The Human Right to Housing and Community Empowerment: Home and Land Occupation, Eviction Defence and Community Land Trusts

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Abstract Even persistent critics of human rights are hesitant to reject them outright, for fear of undermining the work they may do in resisting oppression. This pragmatic justification is central to celebrations of human rights as well, but is it more than a failure to move beyond liberal hegemony? I argue that human rights can be used to make radical claims that are not merely political tools that allow the oppressed to speak the language of the powerful. Human rights have radical potential because the act of claiming rights uses the ambiguous but universal identity of “humanity” to make claims on the terms of legitimate authority and the boundaries of political community. I explore the potential and limitations of using human rights to fight for social change by looking to the movement to claim a human right to housing in the United States of America, where their role as both a tool of resistance and governance can be seen. I look at strategies of resistance used by homeless individuals, public housing tenants and low-income urban residents based on a reconstruction of the human right to housing actualised through direct actions that include eviction defences, the occupation of “people-less” homes, and attempts to remake the structure of home ownership through community land trusts. Looking to the way human rights are made and claimed in the margins of major US cities provides insight into their potential as tools of political transformation.

Human Rights Are What We Make of Them

Isaac shows me around his home, pointing out the holes in the drywall he had to patch and the empty spaces where light fixtures once hung from the ceiling. In the basement he explains how the water lines to the house had been cut and he had to improvise new plumbing. We also tour his small home recording studio and look in on the orderly bedrooms where his family sleeps. This would seem the most everyday experience, but Isaac and his family do not own or rent this home. At the moment they have no legal title to it at all. Yet, when asked why he’s taken over this home, left empty after the previous owner lost it to foreclosure, Isaac appeals to the human right to housing.

Isaac is a member of the Chicago Anti-Eviction Campaign (CAEC), a group that describes itself as working to realise the human right to housing in a city in the grips of a profound housing crisis. Isaac and his family moved into this ranch-style home on the far south side of Chicago after they had to leave their previous apartment due to the dangerous and unsanitary conditions that the landlord refused to remedy. The family found themselves in an all too common situation for working people in Chicago, especially for black Chicagoleans, as they were unable to find adequate and safe housing that was affordable. Beyond articulating a grievance against a delinquent landlord or against Chicago housing policies, Isaac and other members of the Chicago Anti-Eviction Campaign have used the on-going housing crisis in the city as an opportunity to engage in a wider political struggle both to realise the human right to housing but also to redefine what that claim means.
The movement for the human right to housing is centred on small and everyday acts of resistance like Isaac’s, as he has moved his family into a home owned by a bank but left vacant. His family is repairing the home and making a place in the local community. When the CAEC helps a family occupy a home they provide a good neighbour agreement that is shared with local residents and carry out the occupation publicly and in cooperation with neighbours. These small acts, however, are part of a global movement with profoundly transformative ends, which include using the framing of human rights to fight for fundamental social change. This movement raises a fundamental question for critical scholars of human rights – What can human rights achieve?

Suspicion of the emancipatory and radical potential of human rights is common among critics and well justified. There is good reason to think that the potential for social change appealed to in rhetorical celebrations of rights is only an ideological cover for an expanding political project of liberal governance. This suspicion, however, raises a further question about the use of human rights by social movements, about their use by groups like CAEC – why would those opposed to the given social and political order take up the ideological tools of that order?

There are well-established responses to this that suggest that rights have some limited emancipatory potential, for example granting forms of inclusion within the order that the most socially marginalised lack, such that a limited victory may still be vital. Further, there are accounts that suggest that the oppressed and marginalised make use of rights language, revised and rearticulated, to make claims that can be heard by the powerful – the idea of a calculated embrace of rights as a kind of tool of the oppressed to gain recognition. More optimistically, some scholars suggest that the use of rights by those excluded from the current order serves to realise the true universal scope and emancipatory potential of rights. All of these accounts have their merits, but they also suffer from a common limitation as they assume that human rights are one thing, a tradition with a single point of origin. This common assumption, I think, must be challenged.

Human rights are what “we” make of them. Once we begin from that starting point and look to the way in which rights are claimed, enacted and contested we can begin to answer the question of how and why human rights are used as a tool of resistance from a different perspective. Groups like the CAEC are creators of human rights as much as international lawyers or state representatives, and the movement for a human right to housing is framed by a radical account of human rights enacted through forms of political contestation that reject given meanings and modes of redress, focusing on direct action and community empowerment. The move to think of human rights as plural and contested allows us to consider the place of human rights in contrasting projects of governance and resistance in a novel way, and I argue that looking to the movement for a human right to housing in the USA provides an example of what kinds of social and political alternatives human rights can help us to realise.

The Ambiguous Appeal to Humanity

If human rights are what we make of them rather than given by some transcendent authority, then we need to see them as a plural and contested ideal realised through social practice and by partial institutions. Here we find a central insight in the work of activists trying to realise the human right to housing in the US: human rights are not one thing nor do they have transcendent power to right political wrongs or ease social
ills. Human rights are a practice of making ethical claims for political and social change by appealing to what is due each of us in our humanity, which is to say via an appeal beyond existing privileges and protections. This insight helps to correct a tendency to ignore the contingency of rights, to obscure their ambiguous effects and contested meanings. Pronouncing the necessity of rights to human dignity or decrying their universalism as forms of violence requires a firm judgement on their meaning, consequences and value. The political and intellectual battle over human rights treads this ground again and again. Advocates claim universal rights ensure human freedom and legitimate governance. Those in opposition counter that human rights impose universalising identities and limit our visions of justice to inadequate liberal horizons. The back and forth tends to leave the field of thought trampled and muddy as both supportive and critical positions project an unsubstantiated confidence that we know what human rights are and can judge their consequences clearly. Yet this presumed clarity is illusive. Advocates are forced to confess human rights as an ethno-centric practice underwriting a liberal order. In turn critics cannot help but acknowledge the capacity of human rights to protect individuals from certain kinds of injury. The gap between positions is less clear that it initially seemed yet the judgements remain firm. I want to suggest that this distressed intellectual field is evidence of a problem with how we think about human rights.

If human rights are contested and plural, then the conflict between antagonistic views of rights reflects not a conflict over the nature of rights but rather a conflict over the kinds of projects we pursue using human rights. To understand what human rights can achieve we need to attend to how they are used in varied projects of governance and movements of resistance. As we examine the global social movement for a human right to housing we will see that claiming such a right can mean different things. The human right to housing may be a claim to an established legal protection that relies on the power of existing authorities, such as seeking protection from the government against discrimination in housing policy or from dangerous housing condition. It can also be an appeal to a declared but unenforced right to access safe and affordable housing, putting one’s voice behind an aspiration widely acknowledged but unrealised, hoping for reform in the existing order of things. More radically, claiming a right to housing can also be a rallying cry for communities that are demanding profound social transformation while empowering themselves to realise their rights through political action and resistance. Rights can be used to do many things and our understanding of them must reflect that if we hope to judge their value.

Moving from a view of human rights as moral claims rooted in human nature to one that sees them as a practice allows us to see how they function as a political tool for contesting the basis of legitimate authority and the boundaries of community. Humanity as a concept is inclusive but this is a formal universality in which all are included in the category of “human” by definition but the moral and political significance of that inclusion is ambiguous and contested. Critics of universalism are right to point to the partiality and violence of the universalising move when it is filled in with an incontestable vision of humanity as a moral and political identity. This move renders human rights as a tool wielded by projects of governance and control. However, if we see the move to give substance to the idea of humanity as always plural and contested then the imperial tendencies of human rights are tempered (but not eliminated) and we can see their value as political-ethico tools for transformative social change.
To claim that some right is due to us because of our humanity is to challenge political authority by seeking to redefine the terms of its legitimacy. In turn this is also a challenge to existing communal identities, as the claim from humanity comes explicitly from outside the given identities of citizenship, culture or legal recognition. The function of rights then is disruptive but the ends toward which this tool can be put are multiple. My central claim is that human rights can be used in political projects fighting against marginalisation and seeking transformations of the structures of oppression while pursuing greater equality of democratic control in political life. The “can” is, however, of vital importance because human rights can serve other political projects. Therefore the effects of human rights as a political tool are shaped by the ethos that guides their use.

In this paper I want to suggest that a pluralist and agonistic understanding of rights can help us see the value of human rights as a tool of resistance and not merely one of governance. The argument here draws on literatures on social movements and forms of contentious politics but asks a different question than how such movements form or why resistance is so difficult. In looking to the global social movement for a human right to housing I want to consider what human rights can offer as a political tool to those fighting for radical social change. My contribution is to draw on the work of social movements to make an ethical argument defending the potential value of human rights.

My task links to questions raised by Upendra Baxi and Balakrishnan Rajagopal, who look to the way third world social movements have contributed to human rights practice through their resistance to international forces, particularly projects of “development” that have impoverished the third world while operating under a banner of human rights. Baxi and Rajagopal provide useful openings for thinking about what human rights can do. First, Baxi distinguishes between the politics of human rights and a politics for human rights to emphasise that they can be used in projects that extend forms of liberal governance over the third world, while also acting as a language of opposition and justice. Likewise, Rajagopal brings out the historic contribution to human rights and international law that have been made by third world social movements, which in many cases have helped to rearticulate rights in ways that address the injustices faced by those who suffer rather than the interests of those in power.

A relevant example is the importance of the third world social movements in ensuring that housing was firmly established as a human right in international law. To those responsible for ensuring human rights such a claim can be deeply vexing as a human right to housing places considerable responsibility on state authorities but the vital importance of having a place to live is undeniable. Neil Stammers, however, points out that both Baxi and Rajagopal have not engaged at length with the specifics of how social movements actually alter the meaning and practice of human rights – nor have they sufficiently articulated how human rights can persist in serving projects of governance despite the activism and resistance of social movements. Stammers argues that human rights have always been articulated, at least in part, via social movements, especially by those who are oppressed, excluded and marginalised in the given order. This linkage between human rights claims and social movements is tempered by what he calls the paradox of institutionalisation, in which human rights claims are limited and rearticulated as tools of governance rather than emancipation. This paradox emerges as existing institutions absorb the initial disruption, carried out in rights terms, and then assimilate the language of rights in order to rearticulate those rights in a way that supports existing powers. This analysis brings out the tendency of human rights to be co-opted but at the same time usefully
places the emphasis on how human rights are created and realised through resistance and opposition.

I want to begin with Stammers’ account of how human rights claims work but to translate that into an agonistic conception of human rights. What I am interested in is not only how human rights claims are made but also the kinds of ethico-political claims human rights can support. In looking to the struggle for the human right to housing in the United States I want to provide an exemplar for how the ambiguous “human” identity can be used to reconstruct the terms of political authority and community through political action for radical social transformation. By providing an example of what human rights can achieve as a tool of resistance I want to challenge the idea of human rights are primarily a tool for governance rather than true emancipation, which is a line of criticism indebted to both Marx’s critique of liberal rights and Foucault’s notions of governmentality. In particular my argument responds to Wendy Brown, who focuses both on the limits of what the liberal rights tradition addresses, leaving out question of substantive inequality and persistent social exclusions, and on how the subjectivity of rights isolates and pacifies individuals leading them to seek redress through appeals to state authority rather than collective action. Also, my argument responds to Giorgio Agamben’s claims that human rights do not challenge sovereign power but actually reinforce it by leaving individuals dependent upon the state for status rather than recognition in a political community of equals.

Starting from the praxis of those engaged in the struggle for human rights we see how the conventional understanding of rights promises only a very limited kind of emancipation. Traditionally the moral claim at the core of human rights is that there are certain features of human beings worthy of the most profound protection possible. These special features justify the set of absolute protections and privileges that must be respected not only by other individuals but also by any authority with power over us. This account starts from a determinate and universal account of human nature that privileges consensus and conformity over difference and contestation. Conventional human rights begin with a search for a rational and undeniable first principle that can give limits to the multiplicity of human experience. As this essentially metaphysical search has floundered justification has turned to notions of more modest practical consensus. Yet the change in grounding does little to alter the idea that human rights are based in some universal and undeniable feature of humanity. It is a dark irony that the effort to protect each individual ends up disciplining those very individuals, forcing them to be human in the correct way, constraining rather than liberating difference. Further, the conventional way of linking humanity, morality and politics takes an essentially legislative form. Human rights justify political authority by creating spaces in which individuals are protected from government power by government power. Emancipation on this framing is reduced to a regime of basic protections and provisions granted by governing authorities, rather than expanded to more profound projects of justice demanding greater liberation or fuller democratic equality.

This contradictory result comes about because while some common and absolute justification for rights is desired to grant legitimacy to the power of government authorities, so far as this justification does not acknowledge and attend to its partiality and contestability then human rights claims will retain their potential to do violence to difference and serve projects of governance rather than emancipation. While critics have skilfully revealed this feature of human rights, those engaged in the social movement for human rights live this contradiction. Where critics make
allowances for the ambiguous potential of human rights, this is only a gesture pointing to the emancipatory moment lost to actually existing practices of human rights. This gesture to the contingency of rights practice does a disservice to those engaged in political struggle as affected communities are often actively engaged in exploiting the potential of conventional rights and engaged in political struggle to remake the meaning rights. ³³ Understanding the potential of rights demands of scholars that we attend to the details of how rights are put to work by those suffering and engaged in movements of resistance and transformation – a duty I attempt to uphold in what follows. I start with the 2007 mortgage crisis to consider first the global problem of a lack of housing, looking to the limits of conventional human rights practice to address this issue as well as the reasons why housing is often not considered something to which we have a human right. I then turn to the use of human rights by activists in the US claiming a human right to housing through direct action and political struggle to reflect on the emancipatory potential of human rights.

Housing and Human Rights in a Time of Crisis

Given the many ways that human rights are used and the variety of aspect of our social life in which they have been brought to bear, I could look to many different rights. I focus on the human right to housing for a number of reasons. First, having access to secure and adequate housing is a vital human need, universal in scope and central to realising other rights. We all need a place to exist to realise all the things we can be as humans. ³⁴ Yet, despite the centrality of the need for a home it still sounds strange to many people to speak of a human right to housing. Such a right seems to suggest an intrusive government intervention and a prohibitively costly public expense. The human right to housing is contested, clearly intended to ensure a basic human need but nonetheless controversial as a universal rights claim. ³⁵

The second reason to focus on housing is the presumed lack of enforceability. The human right to housing articulated in international legal documents is a welfare right requiring positive provision on the part of government. For this reason it is often taken to be less important than other rights and aspirational rather than regulative. ³⁶ My hope is that by focusing on a right that is contested and whose implementation is only minimally institutionalised, it will be possible to reveal how the difficulty of enforcing a right to housing is a feature of a limited rights politics that is complicit with existing powers in the contemporary social order. Conversely, given the marginality of a human right to housing, looking to resistance movements claiming such a right will illuminate the possibility of human rights to serve more radical ends.

These intellectual goals could be achieved by looking at other rights but there is a third reason for focusing on a human right to housing, which is its importance in responding to a worsening crisis. The lack of affordable and safe housing is an ongoing human catastrophe of global scope. Even before the 2007 mortgage crisis many individuals and communities around the globe struggled to make a home for themselves, lacking either access to housing or land. In the global south this struggle takes the form of mass displacement from the countryside to cities unable to properly house the influx of people, leading to the explosive growth of slums over the past 30 years. ³⁷ In the global north poor people are forced out of public housing, while social support for housing decreases and public money is increasingly being spent to extend benefits to the wealthy. This has lead to a cycle in which working class and poor communities are abandoned by industry and government, leaving these communities to decay or become sites of redevelopment which profit developers and investors over
displaced long-term residents. The result of these moves has been an increase in the number of people living in unsafe and insecure housing, rising costs while wages stagnate or decline and, in the most unfortunate cases, increasing levels of homelessness.

Events in 2007 and since have made the situation worse for those struggling to find a home. There is too much to be said about the global fight for the right to a safe and secure home for a single article, so here I focus on the United States. Again the reasons are multiple. Focusing on the human right to housing in the US is illuminating because the US has a political culture in which rights are part of the common discourse but human rights are generally seen to be applicable to international rather than domestic politics. The US does not normally tolerate international oversight or interference in terms of human rights in its domestic affairs. In many ways the US attitude towards human rights epitomises the use of rights as a tool of governance – of others by the US. Therefore the use of human rights by social movements in the US is surprising and reveals the role they can play in fomenting resistance as an appeal to human rights rather than domestic rights already reflects a degree of disenfranchisement. This is substantiated in the case of a human right to housing, as the movement is strongest among urban communities of colour and homeless communities, both of which face exclusion from the domestic regime of rights.

Further, among states in the global north the US has experienced the most profound housing crisis. The disinvestment in public housing and removal of support for the poor has been on-going since the late 1970s, which laid the groundwork for the expansion of mortgage lending to low-income borrowers, rising costs of market-rate housing and an increase in the number of people experiencing homelessness. Additionally, the questionable and often illegal policies of mortgage lenders creates further threats to the human right to housing, as discrimination, harassment and fraud committed by lenders has been rampant. Thus far the government’s response has been minimal and shown no recognition of housing as a human right. Even minimal reform efforts intended to regulate financial practices and provide relief to homeowners have proven ineffective, benefitting banks and lenders over affected individuals. These limited responses have combined with long-term neglect create an unstable situation for many Americans.

The primary way of securing housing in the US is through home ownership, but the 2007 mortgage crisis has resulted in many homeowners losing their homes or getting stuck with loans far in excess of the value of their homes. In turn this resulted in an influx of people into the rental market, raising rental costs higher and pushing the poorest into sub-standard housing and homelessness. In the US today there is not a single state in which a full-time week of work at the minimum wage would provide enough income to rent a one-bedroom apartment. The difficulty of securing housing was illustrated most vividly when in the wake of the 2007 crisis encampments of newly homeless people started to spring up around US cities, giving new visibility to a reality that is all too well-known to the chronically homeless in the US. The depth of the housing crisis in the US reflects the degree to which key government agencies are serving the interests of property owners, housing developers and mortgage lenders, such that appeals to existing legal rights on the part of individuals offer limited redress. It is in this gap where a movement around housing as a human right has developed, offering a chance to see what kind of work they can do both in resisting the government’s limited response and altering the dominant framing of housing as commodity rather than a right. In contrast, the movement for a human right to housing presents an alternative framing calling for profound social
transformations in patterns of property ownership, increased investments in public welfare, more robust legal and political protections, and the re-conceptualisation of as right rather than a commodity.  

Given the limits of space there is a risk of falling into abstraction and generality here, so rather than try to provide a comprehensive account of the threats to the human right to housing crisis I want to highlight specific cases that exemplify broader trends. A revealing place to start is with the destruction of public housing. The move to frame the loss of public housing as a human rights violation is a radical act, as the primary narrative in the US focuses on the failures of public housing. This narrative depicts public housing projects as havens of criminality and cyclical poverty, damaged and despised by the residents themselves.  

Willie JR Fleming of the CAEC highlights the importance of public housing, speaking about them as spaces of community where generations of people made their home even amidst undeniable problems. Fleming was a resident of the Cabrini Green public housing project in Chicago and was active in the effort to preserve it when the city moved to close it. Residents protested that their community was being destroyed and that they were being displaced and impoverished by the closure. The city went ahead with the demolition, funded partly by federal Hope VI funds, even though the final redevelopment plans are not set. While Hope VI fund include a requirement to replace demolished public housing with new units, there is no requirement that the replacement is one to one. Residents were well aware of this, so the City’s claim that the redevelopment would include space for the existing community gave them little reason to be optimistic. Residents knew that when the buildings that made up Cabrini Green were destroyed that their community would be as well. As the redevelopment has gone ahead it has become clear that there has been a massive reduction in low-income housing with the vast majority of residents permanently displaced.

Beyond having their homes destroyed residents were displaced from the Chicago’s Near North Side – an increasingly valuable area for real estate development – to neighbourhoods further from the centre or outside of the city altogether. When public housing residents are displaced there is little chance of moving into new public housing units as cities in the US have waitlists that are years long. In Chicago the list was closed for 10 years because it had grown so long. To compensate displaced residents are given Section 8 vouchers to use in the private rental market. These vouchers, however, only cover rent and therefore residents are often impoverished by their move because they then have to pay utilities in addition to their what their voucher pays and often incurring increased transportation costs and reduced employment prospects. Further, many landlords do not accept Section 8 vouchers, especially in areas that are well connected to transport links, employment opportunities and local services, so as a feature of the housing market, displaced public housing residents are effectively ghettoized. The closure of Cabrini Green is but one example of this in the city of Chicago, where it is estimated that through various forms of displacement and migration over 180,000 African American residents have left the city according to the 2010 census. This pattern is not unique to Chicago and can be seen in many other cities that have been extensively redeveloped.

Washington DC, for example, had been a majority African American city since the 1950s but in 2011 that changed, largely due to redevelopment of neighbourhoods that has pushed out poor African American residents and brought in wealthier white residents. Working with One DC, a community organising group in the city, I met with residents of public housing unit called Lincoln Westmoreland II
that is being redeveloped and renamed Heritage at Shaw Station. The Lincoln Westmoreland II building is privately owned and operated but the residents are public housing tenants and the landlord receives money from the federal government through project-based Section 8 funds. Recently, however, the landlord has opted out of his contract – effectively eliminating dozens of public housing units. Residents have the ability to stay if they can secure Section 8 vouchers but if a unit is vacated the landlord now has the ability to rent the unit out at market rates. Lincoln Westmoreland II is located in the Shaw neighbourhood of Washington DC that is being quickly and thoroughly redeveloped, so the landlord has significant motivation to turn the units into market-rate rentals. Residents are already under threat from the systemic forces eliminating public housing, but now face harassment form the landlord as residents have been kept in the dark about developments and had their efforts to organise a tenants association disrupted. Again what is happening in the Shaw neighbourhood is only part of a larger pattern in Washington DC, as poor communities and public housing residents are pushed out of the city and into neighbouring cities in Virginia and Maryland, with estimates of African American displacement reaching as high as 40,000 residents.

Seen through a human rights lens the process normally termed redevelopment or gentrification begins to look very different, resembling forms of forced displacement. Residents are not only losing their homes but they are being separated from their communities and livelihoods, prevented from exercising their political freedoms and in many cases being explicitly harassed. For example, police often target residents of public housing when a city moves to have units redeveloped because there is a federal law dubbed the “one strike” policy that gives public housing authorities the ability to ban residents if they have criminal records. This ban can prevent individuals from living in public housing for life in some cases and can be used against their families as well. Infamously an elderly woman, Pearlie Rucker, was evicted from public housing when her adult daughter was found with drug paraphernalia blocks from Rucker’s apartment, an action that was upheld by the United States Supreme Court. In the City of Chicago these policies have been intensified as public housing authorities used the powers granted to them to evict those who were accused rather than convicted of a crime, even if the accused was only a houseguest rather than a permanent family member. There are reports that this city policy was used to clear out residents of Cabrini Green who were resisting their displacement by using the geography of the projects to force residents to trespass through a condemn section of the project as it was the only access to the local neighbourhood.

The destruction of public housing, however, is only one area where the human right to housing is under threat. For those who are unable to gain entry to public housing or who have been displaced, the options for finding safe and affordable housing are limited. Poor people in the US tend to end up living in slum conditions, being exploited by predatory lending schemes or suffering prolonged periods of homelessness. In downtown Los Angeles the circumstances that poor residents face illustrate the multiple levels of exploitation and neglect faced by those struggling to secure a home. City law and local custom in Los Angeles has lead to the use of long-term hotels in the downtown area to provide the primary residence for poor people. These buildings are often run down and unsafe, but in addition to the neglect of the buildings, landlords have the ability to severely restrict what residents can do on the property, including charging for guests or preventing them altogether, while residents have no secure claim to housing and can be evicted at any time. Downtown Los Angeles
Angeles, however, is being redeveloped and even these minimal low-income housing options are disappearing. The effect of this can be seen in the downtown area where thousands of homeless people camp out on Skid Row and live their lives within a tightly monitored radius, under the eyes of the city’s highest concentration of police officers and numerous charities providing health and social services. Walking down Skid Row it is hard not to compare it to displacement camps in other parts of the world where people without a home are collected and managed.

In Los Angeles the lack of affordable housing, government neglect and abuse by unscrupulous landlords has led to a people’s declaration of human rights from local residents, which focused on the right to housing. The declaration and action taken around it called for the provision of affordable housing, enforcement and strengthening of existing housing law protecting tenants and an renewed focus on providing housing as a basic social right. Seeing the issue of low-quality housing and lack of affordable housing as a human rights violation changes the narrative from one focused on individual failure and poverty to one where the exploitative and often illegal practices of landlords are ignored by city, state and federal authorities whose primary focus is encouraging and maintaining the real estate market as a key driver of the economy. It also raises doubts about the argument against social or welfare rights that claims they are too expensive, as government at multiple levels use public funds to provide tax incentives to middle-class homeowners and development projects. One of the most egregious practices is the granting of public land to private developers, especially in cities shortages of affordable housing. In Washington DC, for example, the city has moved to give a lot in the Shaw neighbourhood called parcel 42 to developers. In this area a plot of land near public transportation is extremely valuable, yet the city has given away the land rather than selling it at a fair market price. One DC organised around Parcel 42 and occupied the lot in an effort to ensure that new housing built would include affordable units. Focusing on the human right to housing highlights that the problem is not a lack of money available for housing but that resources are being redirected.

The lack of affordable and adequate housing also worsens the circumstance of those already struggling economically and facing various forms of vulnerability. For example, when public housing residents find themselves forced out of their homes and into the private rental market not only do they lose touch with their community and incur increased costs, they are also exposed to new dangers both through poorly maintained housing that can cause health problems and by living in areas with high rates of violence and other crime – which notably includes the threat of falling victim to police violence. Martha Biggs, another member of CAEC, experienced this rapid transition from public housing to inadequate private market housing and then into homelessness. Ms Biggs is a single mother with four daughters and she and her family ended up living out of their car. She is capable and willing to work but the interlocking structures of deprivation and marginalisation have left this talented and hard-working woman with few options, which lead her to join with the CAEC in their move to occupy abandoned homes. Living without a home in contemporary US cities is a difficult experience and individuals live day to day, relying on charity for their basic needs, exposed to threats to their physical and mental well-being and targeted for harassment and abuse by both the police and the private security forces that guard the private business districts established in many urban centres.

Given the destruction of public housing and the increasing costs of renting in the private market, it is increasingly difficult for poor Americans to find housing. In the US home ownership is emphasised both through policy and public culture, yet for
the poorest Americans, and especially for poor communities of colour, buying a home was not a possibility until relatively recently. Government funds were key to enabling working class homeownership in the middle of the 20th century but those funds were distributed in a discriminatory manner as minorities were excluded from lending as policy until the passage of the civil rights act, though the issue of discrimination and segregation in housing continues to be a problem in practice. Over the past 30 years, however, public support for poor and working class housing and homeownership has been removed. Instead the government has enacted policies that encouraged more lenient practices by mortgage lenders. As investors were seeking new sources of profit, the imperative to sell mortgages grew to a fever pitch and these changes encouraged banks to offer subprime mortgages under the guise of expanding homeownership for poor people and minorities. The collapse of the housing market that began in 2007 revealed many fraudulent practices, from Countrywide’s illegal targeting of minority communities in their sales of sub-prime mortgages to the revelation that lenders are foreclosing on properties that they do not legally own, as titles were never legally transferred between lenders.

In Chicago, retired police officer Patricia Hill has been fighting eviction for two years. The mortgage on Ms Hill’s home on the south side of Chicago was raised by $500 a month in 2009 when her lender informed her that the fee was being charged because she did not have homeowners insurance. Initially this seemed like a simple error but the bank refused to acknowledge that Ms Hill did in fact have insurance and continued to issue the charge, which Ms Hill refused to pay. The outstanding charge was then used as justification to foreclose on the home. The bank issued a foreclosure notice and refused to negotiate with Ms Hill. After she was evicted in 2012 she moved back into her home with the support of the CAEC and refused to leave while fighting the charge in court. There was indication that the bank was willing to make a deal but then in 2013 she was evicted again, though in a surreal twist the bank refused to acknowledge the first eviction ever happened. Her fight with the bank continues. Similar stories have been documented around the country. For example, Catherine Lennon of Rochester, NY fought for two years with her lender after she fell behind on her mortgage payments following the death of her husband, in part because the bank refused to communicate with her about the mortgage that was in her husband’s name. Mrs Lennon was turned out by gunpoint in a stealth raid after supporters blocked her eviction on multiple occasions. Working with a group called Take Back the Land (TBL) she returned to her home and continued to fight the bank in court. Eventually, it was revealed that the bank could not provide a title to the home, in effect meaning that they were not the legal owners. Mrs Lennon has secured the deed to her home and now owns it out right, but her case is the exception rather than the rule, as in the majority of cases the illegal activity of banks goes unchallenged. Importantly, women like Ms Hill and Mrs Lennon have worked with groups framing the issue in terms of human rights violations, which helps homeowners replace narratives of personal failure with ones focused on the criminality of lenders and the complicity of government institutions failing to support citizens or regulate lenders.

With a clearer picture of how the right to housing is violated in the US, it is possible to see the inadequacy of existing human rights protections and institutions. To begin with there are very few mechanisms in place to enforce social and economic rights in general. For those under the jurisdiction of the European Court of Human Rights there is some enforcement, though the courts authority depends upon the willingness of states to submit to its judgements and the bureaucratic structure of the
institution stymies any serious pressure for radical social change. Most other regions have much weaker enforcement, the US for example comes under the Inter-American Court of Human Rights, but the court’s power is limited to hearing testimony and offering unenforceable recommendations, as they did in 2005 on the issue of housing rights.\textsuperscript{81} The UN’s powers are likewise limited, though the UN Special Rapporteur on the Right to Adequate Housing did visit the US in 2009.\textsuperscript{82} Additionally, reports on the right to housing have been submitted to the UN Human Rights Council as the US was under periodic review in 2010, and will be again 2014.\textsuperscript{83} The effect of recommendations, warnings and even public pressure are limited though as its difficult to recognise these sorts of rights violations as such within the existing framework, particularly in the US as the International Covenant on Economic, Social and Cultural Rights has not been ratified. Even where such violations are recorded and recognised there is no effective power to challenge the US government to either protect housing rights more effectively or force positive changes to ensure the right to housing is realised.

There is a further challenge, however, in that even if the human right to housing is recognised and its violation are documented in regional and international institutions, there is still a fundamental inability to address the deep roots of the problem. The suggestion that the commodification of housing itself is a human rights violation is unspeakable in the liberal rights framework. Demands for land redistribution, communal ownership or an expansion of public housing are all rendered impossibly utopian when human rights aspire to only seek redress from government authorities. As detailed above, the violation of the right to housing grows out of government neglect of housing as a right and its complicity in the exploitative and often criminal practices of private actors. If human rights are understood as the claims of individuals to protection from their government within the confines of existing economic structures of private ownership and market distribution of housing, there is scant reason to think that conditions in the US will improve for the poor and marginalised. It seems Brown’s critique returns to us. Human rights as they are institutionalised internationally, regionally and nationally provide little scope to pursue wider visions of justice beyond an appeal to the organs of the state to treat us rightfully and perhaps provide some minimal compensation or protection from the inequalities and deprivations perpetuated by private institutions. From what has been said thus far it seems that looking at housing as a human right provides a way of understanding the depth and complexity of the problem, but with out offering a way of making the more fundamental political and economic changes necessary to secure such a right. In what follows I expand on what necessary changes have been identified by those involved in the social movement for a human right to housing and the tactics they use to begin to take the measure of what might be made of human rights.

**Community Empowerment and Human Rights**

Alongside international and domestic efforts focused on human rights standards, there is an identifiable movement to not only ameliorate the violations of existing legal right but rather to claim housing as a more substantial human right. Unlike conventional political action on rights, focused on pressuring private and public authorities to adhere to established standards, radical activists see themselves as organising politically to fight for fundamental transformations necessary to achieving the human right to housing. On this understanding, rights become a way of framing
political demands for communal autonomy and social transformation, not merely inclusion in the existing order or change within the terms of the given discourse.

Contra Brown’s criticism, radical activists make use of the idea to pursue larger projects of social justice in which a reclaiming collective democratic political agency is central. This more radical and substantive claim can be traced through a variety of movements in which political engagement becomes central to the meaning of rights. The Landless Workers Movement in Brazil has used human rights claims in this way since the 1980s when they began occupying land to build communities, claiming the human rights and needs of the people superseded the rights of landowners.³⁴ In South Africa starting in the 1990s residents of shantytowns began to organise, refusing to leave their homes when the government tried to move people to make way for new development. The connected movements across South Africa are held together by their focus on both claiming a right to housing through extra-judicial tactics and insisting on the right of poor and working people to participate in democratic decision making.³⁵ Groups in the US have drawn ideas and tactics from these earlier movements, particularly from groups in South Africa. The Chicago Anti-Eviction Campaign draws its name from The Western Cape Anti-Eviction Campaign and the relationship that exists between these groups.³⁶ Both TBL and One DC maintain links with the global movement.³⁷ As suggested earlier this is a very different human rights project, one oriented towards how human rights empower individuals and communities to claim their rights rather than towards how universal authority can be administered globally.

Gesturing to the wider movement for a human right to housing is not intended to mark out a moment of origin but to give the activities of groups in the US context. Rather than suggesting that there is a single movement, what I am calling a global movement is a collection of different movements working towards similar ends, sharing tactics and embodying an alternative human rights ethos of resistance and empowerment. Importantly, this puts the activities in the US in an unexpected context as it shows human rights practice flowing from outside dominant liberal states and Western cultures back into those societies.³⁸ Further, it challenges the prevalent idea that human rights do not provide a political vision beyond that of post-Cold War liberal capitalism in which the victims of social oppression are reconciled with their oppressors without instituting real political change.³⁹

Within the US established organisations of homeless people and the marginalised urban poor have begun to work with newer organisations that have formed in the wake of the 2007 mortgage crisis. What holds these groups together is a belief that the normal process of legal appeal and legislative change is exhausted – on its own unable to provide meaningful change. At the centre of this movement is a rejection of the idea that housing is first and foremost a commodity or an investment. Rejecting the idea that one’s home is a commodity leads to a critique of the larger economic and legal structures that enable mortgage lenders to make profits off of basic human needs, empower banks and governments to destroy communities and deny individuals a place to live in the name of profit.⁴⁰ The failure of the government to regulate lenders or assist homeowners overwhelmed by the mortgage crisis ties into the historic disinvestment in public housing and discriminatory housing policies to provide a narrative of governmental neglect.⁴¹ Further, the contradiction of seeing an abundance of housing units while individuals suffer homelessness has become a rallying point for critique and action. JR Fleming of the CAEC describes the group’s work as putting homeless people in people-less homes. The failure of either the “free market” or government to provide access to housing is seen not as a matter of
incompetence or incapacity, but rather a consequence of the political power of the economic elite to manipulate the organs of government to maintain control of land for the creation of profit.\textsuperscript{92}

This political reading of the housing crisis then leads to the second point of emphasis shared among the groups in the US: claiming and realising a human right to housing involves remaking the political as well as the economic order. Members of One DC defined human rights as undeniable claims to what individuals and communities need to thrive.\textsuperscript{93} Housing as a human right is fundamentally a right to have access and control over the land and property required to make a life for one’s self in community with others. This control and the community exercising it are vitally democratic, insisting on inclusion not just in a regime of protection and service but in the process of building and exercising power. For One DC as an organisation human rights are a way of building community empowerment that goes beyond organising for affordable housing measures, protecting public housing or contesting the use of public resources for private interests – though these all feature of the organisations work. Human rights and community empowerment are ways of realising a democratic and just society.\textsuperscript{94} While One DC is distinguished by the clarity with which it articulates the democratic aspects of their activism, groups working globally to claim a more substantial and transformative human right to housing share in this approach. The critique starts from a recognition that democracy as the capacity of each individual to participate in the marking of their community has been degraded and needs to be reclaimed, as such the groups in the US focus not only on political participation and securing the political rights of those who are marginalised but on community empowerment. A recurring theme is the need for political education, community building and greater autonomy; this is particularly strong among groups comprised primarily of minority urban residents and homeless individuals.\textsuperscript{95} This dual critique is then put to work through political organising, which we can see in action by looking at the extra-legal tactics used not only to advocate and organise for but also to realise the human right to housing through political action. The depth of the critique and radical nature of the demands articulated in the movement for a human right to housing has a real consequence for these groups. As the South African group Abahlali baseMjondolo has been described as “neurotically democratic”, groups in the US have often been shunned and marginalised for their commitment to democratic processes and building community power, making working with more conventionally-minded allies difficult at times and greatly increasing the difficulty in securing support and funding from established sources.\textsuperscript{96} These groups have first hand experience of Stammers’ paradox of institutionalisation and are wary of giving away the power they build through rights-based activism. Further, these groups are aware of the deeply aware of this potential within their own organisations and have developed processes of democratic decision making that focus on maintaining and building the power of the most marginalised.\textsuperscript{97}

At the centre of the US movement for a human right to housing is the tactic of occupation, taking over land or housing extra-legally as a political act meant both to highlight the injustice of the housing crisis and to enact the transformation sought by building communities on a radically different social basis. Foremost among the groups using occupation is TBL, which formed in Miami, but now operates nationally. In 2006 TBL was formed after local activists took over a vacant lot owned by the city and built a shantytown to house homeless residents.\textsuperscript{98} This move was meant to highlight the lack of effort by local officials to provide for citizens needs and rights, while also creating an alternative community. In collaboration with homeless people
who came to the Umoja village activists worked to build a democratic community that not only provided shelter but built relationships of empowerment and responsibility. In the end the shantytown was burnt down under suspicious circumstances and although the public land it was built on was used to provide some low-income housing, TBL pressed forward with the idea of occupation and building political power among marginalised communities.

In 2009, One DC carried out a similar campaign on Parcel 42, a lot owned by the city of Washington DC and marked for redevelopment. Members moved on to and camped out on the lot to highlight how the city was giving away public lands for private profit while residents were struggling with rising rents and poor quality housing. Again the tactic won some concessions – the redevelopment of Parcel 42 will include a guaranteed percentage of low-income units – but One DC’s focus has remained on the wider goal of transforming the social conditions that create these situations. The tactic of occupation, drawn from both MST and activist groups in South Africa, has been expanded in the US context as groups turned their attention to the abandoned homes that were increasing in number since 2007. The CAEC and TBL, among others, have developed a program whereby they catalogue and inspect homes that they know to be abandoned, targeting those owned by banks or governments rather than individuals.99 These abandoned homes are then liberated as members make necessary repairs in order to move new residents into the homes. TBL has organised its work as a national network hub, working to coordinate with many other local groups operating throughout the country.

The tactic of occupation changed again as the mortgage crisis increased the number of people affected. While groups like TBL and CAEC are focused on those historically most excluded from the housing market, the wave of foreclosures and evictions that resulted form the collapse of the wider economy meant that there were new groups experiencing the housing crisis in their own way. Occupy Our Homes (OOH) is a group that formed as an offshoot of the Occupy Wall Street movement, focusing on assisting individuals facing foreclosure to refuse their eviction and occupy their own homes, challenging the banks’ moral and legal authority to turn them out.100 Taken together this move to occupy both land and housing achieves a number of goals. First, it raises the issue of housing in a dramatic and public way, forcing the public and government officials to confront the reality of the housing crisis. Second, it politicises what is often seen as a private matter, turning the personal catastrophe of homelessness, eviction and foreclosure into public discussions about housing policy, government responsibility and the injustice created by treating housing as a commodity.101 Third, this tactic builds community power by bringing individuals together for common purposes, to live together on vacant land, to refurbish abandoned homes and to assist individuals to resist displacement.

A second tactic used by these groups is eviction defence, as the occupation of or refusal to leave a home leads to a confrontation with authorities. In the case of Katherine Lennon mentioned earlier, TBL resisted her eviction defence by mobilising volunteers to stand with her when police came to evict her, assisting her in moving back into her home after she was finally evicted, mobilising around her case with the media and wider public, and finally by representing her in court where she was able to win the legal title to her home. Similarly, the CAEC assisted Patricia Hill as the mortgage lender pursued multiple evictions. This model has been adapted by OOH to work with those facing eviction across the country. The overall goal of this tactic, along with providing support to homeowners who face direct pressure from lenders, police and government officials, is to slow down the process of eviction and politicise
it. This is a key feature of the work these groups do as politicising eviction draws out the importance of home to every individual, such that evictions are not only personal catastrophes but communal ones as well, as they highlight the vulnerability of homeowners and the power of lenders over the lives of members of the community. Further, by providing spaces for collective action they generate a rights consciousness focused not on the dependency relationship between state and individual but built on the notion of a demand for recognition and inclusion.

This demand for inclusion is, however, not a demand for inclusion in existing social structures but for inclusion as a participant in a community empowered to remake these structures. We can see this focus on greater public control and communal autonomy in the tactic of building common ownership to replace the current model of individualised ownership. Attempting to create forms of communal ownership is the most difficult task groups in the US are pursuing because it requires the most profound change. Nonetheless we can see how this tactic is developing. One DC, for example, has a history of developing cooperative housing for low-income residents, particularly by mobilising funds available to the community so that residents can buy their buildings and run them for themselves.  

Dominic Moulden highlighted the potential of this tactic despite the difficulty in achieving it, as creating resident owned housing fosters autonomy within the community and builds relationships of solidarity by allowing residents to see their own power and capacity, while also requiring them to take on the responsibility of being members in a community.

Expanding on cooperative ownership of residential buildings, many of the groups in the US are focused on building community land trusts as a long-term goal. Community land trusts give ownership of the land on which housing is built to the community itself, while allowing individuals to hold secure tenure to properties on the land. This would prevent the commodification of housing and protect communities from the devastation wrought by mortgage speculation, fraudulent lending practices and the corrosive process of capitalist redevelopment. Along with these practical benefits, the move to develop community land trusts also builds political power for marginalised communities while making them more democratic and autonomous. In Chicago the members of the CEAC are working towards a vision of autonomous neighbourhoods in which the land is owned in common, where housing is securely held by residents and available at an affordable prices, where the vacant lots that mark Chicago’s south side are developed into community gardens and workspaces and where the community becomes self-sustaining though increasingly local provision of services, trades and commodities.

There is obvious a utopian element to this vision, as there is with all visions of justice. However, contra the critics of human rights as an ideology of governance, it is vision that goes well beyond the neoliberal imagination of individualism, consumerism and governance. Further, in practical terms it is not an excessively utopian vision. In Chicago there are enough abandoned homes, many of them owned by the city itself, that the impoverished south side could be regenerated by giving the land and houses over to the local community and supporting local community and business development – the costs would be much less than those associated with enticing and maintaining capitalist investment. The utopian element of course is that such a plan would require city, state and national government to actually be working in service of marginalised communities. This is the dilemma many of the groups working in the US face, the impossibility of their demands is essentially political – it is not due to a lack of alternatives or social resources, but to the configuration of power in society.
Conclusion

This is a vital lesson from the movement for a human right to housing: realising a radical human rights claim is deeply political and requires profound and sustained resistance though organising and mobilisation. So, contra Brown human rights as an idea are capable of providing a more substantive vision of justice and supporting an alternative political subjectivity, yet they provide no escape from the contest of politics. That contest takes place over the meaning of human rights as much as it takes place of the distribution of economic resources and the structures of property ownership. The women and men fighting for a human right to housing are not using human rights only to seek concessions from the state based on existing legislation, nor are they only using human rights to ask for protection in the language that power recognises, they are claiming rights in their own vernacular, drawing on their own needs and experiences, and they are attempting to use the idea of human rights to empower themselves and their communities. This political project is fragile and undertaken with no guarantees of success.

The conclusions we can draw here are necessarily limited. Not only is the coverage limited by space but also the work that human rights are being used for is unfinished. Therefore sweeping statements would be ill advised. Further, the ambition here is not offer a final endorsement of human rights but to suggest that they can be used as a tool for political projects that resist the given order of things and aspire to wider visions of justice. Yet there is (at least) one question that lingers, which is: even if human rights can be used in the ways we have seen, are they the best way of fighting for a more just world? Robert Meister’s criticism of human rights was eluded to earlier and his key insight remains vital: the human rights project as a whole tends to eschew political struggle and resistance in favour of reconciliation. This prospect reveals the perniciousness of how rights language is co-opted, it speaks a language of justice and dignity that quietly asks the abused and oppressed to essential forgive and forget. As a final reflection, what is notable about how the groups fighting for the human right to housing in the US negotiate this paradox is that they are uniquely aware of it and seek address in a democratic manner. As Max Rameau suggests, taking back the land requires a fundamental redistribution of power, economic and political, which in turn will turn society’s winners into losers on some level. This shift of power will generate anxiety but activists cannot turn away from it. He goes on to suggest, however, that this shift need not lead to antagonism as a commitment to democratic political relations offers a shared exercise of power. Human rights in this register offer both a transformation in the distribution of power and a basis on which more just social relations can be built and maintained. Yet, as ever, this vision of what human rights might be requires committed action from individuals and communities committed to it.

1 Interview with Isaac [last name withheld] of the Chicago Anti-Eviction Campaign conducted September 2013.
2 The Chicago Anti-Eviction Campaign was started in 2009 as an organisation opposed to economically motivated eviction and dedicated to keeping residents of Chicago in their homes as a way of protecting and realising the human right to housing. The organisation was started partly through an exchange with activists from
South Africa’s Western Cape Anti-Eviction Campaign. Further information is available at http://chicagoantieviction.org.

3 The idea of resistance has been developed extensively across a number of literatures. In this piece, however, I am using it in a relatively naïve way to refer to actions that are intended to oppose and challenge the given social rules and institutions, with an eye toward altering those structures but without presupposing that acts of resistance are linked to counter-hegemonic ideologies. This rough and ready account is informed by literature on everyday resistance, contentious politics and global social movements. The concept of resistance is not, however, a focus of investigation here, which is located more in the discourse of political theory. Louise Amoore, *The Global Resistance Reader* (London; New York: Routledge, 2005); James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (Yale University Press, 2008); Sidney Tarrow, *Power in Movement: Social Movements and Contentious Politics* (Cambridge University Press, 1998).

4 Interviews with Isaac September 2013; also interviews with Willie JR Fleming of The Chicago Anti-Eviction Campaign, April 2012 and August-September 2013, and interviews with Loren Taylor of The Chicago Anti-Eviction Campaign and Occupy Our Homes Chicago, April 2012.

5 Throughout the argument I use the language of “framing” to describe how activists both understand and use human rights, particularly challenging existing framings. Again this is a conceptual term borrowed from the literature on social movements that is being used in a relatively naïve way for the purposes of this argument, but I do intend for it to refer to the way in which ideas are transmitted and contested through political discourse and action. Robert D. Benford and David A. Snow, “Framing Processes and Social Movements: An Overview and Assessment,” *Annual Review of Sociology* 26 (January 1, 2000): 611–39.


9 Human rights are also of course what we have made of them. I do not want to suggest that they can be remade completely anew but rather that historically they are plural and these diverse histories provide many different paths of development. Affirming that human rights are what we make of them also requires attending to the histories unwritten or forgotten – to human right’s silences. Gurminder K. Bhambra and Robbie Shilliam, *Silencing Human Rights: Critical Engagements with a Contested Project* (Palgrave Macmillan, 2009).


11 Seyla Benhabib is an exemplary advocate who has defended the idea of human rights with great insight and sophistication. That defence, however, does rest on a view that human rights are a singular tradition realised through the plurality of the particular expressions of human rights, a criticism developed by Bonnie Honig and expanded by Joe Hoover. Seyla Benhabib, *Dignity in Adversity: Human Rights in Troubled Times*, 1st ed. (Cambridge: Polity, 2011); Bonnie Honig, “The Time of

Giorgio Agamben’s critique of right is among the most penetrating and damning, noting the limits of human rights as a vision of justice, the creation of rights subjects through governmentality and also emphasising the way in which rights reinforce the exceptional power of the sovereign. For all of the power of this critique, however, Agamben also draws on a problematic conception of rights as singular idea and practice, as is noted by Ayten Gündoğdu. Giorgio Agamben, Homo Sacer: Sovereign Power and Bare Life (Stanford, CA: Stanford University Press, 1998); Giorgio Agamben, Means Without End: Notes on Politics (University of Minnesota Press, 2000), 15–28; Ayten Gündoğdu, “Potentialities of Human Rights: Agamben and the Narrative of Fated Necessity,” Contemporary Political Theory 11, no. 1 (July 19, 2011): 2–22.


Žižek epitomizes this as he critiques human rights while also appealing to their emancipatory potential, see Žižek, “Against Human Rights.”


Maria Foscarinis, “The Growth of a Movement for a Human Right to Housing in the United States,” Harvard Human Rights Journal 20 (2007): 35. This aspirational approach can also be seen in the 2009 report by the UN Special Rapporteur on adequate housing, where Special Rapporteur Raquel Rolnik appeals both to existing commitments under US law and wider international norms that the US has not instituted. Unite Nations, General Assembly, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, A/HRC/13/20/Add.4 (12 February 2010).

Jordan T Camp and Christina Heatherton, Freedom Now!: Struggles for the Human Right to Housing in Los Angeles and Beyond (Los Angeles: Freedom Now, 2011);

19 Again Žižek is insightful on this point as he notes that neoliberalism as an ideology is universalizes one conception of human agency, while leaving room for expressions of difference via multiculturalism – this is the always present danger of universal claims but it is not the inevitable outcome of such claims.


22 Maria Foscarinis highlights the way third world countries and activists from the US were instrumental in advancing the human right to housing in HABITAT 2.


24 Ibid., 24–39.

25 Ibid., 102–130.


27 Brown,*States of Injury*, 96–134; Brown, “The Most We Can Hope For...” Kenneth Baynes has made a similar critique of Brown’s work by claiming that she overlooks the work that rights do in advancing democracy – I would contend, however, that while Baynes is right to look to human rights praxis he not only fails to do so with any depth in his critique of Brown but he also does not acknowledge that there are a multiplicity of human rights praxes to be considered. Kenneth Baynes, “Rights as Critique and the Critique of Rights: Karl Marx, Wendy Brown, and the Social Function of Rights,” *Political Theory* 28, no. 4 (2000): 451–68.

28 Agamben,*Homo Sacer*; Agamben, *Means Without End*. Agamben’s critique differs from Brown’s in his debt to Arendt and his emphasis on the sovereign as figure empowered rather than constrained by individualism of human rights. Andrew Schaar draws out the limitations of this essentially Arendtian emphasis on the priority of the political community to rights claims and makes own moves toward an agonistic understanding of rights though Ranciere that notes the capacity of human rights to serve as a tool to disrupt the given political community. Schaar, “Enacting the Right to Have Rights.”

29 James Griffin make this claim explicit as he identifies dignity, defined in terms of autonomy, as the special quality of human beings that justifies the power of human rights. Though it is easy enough to contest how he fills in the question of what’s special about human nature, it is more difficult to contest this logic. John Tasioulas, for example suggests that Griffin’s account is misses many other values that are


32 This analysis is similar to Upendra Baxi’s distinction between a politics of human rights and a politics for human rights, as well as Neil Stammers’ analysis of how social movements’ human rights claims are domesticated by government authorities. Baxi, *The Future of Human Rights*; Stammers, *Human Rights and Social Movements*.


34 The need for housing is essential to most all other human rights as it is hard to imagine what a right to privacy means without a home, or how one could exercise political rights without a residence that establishes membership, further right to welfare, education and work all require having a space to rest, live and find sanctuary from the social and natural world.


As a final note, I have focused on the US as an example because of my personal connection as a citizen of that country. In doing research where I have involved myself in the lives of oppressed and struggling communities, I felt it was important to confront my own role as a researcher. While I stand by the accuracy of what presented here, this work does not aim at neutrality but rather solidarity with the women and men I have met and shared time with as they work to improve their lives and sustain their communities. Therefore, I begin this work in the US because I have
some belonging and responsibility as a citizen, while also sharing social and cultural space with those I have worked with.


52 Interviews with Willie JR Fleming conducted April 2012 and August-September 2013, Chicago, IL.


56 Section 8 funds are those provided by the federal government to subsidize housing costs for qualifying individuals without a space in public housing units. Funds can either be provided directly to private landlords running private residential properties or it can be provided directly to qualifying individuals as rental vouchers. These policies were intended to de-concentrate poverty and create integrated neighborhoods with mixed-incomes. Background on effects of Section 8 vouchers on residents come from interviews with Dominic Moulden, of One DC, August 2013, Washington DC. Additional information gathered through participant observation of meetings with members of One DC conducted August 2013. Information specific to relocation for Cabrini Green residents provided by interviews with Willie JR Fleming, April 2012 and August-September 2013, and interviews with Loren Taylor of The Chicago Anti-Eviction Campaign and Occupy Chicago, April 2012. Further background can be found in Edward G. Goetz, “Forced Relocation Vs. Voluntary Mobility: The Effects of Dispersal Programmes on Households,” *Housing Studies* 17, no. 1 (2002): 107–23; John M. Hartung and Jeffrey R. Henig, “Housing Vouchers and Certificates as a Vehicle for Deconcentrating the Poor Evidence from the Washington, D.C., Metropolitan Area,” *Urban Affairs Review* 32, no. 3 (January 1, 1997): 403–19.

57 This population loss is driven by a number of factors, as African American residents have moved for a variety of reasons, ranging from concerns for safety, access to employment and education, and to escape persistently segregated and impoverished neighborhoods. Steve Bogira, “Separate, Unequal, and Ignored,” *Chicago Reader*, accessed February 7, 2014, http://www.chicagoreader.com/chicago/chicago-politics-segregation-african-american-black-white-hispanic-latino-population-census-community/Content?oid=3221712; Matt Sledge, “Chicago’s Black Population


60 One DC, which stands for Organizing Neighborhood Equity DC, is a community organising group in Washington DC that formed in 2006. One DC started as a group called Mana CDC, which worked as part of Mana, Inc and was focused on securing affordable housing for residents in the Shaw neighbourhood of Washington DC. Today One DC works on issues of housing, jobs and income, all within a human rights framework and focusing on building community power through democratic practices led by affected communities. More information can be found at [http://www.onedconline.org](http://www.onedconline.org).


62 Fieldwork conducted August 2013, including attending meetings with residents of Lincoln/Westmoreland II conducted by One DC and meetings with the tenants association, Washington DC.


67 Interview with Loren Taylor April 2012, Chicago IL. Loren Tayloe provide details of how residents of Cabrini Green were cut off from neighbourhoods to the east by train lines and the local neighbourhoods to the west that residents were part of and frequented for shopping and services was cut off by the condemned row houses. In
effect, residents at Cabrini Green were forced to walk through the condemned row houses, where there were “No Trespassing” signs but no barriers. Individuals passing through this space were liable to arrest, which in Chicago was sufficient to begin eviction proceedings. These accounts come from residents and are difficult to substantiate but it is obvious such actions would have been available to the city.

68 Interviews with Becky Dennison of Los Angeles Community Action Network, February 2012 via phone from London and April 2012 in Los Angeles, CA.


Interview with Bilal Ali, Los Angeles Community Action Network Organizer and Occupy the Hood, conducted April 2012, Los Angeles, CA.


73 Laura Gottesdiener, A Dream Foreclosed: Black America and the Fight for a Place to Call Home (Zuccotti Park Press, 2013). Martha Bigg’s is featured as one of the stories throughout the book highlighting the effect of the housing crisis for African Americans.


80 Take Back the Land was formed in Miami in 2006 and its first action was the creation of Umoja village shantytown in Miami. The action was intended both to raise the issue of affordable housing in the city and to provide housing to homeless residents. The group has since moved to work at the national level and focuses on realising the human right to land and housing through direct action that aims to give oppressed communities control over land and housing. Further details can be found at http://takebacktheland.org and in Rameau, Take Back The Land.

81 Foscarinis, “Advocating for the Human Right to Housing.”

82 Unite Nations, General Assembly, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik, A/HRC/13/20/Add.4 (12 February 2010).


84 Sue Branford and Jan Rocha, Cutting the Wire: The Story of the Landless Movement in Brazil (London: Latin America Bureau, 2002).


86 Interview with Willie JR Fleming, March 2012 in Chicago, IL.

87 Interview with Dominic Moulden in August 2013, Washington DC.

88 What is surprising about this flow of human rights ideas and tactic is both that ideas are being transferred from a state in the global south, normally conceived as human rights receivers, and that human rights are being transmitted between marginalised groups, rather than from elite groups to marginalized communities normally seen as consumers of rights. Mark Goodale has theorised this alternative flow of human rights in contrast to conventional ideas about norm cascades, and in effect the spread of a radical of the human right to housing illustrates these flows. Mark Goodale and Sally Engele Merry, eds., The Practice of Human Rights: Tracking Law Between the Global and the Local (Cambridge: Cambridge University Press, 2007), 1–38; Thomas Risse, Steve C. Ropp, and Kathryn Sikink, eds., The Power of Human Rights: International Norms and Domestic Change (Cambridge: Cambridge University Press, 1999).

The opposition to the idea of housing as a commodity runs through the work of many of the groups working to claim a human right to housing, as was found in interviews with Matt Browner-Hamlin of Occupy Our Homes (phone interview February 2012), various members of One DC interviewed in March 2012 and August 2013, and Loren Taylor of the Chicago Anti-Eviction Campaign and Occupy Our Homes Chicago, interviewed in March 2012 and August-September 2013.

Interviews with Michael Primo and Rachel Falcon of Housing is a Human Right March 2012, New York, NY; interviews with One DC members August 2013, Washington DC; Interviews with Becky Dennison of Los Angeles Community Action Network in February and April 2012, Los Angeles, CA; interview with Paul Boden of the Western Regional Advocacy Project in April 2012, San Francisco, CA; and telephone interview with Laura Gottesdiener in November 2013.

This political reading came out very strongly in interviews with Dominic Moulder of One DC in March 2012 and August 2013; Rosemary Ndubuiizu of One DC in August 2013; Willie JR Fleming of The Chicago Anti-Eviction Campaign, March 2012 and August-September 2013; and Paul Boden of WRAP, April 2012.

Interview with One DC members March 2012, Washington DC.

Interviews with Dominic Moulder March 2012 and August 2013, Washington DC.

The focus on democracy and political organizing was particularly clear in the work of One DC, Empower DC, Take Back the Land and the Los Angeles Community Action Network, where there was a focus on leadership from within the membership and democratic forms of decision making.


In interviews members of One DC, the Chicago Anti-Eviction Campaign and the Western Regional Advocacy Project (which organises homeless communities in San Francisco) all highlighted the difficulty in securing funds and access when an organisation insists that minorities, poor people or the homeless are not only served but empowered to act for themselves.

In interviews members of One DC, LA CAN (Los Angeles Community Action Network, who work with poor and homeless people in downtown Los Angeles), WRAP and Take Back the Land all make this an institutional priority, giving tenants, homeowners, and homeless individuals the power to make the decisions and do the work, as they are membership organisation dedicated to developing and maintaining the power of the people the organisation are for.

Rameau, *Take Back The Land*.

Interviews with Chicago Anti-Eviction Campaign members, including Willie JR Fleming, Loren Taylor, Patricia Hill, and Toussaint Losier in March 2012 and August-September 2013.

Interview with Matt Browner-Hamlin, February 2012.

This point highlighted in interviews by Matt Browner Hamlin, February 2012, and Laura Gottesdiener, November 2013.

Interviews with Dominic Moulder, March 2012 and August 2013, Washington DC.

Interview with Willie JR Fleming in August-September 2013, Chicago, IL.