approach should be responsibility-sensitive.¹⁹ However, many would resist a view that simply left people in ‘thoroughly bad situations’ even if, on a plausible account of responsibility, they could be held responsible for ending up in those situations.²⁰ Since we can straightforwardly classify homelessness as a ‘thoroughly bad situation’ – due to the effects of homelessness on health, the death rate for homeless people is two to four times higher than that of the non-homeless population (Lee et al., 2010, p. 506) – a range of liberal views would not endorse leaving a homeless person to his or her fate, even if he or she were responsible for becoming homeless.

A third and final charge of minimalism against autonomy-centred views of homelessness is sometimes conflated with the criticism just discussed. This is that autonomy-centred views require leaving those who are homeless to their fate, because of a commitment to a ‘neoliberal’ ideal of independence or self-sufficiency (Jobe, 2019). On this kind of view, even if someone who is homeless is not responsible for their plight, they should not be helped, because this conflicts

with the ideal of self-sufficiency: someone who is homeless ought to be left to help themselves through their own hard work and ‘entrepreneurial spirit’ (Jobe, 2019, p. 208).

Whilst it may be the case that the language of autonomy has sometimes been used by local governments to justify the abandonment of those who are homeless,²¹ to argue that these kinds of ideas of self-sufficiency are a central commitment of all liberal or autonomy-centred views is to wrongly identify liberalism more broadly with particular varieties of liberalism, for instance classical liberalism of the kind espoused by John Tomasi (2012). Tomasi does, in fact, appear to argue that the absence of any kind of robust safety net is a requirement of individual self-respect. However, rejection of a safety net on this basis, or on the basis of a ‘neoliberal valorization of... self-sufficiency’ (Jobe, 2019, p. 208) does not form part of a liberal or autonomy-centred view, as it is understood here.

5.

A major alternative to the autonomy-based approach to homelessness that I have been defending is one grounded in an ethic of care. At the centre of the care ethics approach to homelessness is a focus not on securing the freedom or autonomy of those who are homeless, but on responding to their particular needs. This approach to homelessness has its origins in the work of Nel Noddings (2000, 2002).

Care ethics is controversial branch of feminist moral theory, and there are well-known concerns with the care approach as a general substitute for a liberal justice-based approach which I will not rehearse here.²² However, such general concerns may be less relevant for a defender of the care approach to homelessness, if they do not embrace a wholesale rejection of justice in favour of care, but instead prescribe a care approach *just* in the case of homelessness. This is the view considered here, as defended by van Leeuwen. He argues that it is with respect to homelessness specifically that we should reject justice in favour of a care approach; that is, an approach that ‘focuses on the concrete and particular needs of the homeless’ (van Leeuwen, 2018, p. 587). This

is because, he claims, a care approach is particularly suitable when it comes to homelessness, where homelessness is understood as involving a class of citizens ‘trapped in a situation of dependency, need and suffering’ (van Leeuwen, 2018, p. 596). It is particularly suitable for three reasons.

First, although the approach counsels the provision of some goods to all – notably, housing – because it places an emphasis on responding to the specific needs of each homeless individual, the approach is well-placed to respond to the fact that, as a population, homeless people have very divergent needs. Second, a care ethics approach, at least as defended by Noddings, is generally more willing than a liberal approach to coerce people for their own good (van Leeuwen, 2018, p. 596; Noddings, 2002, p. 450). This is because, in van Leeuwen’s words, it involves a ‘focus on ‘needs’ rather than on ‘agency’ (van Leeuwen, 2018, p. 596). However, coercion, when justified, must be accompanied by some acknowledgement of the agency of the coerced individual. Noddings states that ‘we follow it [coercion] with negotiation aimed at giving assistance. ‘You must do this,’ is followed by, ‘I’ll help. Let’s work together on this’ (2002, p. 443). This means that a care ethics approach to homelessness involves more willingness to engage in ‘qualified types of coercion that might be warranted or even called for’ (van Leeuwen, 2018, p. 596) for instance when someone who is homeless insists on engaging in harmful behaviour, like continuing to sleep outside in freezing weather, even when decent accommodation is offered. Third, in focussing on care the care approach to homelessness also places at centre stage relationships, since it is via relationships that care is delivered. This is important, given that ‘an essential part of the psychological trauma of becoming homeless is that it typically is accompanied by a rapid disintegration of social networks’ (van Leeuwen, 2018, p. 597).

In defending the autonomy-based approach to homelessness, we need to consider the problems with the care approach. Van Leeuwen, I have noted above, seeks to evade general concerns about the care approach as a substitute for a justice-based approach by defending a care approach *just* in the case of those who are homeless. In the case of those who are homeless, he

suggests, it is particularly fitting to use such an approach. But the claim that when it comes to the homeless it is particularly fitting to use a care approach is something that ought to worry us. The concern in this: in defending the employment of a care approach with respect to those who are homeless, we defend shifting our approach from one placing at centre stage the significance of individual autonomy, to one that recognises a diminished role for respect for autonomy, and a greater role for the meeting of an individual's needs. Care ethicists are up-front about this: as van Leeuwen says, the care approach involves a 'focus on 'needs' rather than on 'agency'', and on this basis is more open to coercing people on the basis of their needs. We are asked to adopt this approach *ex ante* with respect to the class of those who are homeless, without further investigation of their individual situation. That is, it is being proposed that merely on the basis of the fact that a person is homeless, we ought to view and treat them differently from other citizens, and this viewing and treating them differently ought to involve a willingness to show less respect for, to take less seriously, their choices and decisions. But this is a deeply troubling proposal and one that we ought to view as insulting or disrespectful to those who are homeless. The mere fact that one sleeps on the street, or lives in a temporary shelter, or sofa-surfs (as it is called in the UK) with family and friends does not make it appropriate for others to treat one in ways that take one's agency less seriously into account, whether these situations are rightly characterised as ones of 'dependency, need, and suffering' or not. The proposal is also additionally troubling given the ways in which those who are homeless are already viewed and treated as lacking equal status in the communities to which they belong.

In his defence of the care approach van Leeuwen also seeks to evade the charge, often levelled at policy responses to homelessness, that this approach involves misrecognition of those who are homeless and recommends treating them as, 'passive, helpless, pathological victims' (van Leeuwen, 2018, p. 599).²³ He argues that this is not how his care approach construes the homeless; rather this approach seeks a balance, in which autonomy is respected in the provision of care. But this does not appropriately respond to the objection that I have made to his argument, which

criticises it for holding that we should adopt an ethic of care, just for the homeless. Even if this ethic involves some respect for autonomy, it still asks us to deprioritise respect for autonomy relative to the meeting of needs, and asks us to do this *ex ante* for a class of persons, those who are homeless, before we know of their individual circumstances. Thus, concerns about misrecognition of those who are homeless are still justifiably levelled at his account.

Raising this concern, it is important to note, does not require denying that that sometimes paternalistic intervention is likely to be justified for individual homeless people. A liberal approach is certainly hesitant about paternalistic interventions – on a recent view paternalistic state action is ‘at least *prima facie* morally wrong and usually unjustified all things considered’ (Quong, 2010, p. 97). On this view, it is *prima facie* morally wrong because it is *prima facie* morally wrong to treat people ‘as if they lack the ability to effectively advance their own interests in some situation,’ as if they lack the capacity to form, revise and pursue a conception of the good (Quong, 2010, p. 103). However, it is undeniable that in some situation individuals *do* lack this power. This may be the case, for instance, for those homeless people who are seriously mentally ill. In these cases, a liberal approach may support paternalistic intervention, particularly where a proper assessment has been made in an individual case (Quong, 2010, p. 105). Thus the present objection to the care approach does not depend on a general rejection of paternalistic intervention in the case of those who are homeless. Instead, it turns on the disrespect involved in counselling an approach to the homeless that *ex ante* assimilates all those who are homeless into the category of persons who can be treated as if they had a diminished capacity to form, revise, and pursue a conception of the good.

A criticism made by care ethicists of the liberal approach is that this approach will be too reluctant to counsel coercive intervention when it comes to those who are homeless. This, it is suggested, is a reason to shift to a care approach. I have suggested above that a liberal approach to homelessness does not simply rule out paternalistic intervention. In addition, however, we might be worried that this objection to the liberal approach begs the question. That is, it assumes at the outset that we shouldn’t be too hesitant about coercion, and then rejects any view that is.

But it is far from a fixed point in our thinking that we shouldn't be hesitant about employing coercion in individual cases of homelessness.²⁴ The question of whether or not we should be prepared to use coercion in certain cases – for instance in the cases of those who are not mentally ill but refuse support for exiting homelessness, perhaps because they have come to identify with their homelessness, making them reluctant to leave the state²⁵ – is an extremely difficult one, and we may not have clear intuitions about these cases.²⁶

This concludes discussion of the autonomy approach to homelessness. I have not addressed each and every point raised against the autonomy view by critics like van Leeuwen. I have, however, sought to show that an autonomy-based view can offer a much more robust, and nuanced, response to homelessness than critics have claimed. Such a view, contrary to what critics like van Leeuwen argue, has the resources to defend generous support for those who are homeless. Unlike the care view, however, it can do so without having to engage in a disrespectful reclassification of those who are homeless.

6.

In this paper, I have considered the prospects for a freedom-based account of homelessness. I have argued that two major freedom-based views, from Jeremy Waldron and Christopher Essert, are aptly accused of offering conclusions that are too limited or minimal, with regards to what those who are homeless are owed. A third freedom-based view, the autonomy view, cannot be as easily criticised on the same basis, and has advantages over the major alternative proposed by some critics of this view.

From the fact that charges of minimalism are aptly levelled at Waldron and Essert's freedom-based accounts, it does not follow that these accounts do not help to illuminate the situation of those who are homeless. On the contrary, it helps to underscore the gravity of the situation of those who are homeless to understand their position as being one of profound unfreedom. The aim of the present paper has not been to entirely dismiss these accounts.

Finally, it should be noted that the aim of the present paper has not been to show that there is only one freedom-based account of homelessness that can satisfactorily respond to minimalism concerns. Essert offers us a particular version of a republican account of homelessness. This particular way of constructing a republican account issues in conclusions that are too minimal; however, it remains to be seen whether a different version of a republican account can respond not just to the concerns I have raised about Essert's account, but to those raised by care ethicists.²⁷ If it can, then whether we opt for a republican or liberal account of homelessness will depend on our view about the plausibility of the underlying conceptions of freedom.

¹ For a discussion of why this might be, see Zack (2020).

² Jenkins and Brownlee critique Essert's account on the grounds that his account gets the idea of *home* wrong. However, this is difficult to construe as a charge of minimalism, since they also argue that his idea of home includes too much. Essert, as we will see, argues that the elimination of homelessness requires the provision of property rights. Jenkins and Brownlee argue that the idea of a "home" need not make reference to property rights at all. See Jenkins and Brownlee (2022).

³ On this latter point, see, for instance, Waldron (2009, p. 180).

⁴ Thank you to an anonymous reviewer for this point.

⁵ For central statements of republicanism, see Pettit (1997, 2012), Lovett (2010). For a discussion of commonalities and differences between republican and Kantian views, see Kolodny (2019).

⁶ In contrast, as we have seen, Waldron is concerned with the *actual prohibition* of certain acts.

⁷ In this respect, his account looks to contrast with Waldron's. Waldron does not claim that in de-regulating public space and providing public toilets we have 'eliminated' homelessness.

⁸ Let's assume this land is worthless, so it does no good for the recipient to sell it.

⁹ Of course, as we will see below, even accounts that issue in a conclusion that we must all have property rights in housing can be accused of minimalism.

¹⁰ In addition to Schrader see Karin-Frank (2020).

¹¹ This is a paraphrased version of Rawls's second moral power. See Rawls (2001, p. 19).

¹² In the following paragraphs, I rely on an account I put forward in Wells (2019).

¹³ Karin-Frank (2020) also emphasises the relationship between housing and privacy.

¹⁴ For similar points on homelessness (although without an autonomy-based framework), see Jenkins, Wells and Brownlee (2021).

¹⁵ See, for instance, Cordelli (2015), esp. pp. 94-95.

¹⁶ For an existing discussion of mental health and homelessness, see Abbarno (2020).

¹⁷ In later work Essert also seems to want to understand homelessness as involving a lack of home. However, as we have seen, Essert does not define 'home' in terms of housing. For autonomy theorists who focus on homelessness as a lack of home see Schrader (2020) and Abbarno (2020).

¹⁸ See, for instance Abbarno (2020) and Jenkins and Brownlee (2022).

¹⁹ There is a large literature on this topic. See, for instance, Cohen (1989), Dworkin (2000), Anderson (1999), Scheffler (2003).

²⁰ I use Stemplowska's (2009) useful terminology here, although we should note that Stemplowska does think we should sometimes leave people in thoroughly bad situations.

²¹ See, Herring and Lutz (2015), cited in Jobe (2019).

²² For concerns about Noddings' account see, for instance, Card (1990) and Hoagland (1990). For an overview of more general concerns about an ethics of care approach, see Brake (2012, pp. 82-84) and Kymlicka (2001, Ch. 9).

²³ Here van Leeuwen is responding, in particular, to concerns raised by Feldman (2004, p. 92) about misrecognition of the homeless as mere ‘helpless victims’ (2004, p. 92).

²⁴ In the end, van Leeuwen’s own view of when we should actually be prepared to coerce the homeless against their wishes, at least when it comes to those who are mentally ill, is also quite hesitant. See van Leeuwen and Merry (2019).

²⁵ Lee et al. note that some of those who are homeless ‘voluntarily embrace their status, finding virtue rather than shame in otherness’ (2010, p. 508).

²⁶ Indeed, there is significant debate in the social policy literature on the extent to which coercive or other ‘softer’ interventions against those who are homeless are justified. For an overview of these debates see Beth Watts, Suzanne Fitzpatrick, and Sarah Johnsen (2018).

²⁷ Essert, we should note, is sensitive to the relationship between homelessness, on the one hand, and issues such as mental illness and substance abuse on the other. He argues that “a “solution” to the social problem of homelessness requires addressing these other problems” and may require “a unique set of interventions” for each person who is homeless. However, on his account the aim of these interventions would be (presumably) to ensure that a state in which homelessness was eliminated – that is, in which all had property rights over some space – was maintained. See Essert (2016, p. 271).

Acknowledgements

Thanks to: Matthew Clayton, Laura Brace, Stephen Cooke, Christopher Pierson, Emily McTernan, Siba Harb, Tom Parr, Andy Walton, David Axelsen, Tim Meijers, Hwa Young Kim, David Jenkins and Kimberley Brownlee for discussion and comments on this and earlier versions of this paper.

Disclosure statement

No potential conflict of interest was reported by the author.

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