

HOUSING ACCESS AS A FUNDAMENTAL HUMAN RIGHT

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This paper advances a normative argument that secure access to housing is essential to human well-being and should be treated as a basic freedom, comparable in importance to the right to property. It begins by briefly clarifying why rights matter and how they frame the paper's inquiry. The discussion then develops the idea of housing as a freedom right, drawing on contributions from theorists such as Jeremy Waldron and Martha Nussbaum. At the core of the argument is the claim that basic human functioning depends on one's living conditions: without adequate housing, people cannot reliably pursue fundamental activities or sustain a dignified standard of life. From this standpoint, housing is not simply a market good but a prerequisite for human flourishing. The paper closes by outlining the policy implications of recognizing housing in this way, calling for a reorientation of housing policy toward rights-based implementation that better enables dignified living and social participation.

Index Terms — access to housing, human rights, essential needs, housing policy, social justice

INTRODUCTION

This paper develops a rights-based account of housing. It argues that once we begin from a minimal understanding of what human beings require in order to function and flourish, the right to adequate housing follows as a necessary condition for well-being. In this sense, the language of rights is not merely rhetorical; it carries genuine normative weight and helps clarify what is owed to persons as a matter of justice [1, 2, 3].

Although appeals to a “right to housing” are now common, they are most often deployed in debates about policy reform, redistribution, or the expansion of welfare provision. In such discussions, housing is typically framed as a *social* right—that is, a socioeconomic entitlement that claims access to limited and contested resources [4, 5]. This framing creates a familiar difficulty: socioeconomic rights are often treated as intrinsically competitive. Because they are directed toward scarce goods, they appear to generate a zero-sum dynamic in which fulfilling the claim of some seemingly requires denying, restricting, or delaying the claims of others [6, 7].

Scarcity and competition are, of course, unavoidable features of social life. Yet there remains an important conceptual distinction between socioeconomic entitlements and what are commonly described as *freedom rights*. Freedom rights—including rights to life, bodily integrity, and property—are frequently characterized as non-competitive: rather than allocating scarce benefits, they secure domains of liberty and protect individual agency. For this reason, freedom rights are often regarded as universal, less dependent on institutional design, and normatively “higher” in status than socioeconomic claims [8, 9].

This paper questions that conventional hierarchy. It proposes that housing can be understood, at least in a core sense, as a freedom right akin to property—not merely as a discretionary social benefit or a contingent policy objective. Treating housing as a freedom right invites a reconsideration of what “non-competitive” rights really mean and whether the standard ranking of rights is philosophically defensible. The central aim, therefore, is to provide a normative argument showing that housing is not optional for human well-being but constitutive of the conditions under which persons can exercise agency and pursue a flourishing life.

The discussion begins by clarifying why rights matter in moral and political reasoning and then develops the case for construing housing as a freedom right. While this argument has clear implications for housing policy and institutional design, the purpose of the paper is not to defend a single policy program. Instead, it seeks to establish a foundational position that can apply across diverse contexts and social arrangements, offering a broadly usable framework for thinking about housing, justice, and human flourishing [10, 11].

PRIORITIZING INDIVIDUAL RIGHTS

Before advancing the claim that housing can be understood as a freedom right, it is important to clarify why rights-based reasoning matters in the first place. Rights-based arguments do more than recommend particular outcomes; they establish a moral constraint on how outcomes may be pursued. In Waldron’s account, theories of rights are valuable precisely because they foreground the seriousness of individual interests and insist that these interests cannot simply be overridden by appeals to an alleged “greater” social good. The attraction of rights, on this view, is tied to the aspiration for persons to shape their own lives with genuine autonomy rather than having their prospects determined by utilitarian calculations that aggregate costs and benefits across a population [12].

Waldron’s emphasis also draws on a Kantian moral intuition. The contemporary focus on reflective, self-conscious deliberation resonates with Kant’s categorical imperative, which demands that humanity—in oneself and in others—be treated as an end rather than merely as a means. What gives this demand its force is the idea

of human agency: persons are not simply objects to be managed within a social optimization problem, but practical reasoners capable of forming purposes, revising plans, and directing their lives. A rights-centered framework, therefore, protects the standing of individuals as agents whose lives may not be traded away for the convenience or advantage of others [12].

From this perspective, the core function of rights-based argumentation is to affirm the equal moral importance of each person. Rights attach to individuals in virtue of their humanity, and this includes not only classic liberty rights but also social rights that involve socioeconomic claims. By taking rights seriously, the argument refuses a logic of substitution in which losses imposed on some are justified by gains enjoyed by others. The focus shifts away from purely economic or utilitarian reasoning toward the moral character of decision-making itself: who bears the burdens, whose interests are protected, and whether persons are being treated as full members of the moral community rather than as instruments of policy [13].

As the discussion that follows will show, this rights-based orientation is crucial for housing debates. It enables an alternative discourse in which scarcity is not treated as a self-justifying principle of governance, and where policy choices must be assessed against the moral requirement to respect individuals as ends in themselves rather than as variables within an optimization exercise [13].

DISTINGUISHING RIGHTS: STATUTORY VS. INHERENT HOUSING RIGHTS [14]

Before proceeding further, it is essential to draw a clear distinction between statutory and philosophical conceptions of rights, particularly in relation to housing. This paper is primarily concerned with what may be called the *right to housing*—a moral entitlement grounded in normative reasoning that may or may not be formally recognized within legal systems. This conception differs fundamentally from what are often referred to as *housing rights*, which denote the specific legal entitlements conferred by statutes, regulations, or policy frameworks.

Public discourse frequently invokes housing rights, often articulated by professional organizations such as the Chartered Institute of Housing or Shelter. These discussions typically focus on statutory rights, outlining what individuals are legally entitled to and offering guidance for practitioners. While such accounts are practically valuable, they rarely engage with the deeper question of why these rights matter in the first place or what ultimately justifies their legal recognition [15]. As a result, statutory discussions risk becoming circular: they assume the existence of rights without explaining their moral foundations or the reasons that should compel legislative action.

To understand the philosophical significance of housing rights, it is therefore necessary to move beyond purely legal descriptions and engage in a more abstract inquiry into the nature of rights themselves. This requires examining how rights are categorized, justified, and prioritized before relating them to housing in a fundamental sense. A crucial implication of this distinction is that statutory housing rights vary across jurisdictions and historical periods, reflecting political priorities, economic constraints, and institutional arrangements. In contrast, the right to housing, as defended here, is conceived as a natural or inherent right—one that belongs to individuals simply by virtue of their humanity, independent of shifting policy agendas and material contingencies.

Admittedly, the notion of natural rights remains contested. Some scholars argue that housing should instead be framed as a social right, established primarily to address market failures or redistribute resources more equitably. While such approaches have pragmatic appeal, reducing the right to housing to a policy instrument risks subordinating individual interests to broader political objectives. In doing so, it treats rights as tools of governance rather than as moral claims grounded in human dignity.

The position advanced in this paper reverses this logic: policy ought to follow from the recognition of inherent rights, not the other way around. Rights are not created by policy; rather, policy gains its legitimacy by responding to pre-existing moral claims. From this standpoint, housing is not merely a benefit to be allocated but a fundamental entitlement that must inform and constrain institutional design.

UNPACKING RIGHTS: DEFINITIONS AND IMPLICATIONS [16]

To advance this argument, it is necessary to clarify what is meant by a right. Rights are commonly expressed in formulations such as “A has a right to do B.” Such statements imply that others bear corresponding duties not to interfere with A’s pursuit of B, thereby protecting or promoting A’s interests. In this sense, a right constitutes a legitimate claim that one individual may assert against others.

Rights function as the moral infrastructure of social life. They provide the basis for rules that regulate interactions among individuals, embodying shared commitments about what ought to be respected, protected, or guaranteed. As moral constructs, rights are intimately connected to values such as liberty, equality, and individuality. They are not arbitrary: they attach to aspects of human life that are considered significant, both for individuals and for society as a whole, and they prioritize certain conditions as essential for meaningful human functioning.

Several conditions underpin the plausibility of rights. First, there must be good reasons for making a particular demand. Second, there must exist something of value that can actually be enjoyed. Third, there must be social arrangements capable of protecting that enjoyment against typical threats. Thus, rights involve more than abstract claims; they require practical mechanisms of recognition and enforcement.

Three features of rights-based theories are particularly important. First, rights are correlative to duties: to speak of a right is necessarily to speak of obligations that others must bear. Second, rights are reciprocal and universal: each person’s right corresponds to duties on others, preventing the unlimited expansion of claims and necessitating negotiation when rights conflict. Third, rights embody respect for individual interests, reflecting the intrinsic worth of persons and their capacity to define what matters to them.

While individuals’ self-articulated interests deserve respect, they are not beyond critical scrutiny. Interests must be assessed for their significance and for their compatibility with the rights of others. Ultimately, however, the determination of one’s interests should remain primarily self-directed, reflecting a commitment to personal autonomy and moral agency.

FRAMING HOUSING AS A FREEDOM RIGHT [17]

With this conceptual groundwork in place, we can now examine how housing may be understood not merely as a socio-economic claim but as a freedom right. Freedom rights—often described as negative rights—aim to protect individuals from coercion and unwarranted interference. For libertarian theorists, such rights are of paramount importance precisely because they avoid conflicts over scarce resources: they do not require the redistribution of goods but instead impose constraints on how others may act.

Socio-economic claims, by contrast, typically involve the allocation of limited resources and therefore require adjudication among competing demands. From this perspective, rights to liberty and property are often seen as non-competitive, while claims to goods such as housing appear inherently distributive and thus contentious.

However, this distinction becomes problematic when we consider the concrete realities of homelessness. If

individuals are denied shelter because they lack property, then their ability to exercise even the most basic freedoms is undermined. In such cases, negative rights alone appear insufficient, as they fail to secure the material preconditions necessary for agency and survival.

A compelling reconciliation of freedom rights and socio-economic claims emerges when we consider housing as indispensable for the fulfillment of basic human functions—such as sleeping, washing, and maintaining bodily integrity. These activities require not only abstract liberties but access to specific places. Yet access to space is typically regulated by property rules, which often exclude the most vulnerable. The homeless, in particular, face systematic conflicts between their need for a place to be and the enforcement of property rights.

This line of reasoning highlights the situated nature of human existence. To function as agents, individuals must occupy physical spaces that allow them to meet their basic needs. A more expansive understanding of human flourishing further reinforces this point. Philosophical accounts of central human capabilities emphasize dimensions such as bodily health, autonomy, and control over one's environment as essential for a dignified life [5, 7, 12].

From this standpoint, housing is not merely shelter; it is a condition for the realization of these capabilities. It becomes a legitimate claim against others, grounded not in charity or policy convenience but in the structural requirements of human functioning. While cultural and contextual factors may shape what counts as adequate housing, the underlying justification remains universal: humans need stable, secure places in order to live, act, and flourish [18].

CONCLUSION

Reframing housing as a freedom right offers a profound shift in how we understand the relationship between individual liberty and socio-economic provision. By grounding the right to housing in the requirements of basic human functioning, this perspective challenges traditional hierarchies of rights and exposes the limitations of viewing shelter as a mere commodity or policy instrument.

This approach also underscores the inseparability of rights and responsibilities. Respecting individual freedom does not absolve societies of collective obligations; rather, it demands institutional arrangements that make freedom meaningful in practice. Housing, in this sense, is not simply a distributive good but a condition for agency, dignity, and participation in social life.

Ultimately, a rights-based framework that treats housing as fundamental to human flourishing offers a more coherent and morally robust foundation for housing policy. It moves beyond debates over efficiency and scarcity, insisting instead that the central question is how social systems can be organized to respect the equal worth and agency of all persons. In doing so, it opens the path toward more inclusive, just, and sustainable housing arrangements that reflect the true moral significance of having a place to call home.

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