

PROPERTY, NECESSITY AND HOUSING. RECONSIDERING THE SITUATED RIGHT TO A PLACE TO BE

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Vittorio De Sica's *Il Tetto* (1956), an artful cinematographic exercise in neo-realist style, centers on one couple's quest to find a home in post-war Rome. The second half of the film sees penniless Luisa and Natale plan the completion of a house of sorts. The city regulations allow people to secure their right to a parcel of land and a small building if they manage to construct the latter without being stopped by the authorities. The completion of the house is to be secretive and realized overnight—the title of the movie refers to one of the features required for the building to be legally considered as completed, and thus occupiable: four walls, a door, and a *tetto*, a roof. At dawn, policemen find the newly erected shack, Luisa and Natale anxiously hiding within. The agents inspect it, walking around its perimeter. They palpate its block walls in a methodic way. They knock vigorously on the door, which they then try to open, without success—it is sturdily hinged and fastened. I won't spoil the film's ending, suffice it to highlight a simple intuition here at play: in the eyes of the law and in the eyes of the audience, these four walls, door, and roof are the necessary features of a house. We recognize the space of the house bounded within these closed, basic elements. We recognize it as the space of the private, where inhabitants' bodies are "sheltered" and safe. This characterization is time and again set in opposition (or patent complementarity) with the space of the public. Built public spaces evoke imaginaries of collectivity and seamlessness; of civicism and openness. Built private spaces evoke imaginaries of control and identifiable boundaries, of refuge, individuality and sustenance.¹

I have detailed *Il Tetto's* dwelling as fastened, closed and in many ways, impenetrable. One ought not to penetrate this little portion of city space, as it is now walled off and occupied. Regardless of nearby activities, events, gatherings, infrastructures—that which lies behind these walls is not to be touched.



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This filmic set-up hints at an established legal and sociocultural principle. There exists an architectural inside and outside. Both inside and outside spaces operate according to a given set of rules. Luisa and Natale's shack represents the paradigmatic inside space of the home. As such, we attribute to it the sacredness of private property. "That which lies behind these walls is not to be touched"—in most cultures, the claim is gospel.² The walls' outside can be declined in many degrees of publicness, and thus operate according to varying rules and laws. Yet, as I will demonstrate in this article, the architecture of private property, with a marked focus on the architecture of dwellings, arises as existentially significant because of the functions which it enables and protects. Commonplace definitions of what constitutes a good "dwelling" or "house" allude to human necessity, but ultimately fall short of providing us with true housing adequacy. This, I posit, is because they limit their scope to physical features (walls, windows, floors, doors, roofs) and their delimitation of a private inside, opposed to a public outside. They do so, however, without clarifying those very essential human functions. To be sure, housing architectures are constituted of basic, physical elements; they allow for a form of domestic life which can

hardly take place in streets, parks and urban squares. Why is this the case? Why must something be done inside and not outside the house? In this article, I return to the seminal works of Jeremy Waldron and Richard Epstein in order to clarify what is at stake with the principles of adequacy and property which oversee one's life in dwelling. I comment on the functions of publicly and privately built infrastructures, considering notions of individual freedom and flourishing. "Why must something be done inside and not outside the house?" is another way of asking "Why are dwellings so necessary to us?"—returning to this straightforward interrogation, and examining it in light of a rights-based tradition of political philosophy, allows for an improved understanding of contemporary architectural challenges. In the concluding part of my examination, I make use of different scenarios to highlight the tension following from stringent boundaries in societies where individuals' right to adequate dwelling is not fulfilled. In particular, I recuperate Alejandra Mancilla's cosmopolitanist reasoning on the old right of necessity and apply it explicitly to urban situations, where public and private boundaries order the sustenance of human life. This leads to new considerations on the policing of urban spaces, and on the duties of states in ensuring the fulfillment of the right to adequate dwelling (or right to housing).

Before I start this investigation, I need to clarify the important difference between the "right to housing" and "housing rights." The former term refers to a moral right. It is a justificatory argument, a condition which relates to licit individual interests, and which is informed by sociocultural norms or standards. The latter term refers to a legal right, to conditions granted by statutes. Housing rights are concerned with statutory features, or law entitlements, such as those on which Luisa and Natale depended. In other words, housing rights will describe what provisions might be (content

definition, legality), but not why they ought to be (content justification, morality). This article focusses on the normative framework, examining implications and features of a right to adequate dwelling infrastructures, and exploring the question on what grounds such a right performs. Or simply put, why it exists, and what should be its content in terms of legal protections and provisions. The same conceptual logic applies to the canon “right to the city”, which links back to moral and justificatory arguments. Finally, while the term “housing” evokes a formal specificity that the term “dwelling” fittingly avoids, I use both words interchangeably. Political and activist cultures which mobilize around this issue have, for the most part, adopted the expression “right to housing.” So, I maintain a connection with these cultures by recuperating it literally in my text.

ON INDIVIDUALS’ SITUATED FREEDOM TO BE

I first turn to legal philosopher Jeremy Waldron. His ‘Homelessness and the Issue of Freedom’ (1991) remains to this day one of the most rigorous and spirited philosophical studies of the issue of housing. This account has led prominent scholars to revise their libertarian position on the existence of a human right to an adequate dwelling.³ As the text deals with the nature of vagrancy and public and private ownership, it reveals the complexity of the occupation of space in cities, as well as the impact of housing inadequacy on human dignity, welfare and liberty. Jeremy Waldron begins by reminding the reader of the importance to revise the liberal discourse surrounding an (ever more limited) individual right to be in a place. In a manner which echoes that of famed philosophers of welfare rights, he expresses his frustrations at the lofty-sounding but ultimately inconsistent commitments of liberal theorists, which are here accused of glossing over the questions raised by the absence or the gross inadequacy of housing, and in particular by homelessness. These questions relate to the “most basic principles of liberty”, and so ought to preoccupy us every bit as much as more familiar worries about torture, the suppression of dissent, and other violations of human rights.⁴ Waldron proceeds to detail people’s situated nature, which brings him to call for a complete requalification of what is understood as dignified—adequate—occupations of spaces, be they private or public. What, then, is implied by people’s situated nature? In brief, all actions must be situated. This follows from the simple fact that “everything that is done has to be done somewhere.”⁵ As embodied beings, we are always located. We are not free to perform an act unless there is some place we are free to perform it in. Such statements are banal, but to Waldron they hint at the possibility of speaking of housing as one of the most significant goods, if not “the most significant.”⁶ Or, to rephrase

this in the evocative language of capability, they hint at the possibility of speaking of housing as one of the most significant enablers of essential human functions.

Rights are interrelated and interdependent. The right to a safe, situated place corresponds to the freedom of exercise of all other rights. The idea at play for Waldron is that an individual who has no site of dwelling is completely and at all times at the mercy of others. Crucially, and I will return to this idea, there is no place governed by private property rules or increasingly stringent public property rules where she is allowed to be and do at will. She cannot make use of her most basic functionings as she basically has no right to be anywhere. If our conceptions of human freedom, welfare or autonomy are to relate to a person's most vital interests and functions, we can see how the situated nature of individuals points at the special importance of domestic architecture in relation to the exercise of most basic capabilities. Now, there may not seem anything "particularly autonomous or self-assertive or civically republican or ethically ennobling about sleeping or cooking or urinating."⁷ These are actions and activities that we rarely find referenced in philosophical treaties or doctrines on space. Still, it very much matters when people are not free to perform such actions. Maybe we think that sleeping and excreting aren't dignified actions, but we can nevertheless agree that there is something profoundly, inherently undignified about preventing someone from performing these actions. If a person needs to urinate, what she needs above all as a dignified person is the "freedom to do so in privacy and relative independence of the arbitrary will of anyone else."⁸ Waldron wants his readers to realize that the access to an adequate dwelling literally corresponds to the freedom to be in some delimited, physical place—at least one place—to undertake basic human functions. Remember that if we are not at liberty to undertake these basic

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activities, we are not, properly stated, able to live at all. Consequently, impairment of normal functioning through housing inadequacy constitutes a fundamental injustice: a harmful restriction on one's capabilities, on her individual freedom and on individual opportunity related to our "normal, species-typical" opportunity range.⁹ Or, to put it plainly, impairment of normal functioning through housing inadequacy constitutes a severe right violation.

Let me shortly return to *Il Tetto*. When I spoke of Luisa and Natale's little shack, I associated it with commonplace imaginaries of control and identifiable boundaries, with notions of refuge and individuality. This ought to be emphasized, the existential importance of one's dwelling goes beyond the provision of life-sustaining material equipment. It must also provide for security of possession and tranquility. Walls of houses shall not be trespassed, windows shall not be shattered, nor shall doors be forced open. What is found inside one's house, bodies, objects or resources, must be shielded for this house to be deemed adequate. The



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haven that our young Italian couple hurriedly erected overnight provides them with tools of subsistence, but also with the abovementioned security of possession and tranquility. These provisions are equally important and interconnected. They jointly participate in enabling individuals' basic functions. Interestingly, one key aspect of the institution of private property is shown here. As an institution, property is a salutary social arrangement which ensures a more functional, safe and peaceful life with others.¹⁰ Private property has been broadly celebrated as that which can

guarantee independence by providing the material basis for self-reliance, as well as that which can secure a space free from the arbitrary power of other individuals (a critical form of self-defense against outer domination or abuse). And it is no coincidence that the latter feature recalls Waldron's portrayal of persons without dwelling as "completely and at all times at the mercy of others," and needing the "freedom, privacy and relative independence of the arbitrary will of anyone else." To be housed holds an existential significance. As they work to guarantee a certain level of security and the satisfaction of our basic needs, we accept and respect property arrangements.¹¹ These arrangements are formalized as the built infrastructure of villages, towns and cities. In 'Property and Necessity' (1990), Richard A. Epstein confirms these advantages, when he discusses the "powerful," "wonderful idea" of private property as a legal and sociocultural model.¹² While he warns his readership that such a model cannot define a complete state of affairs between individuals, and that it must allow for holdouts, Epstein demonstrates the beneficial effects of these property rights in terms of personal freedom, welfare, and skill development. As new dwellers, Luisa and Natale can now enjoy the institutionalized protection of their physical person and possessions. They can rest assured, and so, hope to flourish.

LIFE-SUSTAINING APPROPRIATENESS OF PUBLIC AND PRIVATE ARCHITECTURES, WITH REMARKS ON HOUSES

In light of these security-related features of property, natural interrogations arise. Is it an unreasonable assumption to equate the infrastructure which allows for basic human activities with *the architecture of housing*? What are the different relations of property which might bring safety and tranquility about? Can individuals not achieve subsistence and security of possession in other built environments? Are public spaces really not fit for sustaining such bodily life and

development? After all, Waldron's 'Homelessness and the Issue of Freedom' presents a conceptual defense of one's right to a place, not a house. It first looks like that those essential actions and activities which we carry on in our home could simply be carried on elsewhere. This greatly diminishes the significance of dwelling adequacy in a rights perspective, as individuals who are not properly housed are at liberty to undertake these important actions elsewhere. Such a refutation has been prompted against homeless individuals and anti-homelessness activists when they invoke the human right to a house. The reply goes along the line that being housed is not the only condition or space to undertake situated acts like cooking, sleeping, showering, and so on. Under this view, a defense of housing-related bodily considerations simply proves the importance of our individual right to some kind of place—this doesn't mean that this place should be a house. It might be, indeed, a public space, like a municipal restroom, a street bench or a subway platform. It could be an underpass, a free urban camping, a gazebo in the town hall's gardens. To homeless individuals, these sites are accessible on account of their outer, open-air situation. This simple insight reminds us of where we began. There exists an architectural inside and outside; both inside and outside spaces operate according to a given set of rules—a bundle of property laws. A stringent set of rules protects architectural "insides" (houses, but also schools, banks, shops) and their occupants in ways that allow them to safely undertake various life-enabling doings. If public spaces are to be understood as the negative of buildings, or architectural "outsides," a different set of rules is enforced.¹³ What's more, these very rules often tend to work against the realization and protection of individual, essential functions.

Admittedly, it has become increasingly difficult to ignore the current, severe forms of policing one's actions in public places. This phenomenon is observable in cities across the Global North and South.¹⁴ A large number of laws prohibit behaviors that we have identified as necessary to the accomplishment of basic human activities. Think of barbecuing in a city park (one must eat), sleeping overnight in a bus shelter (one must sleep), bathing in a retention basin (one must wash) or urinating in the street (one must excrete). We are forbidden to carry out these acts in many public sites. The rules regulating what one is free to do in such sites frequently turn out to be as stringent and exclusive as those exerted by private property owners. This puts individuals back in a position where they have to ask for permission (from public authorities) to undertake the basic functions that make life possible, thereby violating their personal freedom to do so. So, the right to undertake these basic functions seems to demand more than the right to be in a public space, or any space. It implies the possibility

of occupying an architectural “inside.” Now, there exists instances of outer, open-air sites where propertyless individuals are allowed to undertake basic, bodily actions and activities. Think for a start of the wide outdoors of Norway or Sweden, where a long-established *Allemannsretten* (right to roam) ensures everyone’s access to the resources and space of the wilderness. Though I focus here on villages, towns and cities; defining public spaces as the negative of built infrastructure does suppose a minimum concentration of buildings. Architectural traditions of public restrooms (Singapore leads by example) are still present in several urban centers. So are municipal washbasins (Portuguese *lavatórios públicos*, among others) and drinking fountains (see the Cochabamba public water facilities, established after the activist pressure of the *Bolivian Coordinadora para la Defensa del Agua y de la Vida*). In North Africa, communal bread ovens, an institution of their own, guarantee one’s possibility to bake. Long *iftar* (fast-breaking) tables are deployed in the streets of many Near and Middle Eastern cities. Such formal typologies still stand, but in diminished numbers. Since the modernization and privatization of household equipment, many of them were effectively dismantled and abandoned, and refashioned inside the domestic space.¹⁵ Stricter policing of streets, squares or urban parks ensued: law infringements and displays of so-called inappropriate behavior in common urban environments are known to be disciplined with hefty fines. It appears that, for a critical number of extant (homeless) individuals, their right to carry out basic bodily functions does necessitate more than the right to be in a public space, thus pointing to the occupation of an architectural “inside.” But should these “insides” be *de facto* houses?

I argue that they should. The aforesaid principles of security of possession and tranquility are hardly ensured in drop-in shelters, charity dormitories, and other public refuges, where permanent

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occupancy and object storage are, to a large extent, proscribed. Without sturdy dividing walls, safe storage, padlocks or the likes, one lacks the privacy and the autonomy of dignified life, and is left in a position of vulnerability.¹⁶ We already know that lacking a permanent house already means to expose one's body to numerous threats and deprivations, which incapacitate homeless individuals in ways that prevent them to lead a decent or minimally-good existence (even less a flourishing one). The straightforward value of our reflection on commonplace imaginaries of control and identifiable boundaries lies in showing us that even in cases where their bodies are sheltered within walls and under roofs, people remain critically incapacitated. As private architectural "insides", houses participate in good mental health as much as in good physical one. Without these dimensions of security, tranquility, intimacy, and so on, public shelters can't be places where one develops and makes good use of her basic functions. If a situated place to be doesn't provide us with



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the freedom, privacy and relative independence from the arbitrary will of anyone else, it remains deeply inadequate. Recalling living out in the streets or in temporary shelters, many individuals spoke of a feeling that they didn't (have the capability to) have a life worth living, as if their individual resilience had derived from solid walls which were no longer.¹⁷ Vittorio De Sica's dramatic script plays on this idea that, as new "homeowners," Luisa and Natale can truly begin to live. In a few words, we need here to consider the different modes of ownership—or, to formulate it in an Epsteinian manner, the different relations of property, which enable the

good exercise of people's most basic activities. I follow UN-Habitat, the United Nations Human Settlements program for human settlements and sustainable urban development, in identifying "secure tenure" as the important feature in one's relation of property to housing.¹⁸ Secure tenure refers to legal recognition of one's control over her living space, through ownership *or* usufruct. This is really key. Individuals can assuredly achieve adequacy in dwelling through rental situations; despite the widespread association of the advantages of private property with home ownership, usufruct forms of tenure can allow for security of possession and tranquility.¹⁹ In all cases, it is my opinion that they only do so when non-owners (tenants on the private rental market and in public social housing) have a reasonable level of control over the place that they occupy, and when permanent place attachment is made possible through strong rent contract protections. The details fall outside the scope of my brief exploration here, but it is important to stress that adequate usufruct can enable basic, housing-contingent functions.

THE RIGHT OF NECESSITY REVISITED

We have established the importance of dwelling architecture: while it may vary in size or shape, the inner place that we call home enables essential actions and activities. To be deprived of housing is a direct threat to one's existence. This interrelation is reflected by the human right to housing and its associated claims and duties. Walls, doors, windows, ceilings and floors are more than ordinary material arrangements. They protect our bodies and minds, they allow for our most vital interests and functions to be realized, and to develop. And, given this special, situated importance, they are themselves protected by potent property laws. In the last part of this article, I utilize the political philosophy of Alejandra Mancilla to clarify the moral underpinnings of property rights. In particular, I examine the weighty

ways in which this “bundle of rights” relates to dire housing deprivation and needs.²⁰ Mancilla’s thought-provoking writings on moral cosmopolitanism and global poverty shed new light on the permissibility of actions in the face of such housing deprivation, by advocating the right of necessity, a right of the needy to take the material resources they need for subsistence, from those who are not similarly needy.²¹ It is a privilege (absence of duty not to take others’ possessions to ensure one’s own subsistence) as well as a claim (you have a duty not to stop the needy from taking your possessions). While it first seems at odds with the institution of private property, the right of necessity is actually consistent with accepting its very legitimacy. Richard Epstein reminds us that the recognition of the right of necessity is, in effect, one of the internal limitations which ought to be included in any such legitimate institution, an escape valve of sorts. A system of exceptions based upon strong, if variegated, perceptions of necessity, is necessary to people’s endorsement of private property as a prime social arrangement.²² The moral intuition at play is that no system of property entitlements that could “reasonably command the acceptance of all who are subject to it” could include a requirement that an individual starve or freeze to death as the cost of respecting the proprietary rights of others over what one needs to survive.²³ In emergency scenarios of necessity, and as a means of last resort, the law must allow for entries upon land and interference with personal property that would otherwise have been trespass. Alejandra Mancilla builds from this operation of justification, arguing that it is unreasonable to restrict the right of necessity to emergency cases, when the global economic order is structured in a way that maintains millions in a precarious state. Or, to realign this line of thought to the present paper: it is unreasonable to do so when housing markets worldwide are structured in ways that maintain many in a precarious state with regard to dwelling adequacy.

Consider the four following scenarios. 1) While on a hiking trip on some high mountain plateau, you get lost without proper clothing and equipment. You are alone, exposed, and frozen. But you finally spot a hut in the distance. When you go there, you find its door locked. You then proceed to break one window, crawl inside and find shelter until aid comes. 2) On a sail trip with your family, a violent storm breaks out. You manage to approach some private pier and moor your boat to it, guaranteeing you and your family’s safety, and protecting the boat from material damages. 3) You are a homeless individual in the cold winter night. The town’s drop-in refuge is situated at too long a walking distance, and you are fighting sleep. You are alone, exposed, and frozen. Spotting a tenement building with an empty ground floor, you go there and find its door locked. You

then proceed to break one window, crawl inside and find shelter until the day comes. 4) You are a homeless individual in the extreme heatwave of the summer. You feel weak, debilitated by heat exhaustion. No one offers you water or help. You climb over the fence of a private courtyard and jump in the fresh pool, cooling your body down. These four scenarios describe emergency situation where one's subsistence is at stake, but 1) and 2) are often more readily accepted as invocations of the right of necessity.²⁴ As Mancilla puts it well,

in our current world, acceptance of the right of necessity remains confined to cases of one-off, mostly naturally caused emergencies. ... This means that if an individual takes someone else's property and claims that he did so because his right to subsistence was unmet, he will probably end up punished by society and by the law: common morality tends to sanction property infringements almost with no exceptions, and legal systems reject exculpation based on extreme poverty or indigence.²⁵

We should ask ourselves: should we uphold a narrow conception of the right of necessity when current urban and economic arrangements, and their related application of property rights, have not been designed in a manner that guarantees access to minimum material provisions for all? Entry upon land and interference with personal property do appear reasonable and acceptable in urban milieus which lack the infrastructure to provide the needy with housing. This is a provocative statement, especially when contrasted with our past examination of the importance of security of possession and tranquility: the claim which follows from the invocation of one's right of necessity (well-off individuals mustn't prevent a destitute person from taking their possessions) proves to be extremely demanding. I have pleaded that a house is not a standing reserve, or an investment opportunity, but the armature for self-integrity and bodily security:

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it ought not to be violated. Human freedom, autonomy, health, dignity, agency— these notions are to be safeguarded by enforcing property rights, because such rights suppose a basic guarantee of security. Controlling one's own home is an immediate expression of one's will. Freedom is not something which just occurs in thought. It requires some physical domain outside the person's own mind where she can actualize her will, without external interference. Yet again, if subsistence cannot be ensured in public spaces, or through welfare programs and social architecture, necessity can justify the infringement of one's home. But this is an untenable prospect for any functional, organized society. I believe that these tensions (and our overall normative findings on property, necessity and the architecture of housing) reveal the special responsibility of states in ensuring their citizens' vital human activities and interests, through the realization of housing adequacy for all. In other words, it is morally incumbent on states to rearrange property provisions in a way that does not leave the houseless in a position where they may legitimately invoke their right of necessity.²⁶ Housing shortages and deprivations are attributable to the way in which current human institutions are framed. Cultures such as ours, where ordinary circumstances consist in severe housing inadequacy co-existing with extreme wealth and luxurious dwelling (according to numbers collated in recent years, "more than 11 million homes lied empty in Europe alone, enough to house all of the continent's homeless twice over"),²⁷ must undergo change. Through redistributive policies, projects and statutes, governments are best suited for implementing such a change.

The ramifying details of housing-related duties borne by states deserve a separate investigation. Suffice it to conclude by asserting that in a hypothetical society where the universal fulfillment of the human right to housing is guaranteed under normal circumstances, the exercise of the right of necessity would be confined to exceptional situations like scenarios 1) and 2). And until such hypothetical societies become reality, and while they work on the implementation of new housing schemes (construction of social units, rent caps, expropriations of speculative architecture), state authorities should refrain from strictly policing certain open spaces in the city. *Il Tetto's* Luisa and Natale could attempt at building and keeping their shack because the regulations of 1950s Rome allowed for people to secure their right to a parcel of land and house if they manage to construct the latter without being stopped by the authorities. This suggests something like the beginning of a humanist attitude of tolerance and flexibility (or even a sense of justice) in the face of immediate, bodily necessity. Similarly, we can think of the Chilean *callamperos* (urban propertyless), a group of working-class people who, between the 1950s and 1970s, became

known for occupying some empty patches of Santiago overnight. Remarkably, these *callamperos* were rarely evicted. If municipal actors tried to pursue this path of eviction, the *callamperos* resisted pacifically until the latter gave up. This amounted to a tacit approval of their occupying actions by the authorities, as well as the surrounding city dwellers.²⁸ These two historical cases teach us a worthy lesson. The infrastructure of housing is expansive and expensive: given the impossibility of immediate remediation of what were severe shortages of dwelling, the municipal governments of Rome and Santiago showed leniency towards what was allowed in the open air, public spaces of their cities. We should follow their example, as of today and in coming times of housing crises.

ENDNOTES

1. Richard A. Epstein, 'Property and Necessity', *Harvard Journal of Law and Public Policy*, Vol.3, 1990, 4.
2. Property and its declinations in private, common or communal subgroups refers to the rules that govern people's access to and control of things: it is a feature of human cultures across the world. Yet, it must be stressed that a lot of African, Indian, Asian, or North American indigenous architecture are articulated around deeply different notions of privacy and publicness, privileging togetherness in ways that make little importance of walls and hard boundaries (think of the Jewish kibbutz, one example among other). This topic is deserving of a stand-alone study, and so falls outside the scope of the present paper.
3. Peter King, 'Housing as a freedom right', *Housing Studies*, Vol.18, No.5, 2011, 661.
4. Jeremy Waldron, 'Homelessness and the Issue of Freedom', *UCLA Law Review* 295, 1992, 296
5. *Ibid.*, 296.
6. *Ibid.*, 296.

7. Ibid., 296.
8. Ibid., 321-322.
9. Norman Daniels, 'Health-Care Needs and Distributive Justice', *Philosophy of Public Affairs*, Vol.4, No.2, 219.
10. Alejandra Mancilla, *The Right of Necessity: Moral Cosmopolitanism and Global Poverty* (London: Rowman & Littlefield, 2016), 15.
11. Mancilla, *The Right of Necessity*, 15.
12. Epstein, 'Property and Necessity', 3-4.
13. Again, there exists many examples of non-Western cultures where (for reasons linked to social traditions, climate, and so on) the difference between inside and outside is much more diffused—it is softer than the hard limits of walls and fences that we associate with the division of space in Western cultures.
14. UN-Habitat, *The Right to Adequate Housing*, 2009; https://www.ohchr.org/documents/publications/fs21_rev_1_housing_en.pdf.
15. Human Rights Council, *Report of the Special Rapporteur on the human right to safe drinking water and sanitation*, 2011; https://www2.ohchr.org/english/bodies/hrcouncil/docs/18session/A-HRC-18-33-Add4_en.pdf.
16. Carol McNaughton Nicholls, *Transitions through Homelessness: Lives on the Edge* (Basingstoke: Palgrave Macmillan, 2008), 17.
17. McNaughton Nicholls, *Transitions through Homelessness*, 17.
18. UN-Habitat, *The Right to Adequate Housing*.
19. Stuart Hodgkinson, 'The Return of the Housing Question', *Ephemera | Theory & Politics in Organization*, Vol.12, No.4, 2012, 426.
20. Epstein, 'Property and Necessity', 2-3.
21. Alejandra Mancilla quoted in Garrett Cullity, 'Mancilla, Alejandra. The Right of Necessity', *Ethics*, No.128, 2017, 260.
22. Epstein, 'Property and Necessity', 7-8.
23. Cullity, 'Mancilla, Alejandra. The Right of Necessity', 261.
24. We tend to assume that it is no fault of the hiker or the sailor that they find themselves using someone else's property—they were unlucky, trapped in a hostile landscape; the hut or the pier was the only possible option available to ensure their physical security. On the other hand, we tend to assume—and quite uncharitably so—personal failure and fault when it comes to homeless individuals' struggles for necessity; plus, cities are dense environments, with a (presupposed) network of available resources. According to this logic, violating someone's property cannot be a means of last resort for 3) or 4).
25. Mancilla, *The Right of Necessity*, 71.
26. Ibid., 71.

27. Rupert Neate, 'Scandal of Europe's 11m empty homes', 2014; <https://www.theguardian.com/society/2014/feb/23/europe-11m-empty-properties-enough-house-homeless-continent-twice> (accessed 2020-03-17).
28. Mancilla, *The Right of Necessity*, 87-88.