Can Martha Nussbaum's Capability Theory of Justice help solve the crisis of women's homelessness in the UK?

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This paper is dedicated to the 72 people who lost their lives in the Grenfell Tower disaster of 2017

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ABSTRACT

Despite being one of the richest countries in the world, 'nearly a quarter of a million households across England (242,000) are now experiencing the worst forms of homelessness' (Fitzpatrick et al. cited by Crisis UK, 2023, p.14). This paper will begin with two claims. Firstly, that a home of one's own is of intrinsic value to individual wellbeing, and secondly, that only a theory grounded in the concept of *individual dignity*, such as Martha Nussbaum's Capability Theory of Justice, can deliver housing policy worthy of the most vulnerable in our society. Current UK housing policy only allocates housing at a household level (for the benefit of the family or household as a whole) rather than an individual level (for the benefit of *each* and *every* person within the family or household). This ongoing failure to address inequalities *within* the household is now one of the main drivers of homelessness amongst women and children.

Having established that a home of one's own is of intrinsic value to individual wellbeing, it will be the main task of this paper to argue that the capability of 'home' ought to be included on Nussbaum's list of central capabilities. On Nussbaum's view the central capabilities represent the fundamental entitlements necessary (at minimum threshold levels) for securing a life 'worthy of the dignity of a human being' (Nussbaum, 2000, p.72). Thus the capabilities approach, Nussbaum tells us, interprets the Kantian '*principle of each person as end'* as the '*principle of each person's capability'* (Nussbaum, 2000, p.74). Capabilities are for the good of each and every person – given that each is a bearer of value – never for the good of collectives such as family, household or state. It is this focus on *each and every person as end,* rather than the good of the family or household, which I shall argue makes the capabilities approach uniquely placed to help end the crisis of women's homelessness.

Nussbaum's current ten central capabilities are: *Life, bodily health, bodily integrity, senses imagination and thought, emotions, practical reason, affiliation, other species, play and control over one's environment* (Nussbaum, 2011a, p.33-34). Yet her list only mentions housing by implication, firstly as 'adequate shelter' included under the second capability *bodily health*, and secondly as 'property' included under the tenth capability *control over one's environment*. Nussbaum makes no mention of home at all. The definition of home I intend to defend in this paper is: *Home: being able to live in privacy or with others (human and non-human) in a place that is; safe, long-term, affordable, and which positively influences one's sense of self and belonging.* The capability of home cannot be reduced to mere shelter or property as Nussbaum would seem to suggest. The defining feature of home, I shall argue, is *dignified dwelling*. And the delivery of safe, affordable, genuine homes can only be realised in the UK, as elsewhere, when housing policy is guided by a theory grounded in the concept of individual dignity – such as Nussbaum's Capability Theory of Justice.

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1. Introduction: redefining the homelessness crisis facing women

'Almost 1 in 2 (44%) single women are denied the right to a safe home, rising to two thirds (65%) for single women with children in the household' (Schofield, 2021, p.11)

Women's homelessness in the UK is both less 'visible', and more 'normalised', than men's. Women's homelessness often goes unnoticed because homeless women tend to be, quite literally, less 'visible' than men. While women represent only 13 per cent of people sleeping rough (ONS, 29/03/23) they make up over 60 per cent of people 'hidden away' in temporary accommodation (Shelter, 28/12/21). Not only are homeless women less visible than homeless men, their experiences of homelessness are frequently more complex, less well studied, and less well understood. Sadly in the UK, the 'solution' to homelessness – an emergency roof over a homeless person's head – is often the only (if any) intervention on offer. In this paper I shall argue that we need to redefine what it means to be homeless, because having a roof over your head is not the same as having a genuine home. Gender-based homelessness in the UK has now become so 'normalised' we barely notice it, even when it is all around us. Not only are women disproportionately represented in temporary accommodation (such as hostels and B&Bs), they are also disproportionately represented in the social housing sector as their lower incomes (relative to men's) and increased caring responsibilities have made home-ownership and private renting increasingly unaffordable for many (Tunstall, R. and Barca, A., 2024, p.4). But over the last few decades the number of homes available for social rent has declined and the housing waiting lists have grown. This means that many low income families, especially lone parents (most of whom are women), have been forced out of the dwindling social housing system, and into homelessness. Growing numbers of women and children are now living with friends or family (known as 'concealed' homelessness), often with nowhere else to go. According to the homelessness charity Crisis UK 'nearly a quarter of a million households across England[1] (242,000) are now experiencing the worst forms of homelessness, including sleeping on the streets, spending night after night on friends and families' sofas or stuck in unsuitable temporary accommodation like nightly paid B&Bs' (Fitzpatrick et al. cited by Crisis UK, 2023, p.14). But there are worrying and significant gaps in the collection of data on homelessness, especially on 'hidden' homelessness, which is widely recognised to affect more women than men. The London Assembly Housing Committee estimates that there are '13 times more people' experiencing hidden homelessness than sleeping rough (cited in ONS, 29/03/23) yet there remains no currently recognised definition of hidden homelessness. Women often try to stay hidden (especially when sleeping rough) for safety reasons, and women often 'exhaust' other options such as staying with friends and family, before they are eventually forced to seek help from local authorities, causing them to stay 'hidden' for longer (Reis, 2019, p.26). While common forms of hidden homelessness include sofa surfing or staying with friends other forms can include far riskier activities such as 'engaging in sex work to pay for a night in a hotel, committing crimes in the hope of being taken into custody, and forming unwanted sexual partnerships to secure a bed for the night' (Reeve cited by Crisis UK, 2011). Thus hidden homelessness and dignity violations, particularly for women,

1 Comparing homelessness statistics across the UK is difficult as data collection in the four devolved nations differs. Nevertheless homelessness remains a persistent and growing problem across all four nations. For data on Scotland see Shelter Scotland's SOS campaign https://scotland.shelter.org.uk/campaigning/sos. For data on Wales see https://www.gov.wales/sites/default/files/statistics-and-research/2023-08/homelessness-april-2022-march-2023-603.pdf At 31 March 2023, there were 5,481 households placed in temporary accommodation across Wales. This is an increase of 23% on 31 March 2022, pg 15. In NI see https://www.itv.com/news/utv/2023-09-22/over-4500-children-living-in-temporary-accommodation-in-northern-ireland. In July 2023, just under 4,600 children were living in temporary accommodation in Northern Ireland.

often go hand in hand. ‘Domestic abuse is one of the top three triggers for being homeless or threatened with homelessness in England’ (Schofield, 2021, p.5). Yet women suffering domestic abuse are frequently turned away from hard-up local authorities (Mulholland cited in Fitzpatrick et al., 2023, p.48). Charities working with victims of domestic abuse report that women will often ‘choose’ to stay with a perpetrator rather than face the risks associated with street homelessness (Schofield, 2021, p.14). There is, therefore, an urgent need to redefine the crisis of women’s homelessness in the UK. In addition to statutory homelessness (this refers to those recognised by local authorities as having a right to housing) and hidden homelessness (defined by Crisis as those who are not recognised by local authorities but are nevertheless living in overcrowded, shared or concealed households), I contend that there is a third type – *invisible homelessness*. ‘Invisible’ because it is often invisible to those around the homeless person and sometimes even to the homeless person herself. They are people who are neither counted as homeless currently, nor likely to be included in homelessness policy targets any time soon. They are people who, despite living in conditions which we ought to deplore as intolerable, are not recognised by others as homeless. Many of these invisible homeless are women. Women who’s friends and family do not recognise them as such. Women who sometimes do not even recognise themselves as homeless. Because not having anywhere permanent or safe to stay ‘is just the way it is’. Women who’s dignity is either violated, or at least frustrated, on a daily basis. Women who are financially dependent on men, trapped in abusive or simply unhappy relationships, but with nowhere else to go. Women staying put ‘for the sake of the kids’ because leaving would mean moving to a cheaper area where their children would face disruption to schooling and friendships. Women who lack financial and bargaining power in their relationships, women with an unequal burden of caring responsibilities, women in overcrowded, badly insulated, cold accommodation they can’t afford to heat. Young women who cannot afford to rent privately, or ever hope to buy a home of their own (without a man!) because they are stuck in part-time or badly paid work. Elderly women who cannot afford a room of their own in their care home and are subjected to noise and the unwelcome intrusion of other residents. This paper is an attempt to broaden out – to re-conceptualise – what it really means to be homeless. Because many women, like myself, have been homeless at certain times in our lives. Yet not only have we have failed to recognise it ourselves, so have those around us, because for women being homeless in the UK has become ‘normal’.

The crisis of women’s invisible homelessness will continue to deepen until we take urgent action to re-establish the link between ethics and housing. This is a link which was largely lost after the introduction of the 1988 Housing Act which transitioned the UK from a needs-based to an affordability-based housing policy (Whitehead cited in Bramley, 2006, p.127). The 1988 Housing Act reduced the statutory obligations on councils to provide rented housing for all those in need (Ginsburg and Watson, 1992, p.152), and the social rented sector (in which many of the poorest women were housed) declined precipitously. In this paper I shall argue that Martha Nussbaum’s Capability Theory of Justice – an ethical framework in which each and every person is held to be ‘a bearer of value, and an end’ (Nusbaum, 2000, p.73) – is particularly well placed to deal with the sorts of entrenched gender inequalities which have arisen since the UK adopted this market-led approach (due to a strong emphasis on home-ownership over other forms of tenure) to the provision and distribution of housing. It is a system, sadly, which many UK citizens have now come to think of as so ‘normal’ that an alternative has become almost unimaginable. Meanwhile, within multi-person households, women’s lower economic status and lack of decision making power, has forced many into *invisible homelessness*. Whilst within single-person households women’s lower economic status, decreased wealth, and greater reliance on benefits (which have been cut significantly) has also created an epidemic of *invisible homelessness.* Thus a focus on delivering homes at the household level (as politicians and housing charities often call for) is failing to recognise the extent to which invisible homelessness is damaging women’s wellbeing – and eroding their dignity – by reducing women’s opportunities ‘to develop and exercise [their] human powers’ (Nussbaum, 2000, p.72). Nussbaum’s Capability Theory of Justice is *grounded* in the notion of

individual dignity. She derives dignity from a list of 'fundamental entitlements' or 'central capabilities', necessary, she argues, (at minimum threshold levels) to ensure that each and every person is given the opportunity to achieve a life 'worthy of the dignity of the human being' (Nussbaum, 2000, p.72). Below certain threshold levels, Nussbaum holds, a person would be unable to live a properly human existence (Nussbaum, 2000, p.74) According to capabilities theorists an individual's wellbeing can be understood in terms of their 'capabilities' and 'functionings'. Capabilities are the 'states of enablement that make it possible for people to achieve things' (Holland, 2008, p.320). They are often described in capabilities literature as a person's 'opportunities' or 'potential'. Functionings, on the other hand, are realised capabilities. They are a person's everyday doings and beings. While capabilities might include long term goals such as buying a house as well as short term goals such as planning a meal. Functionings include *actually* decorating the house and *actually* enjoying the meal. The central capabilities, Nussbaum holds, are both incommensurable, such that the lack of one cannot be substituted by an increase in another (Robeyns and Byskov, 2023), and universal, such that they are endorsable 'by people who otherwise have very different views of what a complete good life for a human being would be (Nussbaum, 2000, p.74). Attending to a person's 'capabilities', (rather than merely her functionings), Nussbaum tells us, respects the distinctiveness and diversity that is found in individual people because individuals are not required to achieve a particular functioning against their will (Nussbaum, 2000, p.74). Yet Nussbaum's list of central capabilities does not explicitly include the capability of home. Instead she only mentions shelter and property. I shall argue that shelter, such as temporary hostel or B&B spaces ought no longer be accepted as a piecemeal solution to the systemic, and vastly under-reported, problem of women's homelessness. And that property (or property rights) such as the provision of adequate housing doesn't do enough to ensure women are free of domestic violence or other violations of their dignity. If each individual is indeed taken to be a 'dignified, free being who shapes his or her own life in cooperation and reciprocity with others, rather than being passively shaped or pushed around by the world in the manner of a 'flock' or 'herd' animal' (Nussbaum, 2000, p.72) we ought to radically alter the way homes are 'allocated' in the UK. Mere shelter, or temporary accommodation, are not sufficient. The defining feature of *home* is having a safe, long-term, affordable place to be. Without a home one cannot live a genuinely dignified life.

2. What exactly is a capability?

'..in certain core areas of human functioning a necessary condition of justice for a public political arrangement is that it deliver to citizens a certain basic level of capability. If people are systematically falling below the threshold in any of these core areas, this should be seen as a situation both unjust and tragic, in need of urgent attention'
(Nussbaum, 2000, p.71)

There are many more homeless women in the UK than current homelessness statistics suggest. This is because many homeless women are either hidden or invisible. In this section I shall argue that if the housing in which a woman finds herself does not meet my definition of the capability home then she ought to be counted as homeless. My definition of the capability home is: *Home: being able to live in privacy or with others (human and non-human) in a place that is; safe, long-term, affordable, and which positively influences one's sense of self and belonging.* A home, in short, ought to provide women and children with the opportunity to dwell with dignity, in a way that mere housing fails to do. I shall propose that a home is a fundamental entitlement (or central capability) because a home is of *intrinsic* value to individual wellbeing. Being 'home-less' restricts a person's wellbeing by hampering their ability to carry out the activities they value (their 'doings') and to choose the kind of person they want to be (their 'beings'). A homeless person is therefore prevented from living a life 'worthy of the dignity of the human being' (Nussbaum, 2000, p.72). To be clear, I am not proposing that a home is important because people have a *right* to a home (I will look at rights claims in detail in section 3). And I am not proposing that a home is important because people *need* a home (in order to achieve the other central capabilities). This claim would entail a home is of mere *instrumental* value to individual wellbeing. My claim is stronger. A home is of *intrinsic* value to individual wellbeing and thus ought to be included on Nussbaum's list of Central Capabilities.

The word home has a multitude of meanings. The definition given in the Oxford Dictionary states the noun home is, amongst other things 'the place where one lives permanently, especially as a member of a family or household', 'a house or flat' and 'a place where something flourishes' (Oxford Dictionary of English, 2010). The housing academic, Craig Gurney, during his extensive research on 'the meaning of home', notes that within the diverse disciplines of psychology, phenomenology, sociological work and housing studies, home is understood 'at differing levels of experience' as an 'object, a state of mind, a feeling, a commodity, an idea, a memory… and so on' (Gurney, 1996, p.305). Home is more than just a physical space in which we live, home is a *part* of us. Our homes, if they are 'good', provide us with life-affirming meaning and dignity. We can see this most clearly when elderly people express a deep desire to remain at home, even though they are struggling to maintain their independence, because they fear the accompanying loss of dignity which comes from being moved 'into care'. And when women choose to give birth at home, in order to avoid the impersonal sterility of the birthing suite, and the lack of privacy they are likely to encounter on a busy maternity ward. Dignity plays a prominent role in our lives. And dignity is crucial when we evaluate to what extent our life is going well, or badly. But dignity is not limited to cognition or mere subjective experience. Dignity is not a product of our 'internal' thinking alone. Dignity is also 'external'. It is created, expressed, and maintained spatially (and socially) 'out there' in the world around us. Dignity is, therefore, an essential aspect of our experience of home. Take, for example, an account provided by Susan O'Brien, a lone parent, who was interviewed by Gurney as part of his study into gendered attitudes towards the meaning of home. O'Brien told Gurney that after her husband had left she had felt the need to redecorate and change the rooms to make them her own. She said that before he'd left, her home had never really felt like it belonged to her (Gurney, 1996, p. 258). And another account provided by Kate White, who felt her home had stopped being her own, because her flat mate 'would be there with her boyfriend watching the telly

or whatever, and I felt I had to go to bed, and it didn't feel like mine then, I didn't like that, so I asked her very nicely to go'. White told Gurney she'd put up with it for only one week because she 'couldn't stand it'. Gurney surmised that the presence of 'strangers' in White's flat had 'threatened' both her sense of 'autonomy' and 'independence' (Gurney, 1996, p. 272). Despite experiencing hidden homelessness in completely different ways, both women describe violations of dignity (in the case of O'Brien) and at least frustrations of dignity (in the case of White) which appear to have passed largely unnoticed by those around them. For both O'Brien and White, however, the key to restoring their dignity was making their space their own again. For O' Brien this meant significantly altering her space to eradicate the connection with her former partner. For White a resumption of her personal privacy was enough. Inadequate housing and homelessness undermines women's dignity in ways too nuanced for standard economic analysis. So when the housing crisis is misrepresented as being merely an 'affordability' crisis, the everyday challenges of homeless women remain invisible. The capabilities approach, by contrast, recognises the diversity of individuals – treating no two people as the same – placing moral significance on the outcomes that each and every person is able to achieve (rather than the resources at their disposal, such as income or wealth, or their psychological state, such as happiness). These outcomes, as has been previously stated, are expressed in terms of people's capabilities (their opportunities) and their functionings (doings and beings). A person's functionings or 'doings and beings' specifically related to housing might include; *having* the space and privacy to work from home, *feeling* safe walking home at night, *being* a good neighbour and *enjoying* a sense of belonging. These 'doings and beings' are highly subjective and deeply entwined with a person's dignity. It is these everyday functionings which bring a sense of meaning and value to people's lives. But because people have such wide ranging beliefs and interests, and because they hold such widely pluralistic values, Nussbaum insists people ought to be free to choose the functionings that correspond to their own values, and reject (within reason) those that do not. This, she holds, ensures that agency and dignity are given a central position in her theory. Nussbaum's particular conception of dignity (there are many) is derived from a list of pre-specified central capabilities (see below). These capabilities have been chosen because they are 'particularly central in human life, in the sense that their presence or absence is typically understood to be a mark of the presence or absence of human life' (Nussbaum 2000, p71-72). The fact that her central capabilities have been arrived at as a result of an 'evaluative argument' about the opportunities necessary for 'a life worthy of human dignity' (Nussbaum, 2011b, p.25) however has led to charges of paternalism. Why should Nussbaum think that socratic reasoning (by philosophers) about which opportunities are most salient in a 'good life' is superior to legitimate democratic decision making? But Nussbaum insists that the central capabilities are 'prepolitical, belonging to people independently of and prior to membership in a state' (Nussbaum, 2011b, p.25) this means leaving the selection of the central capabilities to democratic processes alone, without first specifying the largely non-negotiable and universal features that make up a good life, wouldn't do enough to rid societies of the sorts of entrenched social oppression and discrimination which is faced by certain groups including women and girls. For Nussbaum the central capabilities 'belong to humans just on account of their human dignity and would be there even if there were no political organization at all' (Nussbaum, 2011b, p.25). In other words individuals are deemed to have 'some core entitlements just by virtue of their humanity' (Nussbaum, 2011a, p.62) rather than as a result of the culturally defined norms of a particular society in which they happen to live. For her then the capabilities are *universal* entitlements thus *prior to* human rights. (Amartya Sen, another prominent capability theorist, by contrast thinks capabilities are a type of human rights).

It is important to note that there are alternative capability theories of justice (for example Wolff and de-Shalit 2007, Crocker 2008) but this paper will focus exclusively on Nussbaum's as it is the most comprehensive and philosophically influential. Nussbaum's theory rests on two normative claims; firstly, that an individual's ability to achieve wellbeing is of primary moral importance, and secondly, that an individual's wellbeing can be determined by the capabilities and functionings

available to that individual (Robeyns and Byskov, 2023). And because the ability to achieve individual wellbeing is of primary moral importance social justice demands that governments deliver policies which expand and support people's capabilities. For this purpose she has created a list of ten 'Central Capabilities' below:

1. Life. Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living.

2. Bodily health. Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.

3. Bodily integrity. Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.

4. Senses, imagination, and thought. Being able to use the senses, to imagine, think, and reason—and to do these things in a "truly human" way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing works and events of one's own choice, religious, literary, musical, and so forth. Being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to have pleasurable experiences and to avoid nonbeneficial pain.

5. Emotions. Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one's emotional development blighted by fear and anxiety. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)

6. Practical reason. Being able to form a conception of the good and to engage in critical reflection about the planning of one's life. (This entails protection for the liberty of conscience and religious observance.)

7. Affiliation. (A) Being able to live with and toward others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech. (B) Having the social bases of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails provisions of non-discrimination on the basis of race, sex, sexual orientation, ethnicity, caste, religion, national origin.

8. Other species. Being able to live with concern for and in relation to animals, plants, and the world of nature.

9. Play. Being able to laugh, to play, to enjoy recreational activities.

10. Control over one's environment. (A) Political. Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association. (B) Material. Being able to hold property (both land and movable goods), and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work, being

able to work as a human being, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers.
(Nussbaum, 2011a, p33-34)

Nussbaum only mentions housing twice in her list of central capabilities. Firstly, as 'shelter', a component of her second capability 'bodily health', and secondly as 'property', a component of her tenth capability 'control over one's environment'. Thus she treats shelter and property materially – as if they are of *instrumental* value to individual wellbeing – instrumental, that is, in their role of supporting the other ten intrinsically valuable capabilities. Whilst I agree with Nussbaum that shelter and property are of instrumental value, contra Nussbaum, I am arguing that the capability of home is of intrinsic value and home cannot be reduced to the status of mere resource in the way that shelter and property can. Nevertheless, in the UK the provision of even the most basic forms of shelter such as women's refuges, essential for the protection of women fleeing violence and abuse, are so underfunded that one in five has reported turning away desperate women (Reis, 2019, p.6). While the problem of housing the most vulnerable women, longer term, has been left largely to charities (such as Women's Pioneer Housing and Housing for Women) which cannot cope with the number of women needing homes. Current housing policy in the UK is also failing to ensure that women can hold 'property' *on an equal basis with men*. The Women's Housing Forum, the Women's Budget Group and the National Housing Federation have recently analysed ONS figures on the gender pay gap in order to demonstrate that there is now an established *gender-based housing affordability gap* (Fowler, 08/03/2020). Thus making sure women have the opportunity to hold property on an equal basis with men would require a gendered housing policy that specifically deals with the additional challenges women face in obtaining and maintaining housing. Housing policy is also failing to ensure that women can 'move freely from place to place'. This is a component of Nussbaum's third capability 'bodily integrity', and although Nussbaum herself doesn't link the ability to move freely to the issue of housing, it is clear that many women (especially those suffering domestic violence) are prevented from 'leaving' if they have nowhere else to go. Thus the ability to move freely would appear to require, at least, an ample supply of genuinely affordable homes. And yet a lack of affordable homes is now one of the main drivers of women's homelessness (Homeless Link, 2022, p.7). Nevertheless, even if the capability to hold property and move freely was being upheld (which it is surely not), many women would still struggle to achieve 'a life worthy of the dignity of the human being'(Nussbaum, 2000, p.72). In her 2011 book, *Creating Capabilities,* Nussbaum does briefly turn to the problem of housing asking whether having an ample supply of adequate housing would do all that is needed [to achieve equality] but leaves the question unanswered, stating it would need 'further investigation' (Nussbaum, 2011a, p.41). So what is adequate housing? And how much is ample? The UK government's current policy is, arguably, to provide some additional housing (though not nearly enough) but procures nearly all of it in a way which is gender-blind to the real problems women face. I am arguing the provision of *materially* adequate, ample housing (even if it could be achieved, noting that many blocks of flats in the UK are still clad in combustible materials seven years after the Grenfell tragedy) will do little to address the homelessness crisis facing women. And this is because homeless women need *homes* rather than merely *materially* adequate housing.

For many women, Nussbaum's minimal notions of 'adequate shelter' and 'property rights' (valued instrumentally) will prove insufficient to ensure they have the opportunity to dwell with dignity. A dignified life requires a home. This can be demonstrated in the form of propositions (P) as follows:

P1 Home is adequate shelter

P2 Home is holding property (inc property rights or control over one's environment)

P1 is false. A hostel place or B&B may be understood to provide 'adequate shelter' so long as standards of adequacy are limited to material adequacy only ie. showers, beds, toilet facilities etc. But the lack of control, insecurity of tenure, and lack of privacy clearly prevent this type of accommodation meeting the criteria of home. *Home is therefore not the same as, or limited to, adequate shelter.*

P2 is false. A house or flat co-owned with a partner may be understood to be the sort of property over which one enjoys equal property rights, a good level of control, and a degree of privacy. But approximately two thirds of home owners in the UK are, in fact, home 'buyers' (those who hold mortgages) rather than home 'owners' (those who own their homes outright). As Gurney has pointed out this means that rising interest rates, loss of employment income, or relationship breakdowns can threaten a person's ability to stay in their home (Gurney, 1990, p.11) This situation is more problematic for women who's lower incomes (relative to men's) often cannot afford to stay in their homes following a relationship breakdown. Control is thus an illusion for many. For those who rent the illusion of control is greater still. A recent report by Shelter found 69 per cent of women who rent privately feared they would have nowhere else to go in the event of a relationship breakdown (Schofield, 2021, p.5) Despite this lack of (objective) control, homeowners and tenants often feel very strongly that the house or flat in which they live *is* their home. Jonathan Wolff and Avner de-Shalit propose that the subjective experience of home is bound up with feelings of affiliation (Nussbaum's seventh capability) and belonging, rather than simply control (Wolff and de-Shalit, 2007, p.49 & p.105) This is not to say that control doesn't have *any* importance, but rather that control may not be the most salient feature in a person's experience of home. *Home is therefore not the same as, or limited to, control over property.*

Conclusion

Whilst adequate shelter and holding property may be *necessary* for human flourishing, they alone are not *sufficient*. Policy, therefore, ought to be focused on providing homes rather than merely 'adequate' housing.

It is well worth noting that Nussbaum has been strongly criticised for including property on her list of central capabilities, with several theorists pointing out that property is a deeply contested notion. It is far from universally accepted that private property *is* necessary for human wellbeing. NgaiMing and Forrest note that while 'the idea of home ownership is closely associated with notions of privacy, freedom, independence and autonomy, especially in Western contexts' (NgaiMing & Forrest quoted in Easthope, 2012, p.584) this is simply not the case in all countries. Thus the decision to include property would seem to go against Nussbaum's claim that all her central capabilities 'can become the object of an 'overlapping consensus'' (Nussbaum, 2006, p.79). Iris Young argues that it is the *privacy* afforded by having one's own 'personal space' which is crucial for supporting a sense of self. Not 'ownership' per se (Young, 2005, p.156-157). Despite extensive criticism, Nussbaum continues to insist that property (inc property rights and control over property) *is* crucial because when women are denied the ability to hold property they are 'especially subject to common forms of oppression and deprivation' (Nussbaum cited in Holland, p.320). Whilst I take Nussbaum's point that control of property (in some societies) is extremely important to women (especially as this is a functioning they have been traditionally denied) I remain unconvinced that property ought to be included as a universal central capability. Instead I am inclined to agree with Young, that it is the ability to enjoy one's own personal space which is especially at stake for women's wellbeing (and is therefore the focus of this paper). Thus the capability of home, if it were a central capability, would not face the same universalisation problem that property currently does. In their 2007 book 'Disadvantage' Wolff and de-Shalit set out to test the extent to which Nussbaum's Central Capabilities resonated with service providers and users. Their interviews revealed the following important distinction: "A concern for housing, [...] seemed to go beyond 'adequate shelter' included under the head of 'bodily health' but neither is it captured

by the idea of ‘private property’ included under ‘control over the environment’. Rather, for most interviewees the salient idea was a ‘home’ rather than shelter or property. Arguably this is best understood in terms of ‘control over one’s environment’ and so this is where we will place such a concern, although there are elements of ‘affiliation’”. (Wolff and de-Shalit, 2007, p.105) This observation, by Wolff and de-Shalit, was the starting point for this dissertation. Several interviewees were clearly trying to express the importance of a central capability that was absent from Nussbaum’s list. Without doubt important elements of the capability of home can be found in *control* and *affiliation* (as I believe Wolff and de-Shalit are right to suggest), but they can also be found in all the capabilities on Nussbaum’s list to a greater or lesser extent. Take, for example, *practical reason,* and *emotions*. In the UK home for most of us, is the place in which we plan our lives, make our biggest decisions, make commitments to others, love and care for those closest to us. Many of us are born at home and ‘the evidence that most people wish to die at home is extensive and consistent’ (Webb et al, 04/2020) Or take *play.* Home is the place we raise children, entertain friends, laugh and take time ‘off’ to relax, thus play seems particularly relevant to an experience of home. Or *other species*. Home is the place where most of us encounter *other species* in the guise of a first pet or wildlife in our gardens. But whilst, I would argue, all Nussbaum’s ten central capabilities have a vital part to play in the rich concept of home I am defending, none of them alone quite captures the ‘essence’ of home – something which is universally and fundamentally necessary to human wellbeing – a safe, long-term, affordable place in which one can dwell with dignity. In other words the capability of home, though it contains many of the other capabilities, cannot simply be ‘summed’ from them. And, this, I believe represents a challenge to Nussbaum’s claim that individuals who achieve her existing ten central capabilities are provided with the opportunity to live a life ‘worthy of the dignity of the human being’(Nussbaum, 2000, p.72). Home is *non-commensurable* such that the lack of it cannot be substituted by the addition of one or other capabilities on her list. Thus her central capabilities ought to be expanded to include home.

3. Why capabilities rather than some other theory of justice?

'A lot of households are not democracies; they're dictatorships.'
(Rebecca Solnit, The Guardian, 31st Oct, 2024)

In the UK, the interests of homeless women (who I have argued outnumber homeless men) are disregarded by a broadly utilitarian housing policy which protects the status quo (men's interests in home *ownership*) over much needed radical reform (women's interests in safe, affordable, *social* homes). Thus the provision of women-only housing, and a gendered housing policy, would be a first step in enabling women to choose to 'leave'. The UK government, however, continues to prioritise happiness-maximising/preference-satisfying housing policies at a societal level (homeownership, help-to-buy etc) over more 'ethical' policies (social renting, homelessness prevention etc) for those who are persistently deprived. Gary Becker's hugely influential, 1965 economic model of the family, had initially proposed that households are unitary (one single entity), altruistic (governed by one altruistic head of the household), and that resources are 'pooled' for the benefit of all family members (Agarwal, 1997, p.4). Today, households are generally understood to be constituted by several individuals, often with differing (sometimes conflicting) preferences and interests. And the 'bargaining power' of individuals within the household (which can lead to inequality in the allocation of resources between individual household members), 'is defined by a range of factors, in particular, the strength of a person's fall-back position' (Agarwal, 1997, p.5). A person's 'fall-back' (or 'exit') position is determined by how well-off she would be if cooperation between household members failed – the point at which she would choose to 'leave'. In most households women's fall-back position is lower than men's (due to women's lower economic status), but women can bargain more 'successfully' if their 'fall-back' position is enhanced through factors such as; increased personal income or wealth, improved skills and higher levels of education and the availability of alternative accommodation. Yet despite a growing awareness of intra-household inequalities, the majority of household surveys continue to focus solely on the self-reported preference-satisfaction levels of a single HRP (household reference person), who's preferences are taken to be representative of the family or household. This means surveys can miss crucial inequalities in the allocation of resources within the household. This failure has translated into a lack of meaningful data about the degree to which women suffer from hidden and invisible homelessness, and poor housing policy. Boram Kimhur, for example, points out that policies are frequently deemed to be a 'success' if they deliver the stated number of units, in good physical condition, with green spaces nearby, and residents self-reporting that they are satisfied (Kimhur, 2020, p.265). This overlooks that within the household there might still be high levels of dissatisfaction which remain invisible such as many partners (often women) having to give up work because the house is too far from transport, or that in many situations women lack the protection of a joint tenure with their partners (Kimhur, 2020, p.265). Thus self-reported preference satisfaction alone ought not be the basis of household surveys or housing policy. A further problem is that whenever such data is averaged and aggregated, in the form of average household wellbeing or the overall number of new houses needed, it fails as a good proxy for individual wellbeing. Knowing how well some members of a household are doing, or how many houses a country is building, tells us very little about how well (or badly) each and every person is doing. Theories, such as utilitarianism, which rely on averaging and aggregating, mask wide inequalities between individuals, even individuals within the same household. Thus attending to the central capabilities of *each and every person* within the household can provide more meaningful data which can be used as a starting point for creating a more comprehensive account of individual wellbeing and, in turn, a more inclusive housing policy.

Nussbaum argues that each and every one of her ten central capabilities is *non-commensurable.* 'Non-commensurability is the idea that the important aspects of human life differ in quality, not just

in quantity' (Nussbaum, 2020, p.16).) Thus a lack of one central capability, on Nussbaum's view, cannot be substituted by an increase in another. For example, one cannot have a lack of *bodily integrity* compensated for by being given access to a greater amount of *bodily health* or *practical reason*. Each central capability is of a different 'quality', corresponding to a different sphere of a person's experience and individual wellbeing. In order to achieve a genuinely dignified life each person, on Nussbaum's view, ought to have the opportunity to achieve *all* of the central capabilities and individuals who are denied the opportunity to achieve the central capabilities (at least at minimum threshold levels) are 'condemned' to live lives that are not worthy of the dignity of the human being. Nussbaum writes 'some lives that people are given are pinched and cramped; they are unable to unfold themselves, to choose, to act, to use key human powers' (Nussbaum, 2011b. p.27). She attributes this idea about human development in particular to 'Marx's Economic and Philosophic Manuscripts of 1844' in which he expresses 'a very Aristotelian conception of 'truly human functioning' in which 'existing conditions of labour under capitalism alienated workers from the 'truly human' use of their faculties, by depriving them of both practical reason and sociality (Nussbaum, 2020 p.29). This stands in sharp contrast to utilitarianism, which reduces human complexity to a single unit of measurement (such as happiness or utility). Heterogeneity (diversity) and non-commensurability are key aspects of Nussbaum's theory. It is for this reason, she tells us, that her theory is incompatible with most types of utilitarianism (Nussbaum, 2020, p.16). Thus a life 'worthy of the dignity of the human being' (Nussbaum, 2000, p.72) is not merely a life of pleasure, happiness or preference satisfaction (such as in Nozick's experience machine), but one in which a person 'strives' for one kind of life rather than another, in accordance with their 'agency' and 'freedom'. Sen also argues that capabilities (rather than resources or utility) are the more appropriate 'space of comparison when justice-related issues are considered' (Sen cited in Nussbaum, 2003, p.33). In his 1979 paper *Equality of What?* Sen critiques utilitarianism, claiming it pays too much attention to the mere distribution of resources (measured as utility) (Sen, 1979, p.202), whilst failing to notice that the fundamental differences between people (for example whether one is disabled or able-bodied, young or elderly, male or female etc) mean some people are better able to 'convert' their resources into capabilities than others (Sen, 1979, p.203). And crucially, Sen has also argued, because utilitarianism measures utility only in terms of self-reported happiness or preference-satisfaction, it lacks the mechanisms to ensure such self-reported preferences are genuine. People who are persistently deprived frequently 'adapt' to their deprived situation. 'Quiet acceptance of deprivation and bad fate affects the scale of dissatisfaction generated, and the utilitarian calculus gives sanctity to that distortion' (Sen quoted in Nussbaum, 2000, p.139). In his PhD thesis on 'Housing and Happiness' Chris Foye cites research by Biswas-Diener and Diener which suggests people who are street homeless may adapt, lowering their expectations, to fit in with their reduced social status (Biswas-Diener and Diener cited in Foye, 2016, p.23). Thus any credible theory of justice must account for people's adaptive preferences. For this reason, Nussbaum insists, gender justice must ensure that the 'fundamental entitlements' or capabilities that people require remain 'independent of the preferences that people happen to have, preferences shaped, often, by unjust background conditions'. (Nussbaum, 2003, p.34) Gender-regressive norms and 'adaptive preferences' in the UK continue to 'trap' many women, particularly those with children or other caring responsibilities, into low-paid or part time roles. The fact that many women appear to acquiesce in the face of oppressive and discriminatory household norms, however, doesn't negate the need for women-only housing or for a gendered housing policy, in the same way that the prevalence of women in low-paid work doesn't negate the need for equal pay. Respect for equal dignity requires that we ensure women, as well as men, are able to do and to be the things they 'have reason to value'[2]. None the less could it really be the case that women 'adapt' their preferences out of 'quiet acceptance' or a reduced sense of self-worth as Sen (and Nussbaum) often seem to suggest? The notion of adaptive preferences is hugely controversial and has been

2 In 'Development as Freedom' (1999) Amartya Sen states capabilities should be defined as the real freedom to achieve the 'doings and beings' we 'have reason to value'. Both Sen and Nussbaum hold that a person's subjective view of their own wellbeing is one important aspect of a person's wellbeing.

criticised by many feminists for diminishing women's autonomy. Agarwal, for example, disagrees with Sen's analysis that adaptive preferences come about as a result of an individual's perception of themselves as having less self-worth (Agarwal, 1997, p.35). She points to evidence of women using 'covert', rather than explicit, methods to challenge their unequal economic status (Agarwal, 1997, p.34). Research by Wolff and de-Shalit explains oppression and disadvantage in terms of a lack of genuine opportunities (capabilities) for the most seriously disadvantaged. Where for the most seriously disadvantaged 'the available opportunities to improve [their] situation can put [them] at grave risk of becoming worse-off still' (Wolff and de-Shalit, 2013, p.161). For example, a person in poverty may be forced to 'choose' to break the law in order to feed themselves. Such choices, though entirely 'rational' may look 'irrational' or 'adaptive' to those who have the benefit of a far greater range of genuine opportunities. In the UK existing gender norms such as unequal access to well paid work (in the form of structural impediments such as costly child care), means that for many women finding a secure place to live still depends on a relationship with a man and/or on maintaining (unwanted) wider family connections. Ending the gender pay gap, then, may seem like the most effective way of tackling housing un-affordability for women. In practice, however, it will have little effect if women's 'preferences' to work part-time or in low-paid sectors (because they do the bulk of child rearing and caring) remain unchanged. Current housing policy, which treats housing as a shared, rather than an individual commodity, exacerbates this problem. For example, competing claims to the family home (during a divorce) are stressful and frequently leave the woman worse off. Thus treating home as a capability for *each and every* person could help raise awareness of the sorts of gender regressive norms which continue to erode women's economic independence. But might the inevitability of competing claims over one's home (given that land and property *are* frequently subject to competing claims) count against including the concept of home as a capability? No. Because it is the *opportunity* to have either this or that capability which is the focus of the capabilities approach. So long as the opportunity to create a *new* home is made available, the approach does not entail that a person has the right to remain in their existing home, particularly if that is no longer an appropriate (or safe) option. For many women in the UK the only realistic route to a home of their own is either through women-only housing, a gendered housing policy, or (an unwanted) relationship with a man or wider family. Whilst the former two options respects women's agency and dignity, the latter clearly does not.

Another way to think about housing is through the language of *rights*. But introducing the *right* to housing (the direction favoured by the UN and some women's groups such as WBG) will do little to overturn the entrenched social and gender norms which have perpetuated women's homelessness in the UK. Some feminists favour capabilities over rights because, they argue, rights are too androcentric, failing to include the sorts of things that women value (Nussbaum, 2003, p.37). Giulia Paglione, for example, argues the standard of 'adequacy' advanced by international housing rights is 'gender blind', to the differences between women and men's experiences of housing, including the 'extent to which women's housing rights are violated.' (Paglione, 2006, p.125) As a consequence, she maintains, The UN Committee on Economic, Social and Cultural Rights (CESCR) wrongly prioritises 'external' threats such as forced evictions, over 'internal' threats such as 'the extent to which women are subjected to violence within the home' (Paglione, 2006, p.125). In the UK, for example, 'men's homelessness' (typically rough sleeping) is prioritised over 'women's homelessness' (typically hidden forms). This has meant that despite the number of women and children stuck in unsuitable temporary accommodation tripling in the last ten years (Fitzpatrick et al., cited by Crisis UK, 2023, p.14) the 'government's overwhelming focus […] has been on addressing rough sleeping' (Fitzpatrick et al. cited by Crisis UK, 2023, p.24). The UK currently has no constitutional right to housing (Boyle and Flegg, 2022, p.13). And is failing to meet its 'international obligation to provide for the right to housing in a manner compliant with international human rights.' (Boyle and Flegg, 2022, p.8) Nevertheless, even if the UK did take action to 'incorporate the right to adequate housing into domestic law' (Boyle and Flegg, 2022, p.8) the accepted international definition of 'adequate housing' remains insufficient to protect women and

children. Despite 'adequate housing' being defined by The CESCR,[3] as 'the right of all persons, regardless of their income or economic resources', (CESCR cited in Boyle and Flegg, 2022, p.2) to 'live somewhere in security, peace and dignity' (CESCR quoted in Boyle and Flegg, 2022, p.2) the concept of 'adequate' is never clearly defined by the committee. Instead, Paglione points out, the somewhat narrower concept of 'adequate shelter' is defined, but only in *material* terms, as 'adequate privacy, adequate space, adequate security, adequate lighting and ventilation, adequate basic infrastructure and adequate location with regard to work and basic facilities – all at a reasonable cost.' (Paglione, 2006, p.126) Thus, she writes, 'the requirements named, even if essential, do not satisfy the prerequisite of "peace, security and dignity" in its core connotations.' (Paglione, 2022, p.126) The right to housing, Paglione concludes, ought to be extended to include 'the right to live in a space free from domestic abuse' (Paglione, 2022, p.126). But would this go far enough? How would this help women who aren't facing domestic abuse, but who are nevertheless, experiencing other forms of hidden or invisible homelessness which prevent them from achieving the ten central capabilities? A life free of violence in the home, Nussbaum argues, is already explicitly protected by her third central capability *bodily integrity*, though it is not currently protected by human rights (Nussbaum, 2003, p.37). Capabilities are more demanding than rights in ways that are particularly relevant to achieving gender justice. This is because capabilities don't just deal with negative freedom; merely preventing the constraints and interference that disadvantaged people (such as women and children) are especially prone to, but instead deal with positive freedom; focusing on people's 'substantive freedoms captured and characterized in terms of the results that they can actually achieve' (Vizard, 2020, p.626). In other words a distinction can be drawn between 'nominal' rights (ie rights that exists on paper) and rights that have been actively secured. Nussbaum claims that when we think about what it means to actively secure a right – we are really thinking about a right where 'the relevant capabilities to function are present' (Nussbaum, 2003, p.37). Housing policy ought to address (positive) capabilities such as ones ability to meet friends and go where one likes, as well as provide protection from (negative) experiences such as domestic abuse. So as an individual's wellbeing is of paramount moral importance, individuals have *more than just a right* to achieve something of value. It is not enough then for governments to simply provide the 'formal freedom' or 'right' to achieve something, governments also need to ensure that citizens are provided with the means and resources to have *a realistic chance of actually achieving* the things they value. A mere right to housing, then, is unlikely to result in many homeless women finding a home if too many other obstacles remain. Even if the UK government acknowledged a 'right' to be housed, the situation for many women facing the gender pay gap and other structural impediments, would not change. More resources such as social rent properties, for example, would need to be made available at prices women could afford. The means to acquire a home, through a gendered housing policy which addresses the specific problems women face, would be required. And a positive vision of gender justice, at a constitutional and institutional level, would also be required to challenge gender-retrogressive norms in the UK. Hence Nussbaum defends her central capabilities as *preceding* human rights arguing her theory of justice is intended to provide 'a foundation for basic political principles that should underwrite constitutional guarantees' (Nussbaum, 2000, p.70). The central capabilities however have an important role in 'augmenting' and supporting human rights (Nussbaum, 2011b, p.23). This is because on Nussbaum's view the central capabilities are grounded in a notion of dignity which is made *explicit,* whereas the notion of dignity referred to in much human rights speak is often too vague. The language of rights, without the capabilities to 'supplement' them, she argues lacks a clear philosophical underpinning. Rights claims are based on a wide variety of (conflicting) grounding concepts such as species membership, sentience, or rationality. (Nussbaum, 2003, p.37) Nussbaum

3 See Boyle and Flegg, 2022, 'The Right to Adequate Housing in the UK – An Explainer'. Housing policy is devolved in the UK meaning Wales, Northern Ireland and Scotland have the right to set policy independently of the UK government. Nevertheless the right to adequate housing is a key component of both international human rights law and ESC (economic, social and cultural) rights to which the UK (and devolved nations) are committed. ESC rights include, amongst others, housing and an adequate standard of living. ESC rights are particularly important for protecting marginalised groups such as women and children.

defends her decision to ground her theory of justice in dignity, rather than rationality, because she wants to *include* members of society whose rights are often ignored (she extends dignity to animals). While human rights are typically understood as a way of preventing harm to a rational individual (ie to be harmed the individual must *know* they are being harmed), Nussbaum argues that sometimes we need to go beyond a Kantian conception of 'moral capacity' especially in the case of the most vulnerable. We are at base 'a caregiving and care-receiving society' (Nussbaum, 2003, p.51). The cognitively impaired, the elderly, those suffering addiction or mental illness, children, and those who are made vulnerable by various states of oppression, such as women, have a particularly weighty claim to a home, and thus more than just a right to housing.

Mere housing does not provide the opportunity to dwell with dignity as home does. A home cannot be 'reduced' to mere 'shelter' or 'property'. A home requires more than just the removal of negative freedoms such as destitution and violence, and consists instead of positive freedoms, such as choice and privacy. I agree entirely with Nussbaum that we need to 'make commitments about substance' (Nussbaum, 2003, p.33) if we are to arrive at a plausible account of gender justice but this paper has also argued that one important way in which we ought to do that is by making home one of the central capabilities. Nussbaum, however, would likely reject such a claim because she takes her existing ten central capabilities as already offering all that is required for a life 'worthy of the dignity of the human being' (Nussbaum, 2000, p.72). As mentioned above, she takes her third capability *bodily integrity*, for example, as providing a life free of violence in the home (Nussbaum, 2003, p.37). An individual who has shelter and property (inc property rights and control over property) *plus* all the remaining capabilities would, on Nussbaum's view, be granted the opportunity to live a dignified life without the specific capability of a home of one's own. But, I wish to argue, this is simply not plausible. An individual who is homeless *cannot* achieve the ten central capabilities. Take her fifth capability *emotions* for example. How can a homeless woman live a life free of the worry and anxiety if she suffers from intimidation on the streets or domestic abuse? Or take her sixth capability *practical reason*. How can a homeless woman, who doesn't know whether she will be moved from one B&B place to another, plan or make meaningful choices? Even if it were possible to imagine an individual who (superficially) met the criteria for various capabilities whilst being homeless, I contend that individual would not, in fact, be living in a genuinely dignified way. For example, we might imagine a woman who is suffering from invisible homelessness. She is sofa-surfing at friends houses, during a lengthy divorce, despite co-owning the marital home. She has adequate shelter (a roof over her head), and property (half the marital home) and some control over her immediate environment (her previous partner cannot gain access). Perhaps she has, until now, enjoyed a good life and her circumstances have provided many of the other capabilities on Nussbaum's list. But surely we would not consider her current situation ideal, whilst she sleeps on her friend's floor, has no access to her belongings or private space, and is wracked with anguish about her future. As Wolff and de-Shalit have pointed out 'what matters for an individual is not the level of functioning he or she enjoys at any particular time, but also their prospects for sustaining that level' (Wolff and de-Shalit, 2007, p.9)[4] This woman currently lacks the secure functionings to which Wolff and de-Shalit refer. But because Nussbaum's only housing-related requirement is for minimally 'adequate' housing in the form of shelter and property (inc property rights and control over property) Nussbaum would, perhaps, claim this woman's situation is 'good enough'. She is not street-homeless (she has friends who are supporting her) and so is not exposed to the worst capability violations which could jeopardise her bodily integrity or even her life. Nussbaum may also add, this woman lives in the UK where she enjoys the same 'rights' over property as others. Because she has passed certain minimum threshold levels for functionings there is nothing more to be done. But this seems to me to set the bar too low. It altogether misses the point of the capabilities approach, which is committed to ensuring that *all* individuals are provided with the opportunity to flourish. Not simply to avoid disaster and destitution. Nussbaum, I contend,

4 Wolff and de-Shalit have proposed the notion of 'secure functionings' as a revision to Nussbaum's theory which Nussbaum has since accepted, see Nussbaum, 2011, p.29.

has things backwards. Home cannot be summed from the other ten capabilities, in fact the other ten capabilities only become possible if one has a genuine home of one's own. A place in which one doesn't simply survive, but can dwell with dignity.

4. Dignity: a universal conception?

'Services and institutions offering shelter and care to needy persons often fail to appreciate what is required for individuals not simply to stay alive, physically well, and nourished, but to have the life of a person'.
(Young, 2005)

Home and dignity are bound together so tightly that losing one's home can threaten a person's sense of self and strip away their dignity. But what do we mean by the term dignity when we make such a claim? How can dignity be both 'inalienable and immutable' (the bedrock of human rights) yet at the same time 'inherently fragile' (easily lost through torture or illness) (Killmister, 2020, p.1-2). Dignity is a deeply contested notion and Nussbaum has been criticised by many for relying on too 'vague' a concept. Her capability theory does, at first glance, appear to draw on two (potentially conflicting?) conceptions of dignity. Firstly, a Kantian conception of 'each person as an end in themselves', though it's important to note that Nussbaum rejects Kant's characteristics for personhood – the capacity for moral reason – as the *only* basis for dignity. The capabilities approach is Kantian in so far as it takes each and every individual to be a bearer of value, and thus an end in themselves, however Nussbaum does not consider the dignity of the person to be purely cognitive. Rather, Nussbaum tells us, each person is always considered in their 'material and social setting' (Nussbaum, 2000, p.71) Secondly, Nussbaum's capability theory draws on an Aristotelian 'achievement' conception, in which dignity appears to be derived from the opportunities to achieve the central capabilities up to an ample threshold (Formosa & Mackenzie, 2014, p.880). Formosa & Mackenzie doubt whether Nussbaum can 'integrate these two seemingly opposed conceptions of dignity into one coherent account' (Formosa & Mackenzie, 2014, p. 876). They define dignity (including human dignity) as follows: 'x has dignity if and only if x has a respect-worthy status. Dignity is a status, that is, a standing in some group. A status is respect-worthy if it is a weighty and important status to which we should respond with (something like) awe or reverence. As a status-term, dignity is relational. Those who have dignity are *elevated* over those who lack it (all else being equal)' (Formosa & Mackenzie, 2014, p.877) Formosa & Mackenzie then introduce 'two sub-concepts' of 'human dignity' broadly referred to in the literature as 'status' and 'achievement' dignity (Formosa & Mackenzie, 2014, p.877) Status dignity, they tell us, attaches to the respect worthiness of the person themselves (Formosa & Mackenzie, 2014, p.877) such as the status of being human. According to Killmister those with status dignity have an *intrinsic worth* which 'is a universal feature' (Killmister, 2020, p.19). Nussbaum does indeed note the centrality of Kant's 'universalizibility principle' in her approach, stating the importance of making sure 'all human beings' are shown 'equal respect and concern' (Nussbaum, 2008, p.2). Achievement dignity, on the other hand, only refers to the 'respect-worthy status of a person's beings and doings' (Formosa & Mackenzie, 2014, p.877). Status dignity (such as the status of being human) cannot be lost while achievement dignity, by contrast, is fragile. Thus when we say someone has lost their dignity through homelessness we are referring to their achievement dignity, not their status dignity. Though Nussbaum cites Kant as the main source of her notion of dignity, she rejects his original conception as too restrictive. Because Kant grounds dignity in autonomy, defined as the capacity to follow the 'moral law' (Killmister, 2020, p.7), Kantian dignity is generally taken to be a form of status dignity (ie the sort of dignity only a human can possess). But the problem with status dignity is that (unlike achievement dignity) it does not admit of degrees, one either has it or does not (Formosa & Mackenzie, 2014, p. 877). As a result status dignity is typically understood to be 'distinct' from (or even opposed to) achievement dignity. Nussbaum notes, for example, that the Stoics account of dignity seems appealing precisely because it ignores 'the attributes that come to people through heredity and luck' in favour of something much more worthy – one's 'moral capacity' (Nussbaum, 2008, p.2) But the Stoics held that such was the worthiness of one's moral capacity that all 'external

goods' (such as health, friendship etc) were worthless. An unavoidable consequence of such an account, she claims, is that if one's inner dignity is inalienable then harms such as slavery are of no consequence (Nussbaum, 2008, p.2). Another problem facing status dignity is its tendency to *elevate* one species over another, or one person over another, such as a cognitively functional person over a cognitively impaired person. Killmister defines status dignity as an 'inner kernel' conception (ie relating to one's 'inner worth'), and like Nussbaum, rejects it on the grounds it is 'unnecessary, unsuccessful and pernicious' (Killmister, 2020, p.16), often barring people deemed to lack rationality from receiving respectful treatment. She notes, however, that the Judeo-Christian conception of status dignity in which 'we have dignity because we are created in the image of God' (Killmister, 2020, p.8) is closely related to the 'inner kernel' conception, but has one 'advantage' over more Kantian conceptions – the view that bare human birth is enough. Not only does this make it a broader and more inclusive conception, she argues, than those based on a single capacity (such as autonomy or rationality) but also includes the idea that dignity should be *unearned*. (Killmister, 2020, p.8) Simply being born human is enough, on the Judeo-Christian conception, to grant at least some minimal measure of dignity. Killmister holds that if a particular conception of dignity is to have cross-cultural resonance then this crucial aspect of dignity as *unearned* must be maintained.

Nussbaum insists that a just society is one that provides the opportunity to live a life 'worthy of the dignity of a human being' to *all* citizens, including the cognitively impaired (note in her later work she also extends dignity to non-human animals), not just those with the capacity to follow the 'moral law'. She writes 'the basic idea in my own version of this tradition is that human beings have a worth that is indeed *inalienable* [emphasis mine], but rather than basing this inner worth on autonomy or rationality, worth is instead grounded in their *capacities for various forms of activity and striving* [emphasis mine]' (Nussbaum, 2008, p.3). Nussbaum attributes her initial ideas regarding fundamental entitlements to Aristotle's original notion of 'human functioning' or flourishing (Nussbaum, 2000, p.70) and Marx's description of 'truly human functioning' in his 1844 'Economic and Philosophical Manuscripts' (Nussbaum, 2003, p.36). Thus she argues, rights claims are grounded not only in 'bare human birth' but also in 'minimal agency'(Nussbaum, 2011a, p.63). In other words 'human dignity is necessary, but not sufficient, for the fullness of human flourishing' (Nussbaum, 2008, p.2). Some people are forced to live lives which do not develop fully, or as they should. Nevertheless, Nussbaum's idea here is that despite all the suffering and tragedy in the world there is an inalienable worth or 'awe-inspiring something' which is the universal human experience (Nussbaum, 2000, p.73). This notion of human dignity has an intuitive power, she claims, that any universal conception of dignity would need to maintain if it were to have cross-cultural support. In her 2008 essay 'Human Dignity and Bioethics' Nussbaum provides the most detailed account of her particular 'Aristotelian/Marxian' conception of dignity, writing that it is an 'account' [which takes] 'the dignity of the human being as squarely a part of the world of nature and does not posit a sharp split between rationality and other human capacities.' (Nussbaum, 2008, p.1). Indeed when we think about some of the most serious violations of a person's dignity, such as torture or rape, we must confront the degree to which dignity is bodily or embodied in nature. Killmister notes that the dignity of a homeless person is violated if she is forced to wash herself or defecate in public, or do anything else which a non-homeless person would not have to do (Killmister, p.67). Nussbaum claims 'bodily need, including the need for care, is a feature of our rationality and our sociability; it is one aspect of our dignity, then, rather than something to be contrasted with it' (Nussbaum, 2006, p.160) The Aristotelian 'animal' aspects of Nussbaums account are particularly relevant to our experience of home. All people, regardless of their abilities or capacities, share the vulnerability of the 'embodied' subject. And even those (some would say especially those) who are not able to live independently require a home which provides them with the opportunity to live a life 'worthy of the dignity of a human being'. In this way, Nussbaum insists 'dignity is not defined prior to and independently of the capabilities, but in a way intertwined with them and their definition' (Nussbaum, 2006, p.162). It is a dignity which is *inseparable* [emphasis mine] from the central capabilities (Nussbaum, 2006, p.162). It is the dignity of a mortal creature, she tells us, we are

neither self-sufficient nor separate from nature, we are dependent upon others (and our environment) for our wellbeing, and it is from this dependency and vulnerability that our dignity stems (Nussbaum, 2006, p.132). But because Nussbaum grounds dignity in both 'bare human birth' *and* a person's 'beings and doings' her conception has appeared to some to be paradoxical; generating a conflict between status dignity (ie respect worthiness attached to the person; inalienable and unearned) and achievement dignity (ie respect worthiness attached only to a person's beings and doings; violable and needing to be earned). So are these dignity dualisms helpful? How else might we conceive of such a complex notion? It is perhaps worth noting two points here; firstly it is the concept of *a life* "worthy of the dignity of the human being" (Nussbaum, 2000, p.72), rather than the concept of dignity itself, which is the focus of the Nussbaum's approach. And secondly, as Killmister has pointed out, however we carve up dignity to analyse it, at base there remains just a single idea; 'that to have dignity is to command respect' (Killmister, 2020, p.21).

Killmister proposes that if we are to accommodate dignity's various meanings we ought not think of it as one unified concept at all, but rather, as a 'tapestry' (Killmister, 2020, p.3) incorporating 'three interweaving strands' which she refers to as 'personal, social and status' (Killmister, 2020, p.4). Personal dignity, she tells us, 'centres upon the standards agents hold themselves to', social dignity 'centres upon the standards communities hold their members to' and status dignity 'centres upon the communities' standards for how members are to be treated' (Killmister, 2020, p.6) Thus on Killmister's view, human beings can possess (or be subject to) either one, two, or all three interweaving strands at any one time. Of these three strands, however, it is important to note that dignity is *never* defined as an 'inner kernel' or 'inalienable feature of persons'[5]. This makes room for our crucial intuition, Killmister tells us, that dignity is something which can be 'damaged or destroyed' (Killmister, 2020, p.22). Hence a severely cognitively impaired person, on Killmister's view, can be understood to possess status dignity (the status of being a member of the human community) without necessarily possessing personal dignity (if, for example, she was in a persistent vegetative state and so lacked the capacity for holding herself to the relevant standard) (Killmister, 2020, p.22). It is important to note that Killmister's claim relates to being a member of the human *community*, rather than the human *species*. A person has status dignity by virtue of her membership of a human community (Killmister, 2020, p.35) ie her status is derived from the 'social norms and practices' of the community and not from certain 'intrinsic features of persons' (such as rationality) (Killmister, 2020, p.35). Hence, she argues, it is our 'socially constructed status' as humans which ensures we are owed respect worthy treatment in keeping with agreed social norms (Killmister, 2020, p.36). Consider, for example, a person with mild dementia. On Killmister's view she is understood to possess both personal dignity (she holds herself to certain standards) and social dignity (being subject to certain norms as a result of her membership of certain communities). She could, nevertheless, lose her social dignity if she was forced to transgress the standards to which those communities generally hold her (Killmister, 2020, p.32). This could happen, Killmister tells us, if she was dressed in way that wasn't consistent with the social norms of those around her. She would be harmed socially (even if she was unaware of it) because she is 'lowered in the eyes of her peers' (Killmister, 2020, p.32). This would not affect her personal dignity (because she did not choose to appear dressed this way) or her status dignity (she is still a member of the human community). Whereas personal and social dignity, according to Killmister, call for appraisal respect (aimed at the whole person) status dignity only requires that others treat us in a certain way (Killmister, 2020, p.23). Hence status dignity, on Killmister's view, only requires us to respect and treat others in 'ways appropriate to the kind of thing we are' (Killmister, 2020, p.23). It does not require that we 'esteem' others (ie the stronger demand made by the 'inner transcendental kernel' view, which she rejects). Killmister's account, therefore, preserves the important *unearned* aspect of

5 The 'inalienable feature of persons' view is one that states that all persons have an 'inner worth' or ''inner transcendental kernel' ie something intrinsic to human beings, which gives us inestimable worth and justifies our moral claims' (Rosen cited in Killmister, 2020, p.5)

the ‘inner kernel’ view (a necessary protection for vulnerable individuals) whilst rejecting unsubstantiated metaphysical claims such as one has a soul. Nussbaum, like Killmister, rejects the dominant ‘inner kernel’ conception (see Nussbaum, 2008) and rather than treating status and achievement dignity as if they are radically opposed (as Formosa and Mackenzie seem to do) Nussbaum sees them as inseparable. Thus, she argues, the capabilities are not merely ‘instrumental to a life of human dignity: they are […] ways *of realizing* a life with human dignity, in the different areas of life with which human beings typically engage.’ [emphasis mine] (Nussbaum, 2006, p.161). Status dignity, which elevates those with one capacity (such as rationality) over others, often denies respect or moral concern to many of the those who women most care about, such as the sick, children or the disabled, and fails to properly consider how one’s physical, (social and political), circumstances can erode a person’s dignity. Secondly, popular metaphysical or religious doctrines (such as the Judeo-Christian conception of dignity) cannot themselves form the basis of a universal or ‘overlapping consensus’ (Nussbaum, 2006, p.163) because they each contain their own comprehensive conceptions of the good. Whereas the capabilities approach is ‘a partial account of the good, for political purposes, which citizens may attach to [their] different comprehensive conceptions of the good’ (Nussbaum, 2006, p.163). Hence the capabilities approach strikes a delicate balance between accepting those aspects of dignity which can plausibly be defended (such as being unearned), and more regressive aspects of dignity which ought to be rejected (such as reliance on one capacity, such as rationalism). If we take Killmister’s approach into account we can see that Nussbaum’s conception of dignity is *necessarily* vague in order to accommodate all the various work we expect dignity to do. In this way the capabilities approach is indeed capable of providing a universal basis – one which has potential for an ‘overlapping consensus’ in widely pluralistic, democratic societies.

Nussbaum’s universal account ‘in which dignity and animality are related rather than opposed’ (Nussbuam, 2003, p.56) is a feature of dignity which is especially relevant to our experience of home. The primary requirement of any housing policy is that it ought to ensure the most vulnerable are provided with the opportunity to live a life “worthy of the dignity of the human being” (Nussbaum, 2000, p.72). This includes, amongst others: women, children, the elderly, the disabled, and those living with drug and alcohol dependency. We do not all run an equal risk of becoming homeless. Some people are more disadvantaged than others, and so their risk is greater. A 2019 report by Public Health Wales found that adults who had experienced four or more adverse childhood experiences were ‘16 times more likely to report lived experience of homelessness’ (Grey and Woodfine, 2019). Hence homelessness is not a personal failure which could be solved by individuals taking more responsibility, it is a result of structural inequality. Fortunately, because our individual human capacities for *various forms of activity and striving* are, to some extent, ‘*dependent on the world* [emphasis mine] for their full development and for their conversion into actual functioning’ (Nussbaum, 2008, p.3) there is much that well targeted policy can achieve. Nussbaum uses ‘the term *basic capabilities* for the untrained capacities, the term *internal capabilities* for the trained capacities, and the term *combined capabilities* for the combination of trained capacities with suitable circumstances for their exercise’ (Nussbaum, 2008, p.3). Basic capacities include those that a new born infant has such as capacities for seeing and hearing, and those the infant will develop such as capacities for speech and language. The internal capacities are developed basic capacities such as the capacities for play, love, freedom of speech. Some can only be developed through interaction with others. And the combined capabilities are the capacities to function which have the support of the material, social, and political environment (Nussbaum, 2000, p.84). Thus Nussbaum’s combined capabilities consist of both the internal basic capacities, or *potential* for moral capacity (which supporters of the ‘inner transcendental kernel’ view argue is sufficient for full dignity, and with which Nussbaum disagrees), and the external combined capabilities (those that are developed by a just society). To flourish, on Nussbaum’s view, people need the opportunities to develop their basic capabilities into combined capabilities. Because the various forms of activity and striving Nussbaum has in mind, however, are limited to only those

supported by the capabilities on her list (those that increase wellbeing), she has faced repeated charges of paternalism (ie the imposition of one form of the 'good life' over another). Nussbaum has always refuted these charges by emphasising that governments ought to focus on providing *opportunities* to achieve the capabilities (rather than force individuals to achieve certain functionings against their will), so that ultimately each person is free to choose the sort of life they value (Nussbaum, 2000, p.55 and p.59). All three of Killmister's 'interweaving strands' are at play when we consider what is required for a person to live a life "worthy of the dignity of the human being" (Nussbaum, 2000, p.72). Personal dignity attaches to the whole person, thus it is the sort of dignity which women can lose if they are subject to violations such as domestic abuse. Social dignity also attaches to the person and can be frustrated or significantly reduced by poor housing options. For example, a person who rents may feel they are treated with less respect than a homeowner. Social dignity is often trivialised in housing literature as a being merely a concern with 'status', outward appearances or 'keeping up with the Jones''. Whereas a person's status dignity, which brings with it the requirement to be treated in a certain way, is violated by a system which treats a person in a way which is 'contrary to the norms for the role we occupy' (Killmister, 2022, p.977) Homeless people suffer status dignity violations when they are spoken about as if they are not there, or treated as if they don't matter, by housing support officers and other professionals (see Schofield, 2021, p.35). Hence dignity isn't solely defined as an act of cognition (regarding our own 'inner' worth), impervious to misfortune and circumstance, but is rather an 'outward' feature of our 'being-in-the-world'[6]. Dignity is thus both a universal feature of every member of the human community and a relative feature of each and every life, acted on at all times by others and the world around us.

6 Heiddeger argues in 'Being and Time' that the fundamental structure of Dasein is 'being-in-the-world' (Wrathall, Spring 2025)

5. Capabilities, dignity, and the meaning of home

'The world is... the natural setting of, and field for,
all my thoughts and all my explicit perceptions.
Truth does not inhabit only the inner man, or more accurately,
there is no inner man, man is in the world,
and only in the world does he know himself.'
(Merleau-Ponty, 2005, p.12)

Having argued that dignity isn't merely an act of cognition but is rather an 'outward' feature of our 'being-in-the-world', I am tasked in this chapter with explaining how women's dignity is experienced 'spatially' through a relationship with home. Numerous studies have shown that women and men do experience home differently. Women (especially lone mothers and the elderly) make up the majority of low-income households (Land cited in Madigan and Munro, 1991, p.117), women predominate in the social rented sector (Tunstall and Barca, 2024, p.2), and when living in multi-person households women often suffer economic and power inequality within the household (Glendinning and Millar cited in Madigan and Munro, 1991, p.118). The development of women's capabilities, therefore, is frequently 'stunted' by housing, making it difficult for women to achieve the sorts of things they have reason to value. Thus a genuine home (rather than merely materially decent housing) is particularly important if women are to achieve lives 'worthy of the dignity of the human being' (Nussbaum, 2000, p.72). The combined capabilities, Nussbaum tells us, are closely 'entwined' between the internal capabilities and the external world, and dignity is grounded in our animality and vulnerability, rather than our rationality or autonomy. Thus Nussbaum offers us a non-dualist account of dignity. The emphasis on our 'embodied' nature, and the importance of our subjective experience, closely aligns the capabilities approach with phenomenology; a branch of philosophy which tries to describe everyday lived experience without reference to increasingly discredited dualisms between our 'internal' cognitive states and 'external' facts about the world. Merleau-Ponty, is one of phenomenology's most influential advocates, who in his seminal work 'Phenomenology of Perception' (original French version published 1945), rejected Cartesian mind body dualism, emphasising instead the importance of the body, and the 'embodied' experience of the perceiving subject. Against Descartes' *Cogito,* Merleau-Ponty argued that we do not come to a 'clear and distinct' knowledge of ourselves through internal reflection alone (Merleau-Ponty, 2005, p.46) For Merleau-Ponty the body is never merely the biological body. Rather we are 'embodied' subjects, that is, subjects who are necessarily 'bodily' (ie it is not coherent to say the mind could be separated from the body) and are engaged 'bodily' (through our various beings and doings) with other things and other people in the world. Further, Merleau-Ponty argued not only are each of us an 'embodied' perceiving subject, we are also perceiving subjects who are 'embedded' in the world, writing '[o]ur body is not primarily in space: it is of it' (Merleau-Ponty, 2005, p.171). Our bodies are, literally, made out of the same 'stuff' as the world we perceive. This 'embeddedness' means that we cannot but perceive the world, whilst being perceived by the world, in a never ending back and forth of perception. We are, as it were, 'inseparable'. This is a theme he was working on in two of his final works, dated 1964, the year of his death. A book published posthumously (and consisting largely of notes in 1968), 'The Visible and the Invisible' and the essay 'Eye and Mind'. In 'Eye and Mind' he refers to this experience of self as an 'enigma' writing that the perceiving subject 'sees itself seeing; it touches itself touching; it is visible and sensitive for itself. It is a self, not by transparency, like thought, which never thinks anything except by assimilating it, constituting it, transforming it into thought – but a self by confusion, narcissism, inherence of the see-er in the seen, the toucher in the touched, the feeler in the felt – a self then that is caught up in things, having a front and a back, a past and a future' (Merleau-Ponty, 1964, p.3). This intertwining of perceiving subject and the perceived world is represented by his notion of 'the chiasm' (the word

chiasm comes from the greek meaning a crossing or 'X') in 'The Visible and the Invisible'. In chapter 4 entitled 'The Intertwining – The Chiasm', Merleau-Ponty discusses several ideas that have come to be known as 'reversibility thesis'. His thesis holds that 'other subjectivities [people] or the otherness of the world and things—is essential for self-awareness and vice versa. No self can be apprehended without an-other.' (Daly, 2013, p.161) Thus, Merelau-Ponty argues it is from our constant interactions, a back-and-forth or 'crisscrossing' (Merleau-Ponty, 1968, p.133), between our sense perception and the world (the chiasm), that meaning emerges. Young notes that her home is laid out with objects and furniture, placed just as she requires them. Some are functional, some have personal meaning and value. Many are both. Not only are her daily practices or 'habits' supported by these spatial arrangements (Young, 2005, p.139), but in addition, objects and the spatial arrangements within her home 'carry sedimented personal meaning' (Young, 2005, p.139). Thus perception or thinking happens outside, in the world of other subjectivities and other objects. The majority of 'thinking' is outward (rather than internal), directed towards the things out there, in the world (and in our homes). Merleau-Ponty writes 'I do not look at the chaos, but at the things – so that finally one cannot say if it is the look or if it is the things that command' (Merleau-Ponty, 1968, p.133). This is 'reversibility'.

Thus dignity (and meaning) are not 'inside' me. There is no 'inner worth' or 'inner kernel'. Rather dignity (and meaning) are constantly 'created' or 'made' through my interactions with other subjectivities [people] and objects in the world. As such my interactions with the world are inherently uncertain and open to possibility. This is why, without a home, we feel completely undone, our stability and self all but eroded. Young notes, for example, that when elderly people are moved into 'care' they often report a loss of privacy and autonomy. Elderly people, she claims, often become confused, 'bewildered and often reduced to despair' when moved, if only for a short time, to unfamiliar surroundings (Young, 2005, p.158) Dignity and privacy, she concludes, are so deeply intertwined that a room of one's own or personal space (which Young seeks to conceptualize through the phenomenology of the value of home) is just as important to personhood as shelter (Young, 2005, p.155). And yet, at least eight of Nussbaum's central capabilities (with the possible exceptions of *affiliation* and *control over one's environment*) appear to be oddly rootless and nomadic, potentially achievable even if one was denied a sense of 'place' or 'home'. Wolff and de-Shalit note that 'a sense of belonging' was considered hugely important by many of their interviewees (Wolff and de-Shalit, 2007, p.54) though Nussbaum doesn't mention belonging explicitly. Nussbaum's fifth capability *emotions* does refer to 'attachments to things and people outside ourselves' but doesn't ground attachment in any particular environment such as 'place' or 'home'. The majority of the central capabilities would be achievable, or so it seems, regardless of whether one were living on Mars or permanently residing in a hotel room. Young cites D.J. Van Lennep's claim that a hotel room cannot be a home because 'there is nothing of one's self, one's life habits and history that one see's around the room. The arrangement is anonymous and neutral, for anyone and no one in particular' (Young, 2005, p.139). Many homeless women are denied anything but temporary minimal lodgings, and many own only a few belongings, if anything at all. The relationships homeless women have with others are frequently fractured or abusive. There is often no place in which homeless women can lay out their belongings (which have personal meaning and value) with any confidence that they wont be lost or interfered with by others. This 'luxury' of simply knowing where one's things are spatially located does not exist for those who are frequently moved on. Since meaning and dignity are not created by me as an 'internal' act, but are instead derived from other people and objects around me, this constant change of people and objects is deeply damaging to one's sense of dignity. Meaning and dignity, however, are not 'things', they do not exist in my brain, mind or outside of my body. Meaning and dignity are an interplay, or interaction, between the embodied subject and her environment. In an interview with Gurney, Jane and Brian Foley say they will never move home because Jane's father died of a heart attack while he was decorating their home. Since his death the Foley's keep the curtains closed to stop the wallpaper he was hanging from fading. Thus for Jane (in particular), Gurney tells us, 'the home is

both a home and a mausoleum. Bereavement makes up an essential part of the meaning of home for them' (Gurney, 1997, p. 381). A home is never just a shelter, not just a physical space in which people reside, and nor is it merely a place over which we exert certain kinds of control. For the Foley's, being in the room Jane's father decorated, is a way of remembering and respecting his memory. Home then consists not only of other people and the spatial arrangement of valued things, but also consists of treasured memories, emotional experiences, meaningful plans and future goals. And it is for this reason that a hostel or B&B could never be a home. Dignity is not merely cognitively constructed (not just limited to a personal dignity conception), it is spatially constructed too. And these spatial aspects of dignity are particularly important for women in creating a sense of home.

Nevertheless, when it comes to housing policy the UK government continues to focus on narrow empirical data such as tenure type and condition of housing stock, rather than on what is required for a person to live in a truly dignified manner. The housing academic David Clapham reports that 'the physical structure of a house is not necessarily a good guide to the happiness it brings' (Clapham quoted in Easthope, 2012, p.582). What, he finds, is of greater importance (and so of note for housing policy) is whether or not a tenant can alter their home to match their interests and values. The UK government also continues to focus on the provision of temporary (materially adequate) accommodation, which I have argued, is insufficient to meet the needs of women and children. But critics of the capabilities approach argue that the information required to deliver the capabilities in housing (or elsewhere) either isn't available or is too difficult to obtain. Dermot Coates, Paul Anand and Michelle Norris have demonstrated, to the contrary, that the 'connections between housing and quality of life' (Coates et al., 2015, p.3) can be fruitfully explored using measures of 'self-reported well-being' and 'housing satisfaction' (Coates et al., 2015, p.6). What is more, the capabilities approach provides a unique opportunity to reach women who are suffering from hidden or invisible homelessness (and about whom data has, so far, been very hard to obtain) due to the individualized nature of the data it collects. Such research would be further enhanced if survey questions were informed by anthropological or phenomenological accounts of the meaning of home. This is important because, as Jane Darke has pointed out, 'demonstrating that there is a distinctive relationship between women and their homes' is the sort of 'project' which 'doesn't easily lend itself to conventional research methods' (Darke, 1994, p.9). By taking into account the additional capability of home (that I have argued for), housing policy could make a real difference, not only to a person's functionings (what a person is actually is able to do), but also to her capabilities (what a person can achieve). Existing data on adequate housing (such as heating, ventilation etc.) though essential for wellbeing, does not reveal all that it could. Coates et al. argue that while 'leaking roofs' and 'insufficient heating' are bad for wellbeing, a person's 'ability to live without shame and to meet friends without losing self-respect' are also important housing related capabilities (Coates et al. 2015, p.5) Such critically important capabilities (especially for women) have, until recently, been dismissed as either philosophically trivial or too difficult to explore. Yet creating, maintaining, and altering our homes, especially as our bodies age and our living circumstances change, are some of the most profound acts of dignity many of us will undertake. The need to find meaning in one's home is, at least, as important as the need for functioning bathrooms, hot water and heating etc. 'In an anthropological study of council tenants in North London, Miller (1988) found that some residents combated feelings of stigmatisation (associated with being council tenants) by decorating and remodelling their kitchens, thereby introducing commodities [that] were viewed as having much greater potential for identification than items provided by the state' (Miller quoted in Easthope, 2012, p.582). Miller also observed 'a link between people who seemed lonely, depressed and isolated, and the lack of decorative development.' (Miller, 1988, p.368) Miller notes, however, that academic writing on the relationship between 'housing and its occupants' is 'relatively sparse' (Miller, 1988, p.355). Even less research has been directed towards the ways in which women's and men's experience of housing differs (Johnston, 2021, p.1), or how hidden (or invisible homelessness) affects women in

the UK (ONS, 29/03/23). A capabilities framework examining invisible homelessness (ie homelessness that is not recognised by the homeless woman herself or by those around her) could start, for example, by asking women how easily they are able to 'convert' their current resources into into capabilities? How easily can an elderly woman 'convert' poor street lighting or a lack of private space in a care home into the capability of feeling secure at night? How easily can a lone mother 'convert' her resources into the capability of feeling herself to be a good mother when there is no hot water to wash her children and the walls are covered in mould? How can a young woman, still living with her parents because she can't afford a place of her own, 'convert' her resources into the capability of being a useful adult citizen? Hence women's experiences of homelessness *are* distinct from those of men. Dignity is created spatially through our everyday routines and habits – routines and habits which women (like men) ought to be able to freely choose – yet frequently cannot. Having a home in which one feels a sense of pride and permanency ought not be regarded as a policy luxury when it is as critical to 'a life worthy of the dignity of the human being' (Nussbaum, 2000, p.72) as being a dependable friend, loving parent or good citizen.

6. Conclusion: housing justice

We are living in a housing emergency in the UK, with over 17.5 million people living in overcrowded, dangerous, unstable or unaffordable housing. The emergency does not affect everyone equally though, and women are affected in a specific and often disproportionate way. In the last 10 years, the number of women in England who are homeless and living in temporary accommodation has increased by 88%.
(Schofield, 2021, p.13)

Women's experiences of home, and homelessness, are distinct from those of men's. This paper has argued that gender-based homelessness, particularly hidden (and invisible homelessness) remains under researched, and that the overwhelming focus of government policy has been on men's experiences of (visible) forms of homelessness such as rough sleeping. As a consequence homelessness charities, such as Shelter, now claim 'there is a gendered nature to the housing problems women experience, which demands a gendered approach to the solution' (Schofield, 2021, p. 7). The Violence Against Women and Girls Housing First Model has also called for a gendered approach to housing (Housing First, 2021) in light of data showing, for example, that women's tenancies often break down when domestic violence is mistakenly categorised as antisocial behaviour. When housing providers (both social and private landlords) fail to take a gendered approach – treating a household as one unit – women's agency and sense of dignity are frequently violated. This paper has argued, therefore, that the homelessness crisis facing women ought to be redefined to include the distinct challenges women face.

Current policy, which is broadly utilitarian, lacks a genuinely 'ethical' basis, providing housing for the largest group in society (homeowners) in order to achieve its goal of maximising happiness at the expense of those who have nowhere safe to live. Hence it is failing to deliver any of Nussbaum's current ten central capabilities to the most vulnerable, including women and children. The capabilities approach, by contrast, begins with asking 'What are people actually able to do and to be? What real opportunity for activity and choice has society given them?' (Nussbaum, 2011a, p.59) Nussbaum's Capability Theory of Justice, which begins from the Kantian *principle of each person as end* recognises 'each human being is a maker of a life plan, and that each should be treated as an end and none as the mere instrument of the ends of others' (Nussbaum, 2000, p.284). Such an approach, which places individual dignity at its centre, could provide the UK with a long-overdue, ethical foundation on which to base housing policy once more. Although Nussbaum's list of central capabilities would undoubtedly bring about wide-ranging improvements in its current form, I have argued that the benefits to women would be greater still, if the list was expanded to include the capability of *home.* This, I have argued is because, Nussbaum's 'thin' or 'minimal' notions of *adequate shelter* and *property* do not properly take into account all that is required for a person to be able to dwell with dignity. The definition of home I have defended is: *Home: being able to live in privacy or with others (human and non-human) in a place that is; safe, long-term, affordable, and which positively influences one's sense of self and belonging.* My 'thick' notion of *home* is therefore defined as a place in which *all* the individual members of a family or household live together in such a way as to nurture all Nussbaum's central capabilities for *each and every* family member.

This paper has also argued that Nussbaum offers us a particularly attractive, non-dualistic account of human dignity. One in which a person's ability to live a life "worthy of the dignity of the human being" (Nussbaum, 2000, p.72) is comprised of both 'internal' and 'external' factors. A person's capability is thus comprised of these two 'intertwining' or inseparable factors. I have argued that Mereleau-Ponty's reversibility thesis reinforces this claim, helping to reveal how we experience meaning and dignity 'spatially' and 'outwardly' in the world around us and in our homes. We do not end at the boundaries of our bodies. Our '*lifeworld*, the everyday world of taken-for-grantedness

normally unnoticed' (Finlay and van Manen cited in Seamon, 2018, p.30) extends to the objects, and the spatial arrangement of objects, and other subjectivities (people) all around us. Merleau-Ponty argues that without a *lifeworld* or 'embeddedness' there could be no meaning, dignity or self. Whether women *do* in fact have a distinct relationship with their homes remains under researched and highly contested, though Gurney has certainly found evidence that 'significant differences existed between male and female discourses on the meaning of home' with home 'a much more complex, more ambivalent experience for women than men, reflecting their conflicting and different roles there' (Gurney, 1996, p.223). What does seem clear is that privacy and permanency, both for our bodies but also for our families and our belongings, is a fundamental requirement for dwelling with dignity. Control alone, exercised through legal and enforceable mechanisms, does not do enough to guarantee a person can dwell with dignity. Thus home, I have argued, cannot be reduced to mere control.

Finally, there is evidence that those who are systematically disadvantaged may 'adapt' to their inferior circumstances – whether this be living on the streets, enduring domestic abuse, or living in cold homes they cannot afford to heat. Having a list of fundamental entitlements, including a pre-defined capability of *home*, could help bring individuals up to a threshold which ensures 'persons are treated as each worthy of regard, and in which each has been put in a position to live really humanely' (Nussbaum, 2000, p.74) regardless of whether or not a person is aware of their deprivation. An ethical housing policy, particularly one serious about ending gender inequalities, out to be defined then outside of preferences that people happen to have. This paper has argued that although shelter and property may be necessary for human flourishing, they alone are not sufficient. The crucial distinction between the 'thick' concept of *home* that I have defended and Nussbaum's 'thin' notions of shelter and control over property is this: A home, though necessary for all the other capabilities – and thus of *instrumental* value, is also a capability in its own right – and thus of *intrinsic* value. *Home* cannot be reduced to adequate shelter or property, and cannot be derived from the other ten capabilities. And this warrants it a place on Nussbaum's list. A life worthy of the dignity of the human being begins at home.

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