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Just Housing

The Moral Foundations of American Housing Policy

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1 The Materials of American Housing Justice

He is all pine and I am apple orchard.
My apple trees will never get across
And eat the cones under his pines, I tell him.
He only says, "Good fences make good neighbors."
—Robert Frost, "Mending Wall" (1917, 12)

Humans live best when each has his own place, when each knows where he belongs in the scheme of things. Destroy the place and destroy the person.
—Frank Herbert, *The Great Dune Trilogy* (1979, 133)

What is housing justice? Although most US housing advocates generally agree that more should be done to address the affordable housing crisis, advocates do not hold the same or even similar views of what housing justice entails. For fair housing advocates, housing justice is a housing market free from discrimination. For tenants' rights advocates, housing justice is a legal system that protects renters from arbitrary evictions and gentrification-induced displacement. Human rights advocates often agree with many housing advocates that everyone should have a legal right *to* housing. Still, there are many ways of interpreting this right, and the Supreme Court has denied the existence of a constitutional right to housing.

This chapter introduces several ideas that are developed throughout the book. I begin by discussing the relationship between housing justice and justice writ large. I argue that housing justice is an application of distributive justice that defines what citizens owe one another and what the government owes its citizens in terms of housing provision. I explore how to assemble the "materials" of justice—conceptions of value, principles,

grounds, and bases—into a conception of housing justice that accounts for the normative significance of housing and the institutional setting within which housing is produced and distributed.

The chapter then explores the question of whether housing exhibits special features that call for a housing-specific conception of justice. If not, then presumably there is no need for a book titled *Just Housing*. I argue that certain contextual conditions influence housing's distribution and valuation, and these conditions call for an approach to justice that considers housing's distinctive qualities. I also examine the question of whether housing occupies an autonomous distributive sphere with unique moral principles revealed by housing's social meaning. I argue that while the idea of home is deeply rooted in the American tradition, the social meaning of home has been contested throughout history. Furthermore, social meanings do not tell us everything we need to know to determine how housing should be distributed. At the same time, the social meaning of the American home, particularly as embodied in the ideal of the owned single-family detached home, has shaped the moral arguments offered in defense of American housing reforms. To understand the moral foundations of US housing policy, we must first understand what housing means to those who wish to see its distribution altered.

The Idea of Housing Justice

What is justice? While some equate justice with morality writ large, most theories of justice pertain more narrowly to what “we owe to each other” (Scanlon 1998, 7), particularly as these obligations are instantiated in actions taken by the nation-state or its agents to distribute goods, resources, and opportunities. Moral and political philosophers have offered a variety of conceptions of justice that appeal to fundamental moral principles or values derived from a conception of right behavior or the good served by treating everyone in a particular way. As most contemporary philosophers assert, any plausible conception of justice, even those not explicitly recognized as egalitarian, demonstrates a basic commitment to the fundamental value of human equality (Kymlicka 2002). According to Ronald Dworkin (1978, 272), “Government must treat those whom it governs with concern, that is, as human beings who are capable of suffering and frustration, and with respect, that is, as human beings who are capable of forming and acting

on intelligent conceptions of how their lives should be lived.” The question of what we owe to one another as moral equals underlies all housing policy debates, even if formal theories of justice are not explicitly referenced to justify policy alternatives.

I interpret housing justice to be a particular understanding of *distributive justice* that addresses moral questions about the production, distribution, occupancy, and ownership of housing. A conception of distributive justice provides answers to questions about the rightness or wrongness of a given distribution of goods or a given procedure for distributing them. Theories of distributive justice also typically address the government’s role in distributing goods, including whether and under what conditions the government’s role as distributor can be justified in the first place. Social contract theorists maintain that the reasons offered in support of a given distribution of goods must satisfy certain principles of “public justification,” which Stephen Macedo (1990, 41) defines as the idea that “the application of power should be accompanied with reasons that all reasonable people should be able to accept.” A public justification may require that everyone actively consent to a given distribution of goods, have no reason to reject their distributive shares, or be compensated for unjust allocations.

A distributive conception of housing justice should be robust enough to address relevant nondistributive moral concerns. For example, historical injustices that constrain the current generation’s housing opportunities may call for a conception of housing justice that accounts for intergenerational obligations. Similarly, the distribution of housing may shape or be shaped by nondistributive injustices, such as oppression, discrimination, or misrecognition (Fraser and Honneth 2004). If members of some groups are denied housing because of racism, or if those without homes are socially stigmatized, a conception of housing justice should provide an account of housing policy’s role in alleviating these injustices.

Theories of justice can be distinguished from one another according to how each organizes certain basic “materials,” which define the nature and priority of moral statements about a good’s distribution. The first material is a *conception of value*, a property that makes a good something that someone would have reason to want and that possibly obligates some other agent to respond to those reasons in some way. In this chapter, the term *value* refers primarily to prudential value, or the *good for* a person that benefits that person in some particular way (Tiberius 2015). I leave questions of moral

values, or those values governing norms of social obligation, to later chapters. Market prices may or may not capture all a good's prudential values. I argue in the next section that prices are often poor proxies for housing's prudential value to inhabitants.

Principles of justice are propositions about the just distribution of goods across a population of interest or about just procedures for allocating goods. Principles of justice are associated with distinctive *grounds* and *scopes*. According to global justice theorist Mathias Risse (2012), the scope of justice refers to the population for which principles of justice apply, and the grounds of justice are the conditions that make it the case that principles of justice hold for that population. Put more simply, the scope defines the relevant population of interest, and the grounds provide the reasons for upholding justice. Risse distinguishes between *relational* and *nonrelational* grounds of distributive justice. Relationists hold that shared participation in some social practice, such as friendship or membership in a nation-state, grounds distributive principles, whereas nonrelationists ground principles of justice in something other than shared practices, such as humanity's intrinsic moral qualities or prepolitical rights.

The grounds of housing justice provide the reasons that individuals or government agents should support institutions that distribute housing in particular ways. As I argue in this book, American housing reformers have appealed to two distinct and often conflicting grounds of justice. The ground of *human status* is based on the idea that human beings are intrinsically valuable and that certain human qualities or conditions that contribute to humanity's intrinsic value, or without which human life would have no value, provide the grounds for principles of justice that all human beings have a duty to uphold. Those appealing to the ground of *citizenship* derive principles of justice from the relational obligations that arise from shared membership in a nation-state.¹ These two grounds may come into conflict if citizenship entails relational obligations that conflict with citizens' obligations to noncitizens or if human status creates rights or obligations that are thwarted by the actions of nation-states.

The *basis* of justice refers to what is morally fundamental or ultimate in a theory of justice.² Dworkin (1978) identifies three bases of justice: goals, rights, and duties. Goal-based theories assume that some aggregate or collective outcome provides the foundation from which to derive principles of justice, rights, and obligations. Right-based theories treat individuals as

the most basic unit of justice and derive obligations and principles from individuals' fundamental rights. Duty-based theories also treat individuals as the most basic unit of justice but derive rights and principles from fundamental obligations.³ To Dworkin's three bases I add a fourth, virtue, which takes some human excellence to be fundamental. Virtues may or may not ground duties to behave virtuously or promote virtue. As I discuss in the next several chapters, nineteenth-century land reformers appealed to right-based approaches grounded in a conception of human beings' natural rights to private property. Things changed during the Progressive Era, when collective goals and civic virtues played a more prominent role. Right-based approaches to housing reform, stripped of their natural rights foundations, returned with renewed force during the civil rights era.

A conception of housing justice should provide practical answers to questions such as: Why is housing something that individuals have reason to value, who should respond to those reasons, and how? Is it morally wrong if some are unhoused, and if so, why? Do government agents have a responsibility to house everyone? Do individuals have a right to be adequately housed? Is housing inequality wrong, and if so, why? What does a just distribution of housing look like, and what institutions support just housing arrangements?

Justice theorists approach questions such as these in one of two ways. Proponents of *ideal theory* derive principles of justice from an abstract conception of a perfectly just society, given certain minimal assumptions about human behavior. For example, John Rawls (1971) develops his theory of justice as fairness from a conception of the social contract that individuals would rationally accept if asked to choose the rules governing the "basic structure of society" from behind a veil of ignorance that shields individuals from knowing what interests and endowments they will have in the society created. Rawls further assumes that all individuals are willing to comply with the social contract and that social conditions enable compliance.

Proponents of *nonideal theory* argue that ideal theories of justice such as the one offered by Rawls are too abstract and too divorced from reality to guide action in an unjust world. John Dunn (1990) argues that principles of justice should account for what is feasible in a given society considering its unique historical circumstances. Basic facts about human nature may also affect the feasibility or stability of just institutional arrangements (A. Mason 2004). Amartya Sen (2009) argues that ideal theories often begin from the

wrong starting point. He maintains that it is more important to alleviate severe injustices, such as homelessness or famine, before worrying about the features of a perfectly just society. David Rondel (2018) makes a similar argument in his comparison between ideal (or “perfectionist”) theories and “meliorist” theories. He offers a medical example to describe the latter: “Just as a physician can effectively treat a patient’s broken arm, say, without a regulative ideal of ‘perfect overall health’ in view, . . . so too can egalitarians address this or that inequality without consulting as a benchmark the ‘perfect equality’ sought by perfectionists” (Rondel 2018, 32).

The critique of ideal theory has several implications for housing justice. First, if housing has unique material characteristics or is distributed in distinctive ways, these properties may point to the need for a “local” (good-specific) theory of justice (Elster 1992). Most local concerns can be addressed without entirely abandoning an ideal theoretic framework, as long as it is possible to clearly identify and account for all a good’s morally relevant distributive properties. A second implication of the ideal theory critique is that principles of justice should be sensitive to a society’s historically determined culture, values, and political environment. Social context may affect the practical details of how principles of justice are interpreted or implemented through policy, or social context may justify the principles themselves. A third implication is that theories of justice should be attuned to the reality of injustice as experienced by those in the real world. These observations provide support for a meliorist approach to justice that is oriented toward improvement rather than perfection.

Michael Walzer argues that not only are ideal principles of justice impractical guides for action in the real world, but the very idea of justice has no meaning apart from society’s conception of the greater good that defines a good’s purpose. In his Tanner Lecture on Human Values, Walzer provides a useful example to illustrate this point that has direct relevance to housing justice:

Away from home, one is grateful for the shelter and convenience of a hotel room. Deprived of all knowledge of what my own home was like, talking with people similarly deprived, required to design rooms that any one of us might live in, we would probably come up with something like (but not quite so culturally specific as) the Hilton Hotel. With this difference: we would not allow luxury suites; all the rooms would be exactly the same; or, if there were luxury suites, their only purpose would be to bring more business to the hotel and enable us to improve

all the other rooms, starting with those most in need of improvement. But even if the improvements went pretty far, we might still long for the homes we knew we once had but could no longer remember. We would not be morally bound to live in the hotel we had designed. (Walzer 1985, 14–15)

Throughout American history, social reformers have proposed utopian housing solutions resembling Walzer's Hilton Hotel that have ignored the diverse meanings of home and failed to adapt to evolving ways of living. Walzer's critique implies that a conception of housing justice should be constructed from a grounded appreciation of the home's social purpose rather than from an abstract utopian ideal that is divorced from social practices.

Sen's (2009) conception of "comparative justice" provides one way of navigating between the concrete world of injustice and the abstract realm of principle. According to Sen (2009), principles of justice can be context dependent but still be justifiable to an "impartial spectator" who is from a different social context but is still capable of impartially evaluating reasons for action.⁴ Sen argues that a comparative justice perspective turns questions of justice on their head by asking not "What is a just society?" but rather "Is society X more just than society Y?" This approach permits both an internal critique of each society considered in relation to its own professed values (Does society X achieve justice according to X's conception of justice?) and an external critique of each society considered separately (Does society X or Y do a better job of promoting the value Z?).

The problem orientation of American pragmatism offers a useful way of interpreting nonideal theorists' concerns with practicality. According to Rondel (2018, 8), "Problems unsettle previously settled habit or belief, and are identified as problems in virtue of their disruptive, unsettling effects. When genuine problems rear their heads, it is no longer possible to carry on as usual." Elizabeth Anderson (2010, 6; italics in the original) argues that when faced with problems such as racial inequality, distributional ideals "embody imagined solutions to identified problems in a society. They function as *hypotheses*, to be tested in experience."

A pragmatic orientation has several advantages. First, pragmatism is broadly consistent with the American housing reform tradition's emphasis on problem solving and social improvement. Second, pragmatism takes the plurality of prudential and moral values seriously (Rondel 2018). As I argue in this book, individuals value housing for a variety of reasons, and an approach to housing justice that respects human beings as moral equals

should respect this diversity. Third, pragmatism offers an approach to justice that considers how social relations shape the contexts of justice and the moral obligations that individuals have to one another. Although the conception of housing justice offered in this book draws on a variety of intellectual traditions, the spirit of American pragmatism informs the book's orientation toward actual housing problems as understood by American housing reformers.

Is Housing Special?

Curiously, most contemporary theories of distributive justice treat goods as abstract quantities and ignore the materiality of goods altogether. For example, Rawls's (1971) theory of justice is concerned with the distribution of "primary goods," which are abstract goods that every rational person would reasonably want. Other theorists emphasize the distribution of resources (Dworkin 2000) or opportunities (Sen 1985; Nussbaum 2000; Roemer 1998). Robert Nozick (1974) is more concerned with the procedure for distributing goods, including whether rights are protected, than with the final distribution or physical qualities of the goods themselves.

According to Rawls (1971, 29), "The correct regulative principle for anything depends on the nature of that thing." What is the nature of housing, and what makes housing "special" from the standpoint of distributive justice?⁵ I argue that housing is special for three reasons. First, several contextual (e.g., physical, market, and institutional) conditions uniquely influence housing's distribution and valuation. Certain contextual features (e.g., heterogeneity and durability) are fixed and essential qualities of housing, whereas others (e.g., building technology and legal context) change over time. Second, individuals value housing for a variety of incommensurable prudential reasons. Third, individuals value housing, in part, for reasons that appeal to its social meaning, but social meanings are plural and contested. These conditions suggest that housing justice is best understood in terms of local, rather than global, principles of justice (Elster 1992).

The Contexts of Housing Justice

Private property rules are arguably the most important contextual conditions shaping the production and distribution of American housing. To see this, compare housing with virtually any other consumer good. Take a

pencil, for example. Someone who purchases a pencil enjoys the right to use the pencil, destroy the pencil, temporarily lend the pencil to someone in exchange for money, or sell the pencil to someone else. One need not consult a pencil law treatise to determine what to do with a purchased pencil. The rights of housing consumers, on the other hand, are defined first by the nature of the exchange. Lease contracts define renters' rights, and lease terms are in turn shaped by contract and landlord-tenant laws. If a home is purchased fee simple, the owner may enjoy the same bundle of rights as the pencil owner, but a variety of laws and contracts define and constrain the elements of the bundle. Zoning regulations attenuate rights to use and modify homes; homeownership associations and occupancy codes constrain rights to lease homes; and a complex web of local, state, and federal real estate laws, tax laws, estate laws, and contract laws govern the sale of homes. With the rise of securitization and the vertical disintegration of the mortgage industry, ownership of any given home is also dispersed between homeowners and investors, with various intermediaries playing a role in mortgage payment collection, home insurance, and compliance with local, state, and federal laws. Importantly, residential property and contract laws are always in flux, and the meaning of private property itself has changed over time.

Housing's close connection to the institution of property implies that inhabitants understand the meaning of home partially in terms of the legal rights that are assigned to it. For some, a rented house is not a home. The rental lease limits the duration of occupancy, and landlords retain the right to enter rented property to perform routine inspections and maintenance. Temporary tenure arrangements such as a bed on a friend's couch or a hotel room provide the inhabitant with so few rights that most would be hesitant to refer to the places secured by these arrangements as the inhabitant's home. Those who sleep on park benches are labeled "homeless" persons, not persons whose home is a park bench, because those sleeping on benches lack secure rights to the spaces they inhabit.

The allocation of housing through markets and market-based institutions implies that its value is at least partially revealed by its exchange value, or market price. Exchange values reflect the simultaneous determination of what individuals are willing to pay to consume housing and the costs that producers are willing to incur to deliver it. In equilibrium, the market price is equal to the marginal social value of an additional housing unit.

There are three problems with understanding the value of housing purely in terms of revealed exchange values. First, housing markets rarely satisfy the assumptions of perfectly competitive markets. Second, housing is a heterogeneous, durable good. Third, housing is often valued for reasons that transcend exchange values. I explore the first two issues in the remainder of this section and then turn to a consideration of the third issue in the following section.

Housing markets are riddled with imperfections. The value of a home to an occupant is determined in part by a variety of actions taken by neighboring property owners and residents. If property rights to these externalities are poorly assigned, and there are costs to delineating and enforcing property rights, the price that individuals pay for homes may not capture the benefits that they receive from housing consumption or the costs that producers bear to deliver housing (Coase 1960). Informational asymmetries also make it difficult for buyers to assess the market values of individual housing units. The seller of a home has more information about the home's quality and may extract rents from prospective buyers who have incomplete information about a home's condition. Housing transactions are also time consuming and costly. Buyers and sellers engage in lengthy negotiations that can fall apart at any stage of the housing exchange. Moving also entails costs, which implies that housing choices, once made, are irreversible in the short term and will have long-lasting impacts on a housing occupant's well-being. If transaction and moving costs are high enough, otherwise mutually beneficial housing transactions may go unrealized.

Unlike most consumer goods, housing is a heterogeneous bundle of goods that includes physical space, architectural attributes, natural amenities, and local public goods. Because of variability in home styles, physical condition, and location, no two housing units are alike. If households exhibit different preferences for different components of the housing bundle, it is nearly impossible to compare the benefits that one person receives from the purchase of a given home with the benefits that someone else receives from a different home. Advances in hedonic econometric models have improved our ability to translate the value of individual housing units into homogeneous units of the "housing services" that housing units deliver, but hedonic techniques are still fraught with theoretical and empirical challenges, and government agents rarely rely on the most sophisticated hedonic methods to evaluate policy alternatives.

Housing's durability influences its distribution among inhabitants over the short term. Once constructed, homes can last for tens or hundreds of years if well maintained, as any visit to a historic town will reveal. Related to the issue of durability is the inelastic short-term supply of housing. Homes take several months to construct or retrofit, and regulations and public approval processes can add months or years to the process. Durability and housing supply inelasticity reduce the responsiveness of housing producers to changing consumer needs and preferences. Because the distribution of housing is essentially fixed over the short run, residential relocation and financial compensation are often the only feasible ways to alleviate short-term housing injustices.

Distinctive Sources of Housing's Value

Even if housing markets are perfectly competitive and in equilibrium, individuals evaluate their willingness to pay for housing in distinctive ways and value housing for prudential reasons that transcend their willingness to pay for housing. Exchange values reflect a utilitarian conception of value where the goodness of a thing is defined in terms of its beneficial consequences for human states of affairs such as happiness, desire fulfillment, or welfare. Lumping all these beneficial consequences into the general category of "well-being" masks the many distinct pathways through which housing enhances human well-being. Housing provides comfort, privacy, safety, and aesthetic pleasures to the inhabitant. Housing also enables occupants to satisfy larger life goals, such as raising a family or building a social network. Those without housing are socially stigmatized, marked as homeless, and may experience a diminished sense of self-respect and human dignity as a result.

Housing's contribution to human well-being is distinctive for three reasons. First, housing is a positional good. The well-being that individuals receive from the consumption of positional goods is evaluated in a relative sense, which implies that one's perceived ranking in the distribution of consumption is at least as important as the absolute amount of the good consumed. The positionality of housing explains the "keeping up with the Joneses" phenomenon, where households evaluate their level of residential satisfaction through comparisons with neighboring homes (Frank 2007; Dawkins 2017b). Positionality calls for an appropriately weighted metric of well-being that accounts for individuals' relative well-being compared to others (Brighouse and Swift 2006).

Second, for those who own housing, housing directly enhances well-being while also indirectly expanding the owner's opportunities to enjoy additional well-being in the future, because owned housing is a source of wealth.⁶ A house's direct contribution to well-being through consumption may conflict with its contribution to household wealth. For example, prospective homeowners may avoid homes with garish external features even if they prefer them, because such features may compromise the home's "curb appeal," making it difficult to sell the home at a later date. Those planning to live out their lives in one place can enjoy their pink flamingoes, yard gnomes, and lawn art without worrying about a prospective buyer's taste for these accoutrements.

Third, housing satisfies certain basic human needs. At the most fundamental level, needs such as warmth, rest, security, and safety must be satisfied before pursuing the higher-order needs of psychological fulfillment and self-actualization (Maslow 1943). Needs are distinct from well-being because they arise whether or not someone wants to have them, and their alleviation is not necessarily associated with an increase in well-being (Raz 1986). For example, the ascetic denies basic needs in order to attain spiritual fulfillment. Because needs are biological constraints imposed independently of one's will, some argue that housing should not be allocated according to exchange values, because individuals should not have to choose whether to have their basic needs met (King 2003).

One implication of the discussion so far is that a metric of housing's contribution to well-being should be robust enough to account for the multiple pathways through which housing enhances well-being. Amartya Sen (1985) and Martha Nussbaum (2000) offer a metric of well-being that incorporates needs and human dignity while avoiding some of the common objections to utilitarian measures of well-being. Their "capabilities approach" is based on the idea that because individuals exhibit varying abilities to convert goods into well-being, it is more important to quantify what individuals are able to be and do with goods rather than the amount of subjective utility that individuals receive from the consumption of goods. According to Nussbaum (2000), housing's connection to well-being derives not from the passive conveyance of utility through housing services but rather from the conversion of housing services into valuable functionings, such as being sheltered or raising a family. Functionings are a more robust metric of well-being than utility and can be understood in terms of either the satisfaction

of basic needs or the attainment of higher-level achievements. In addition to enabling functionings directly, housing enhances the capability to function in other domains. Housing provides spatial access to employment opportunities, social networks, natural amenities, and local public goods and services, for example. The capabilities approach departs from utilitarianism by shifting the *distribuendum* of justice from goods and the utility from goods consumption to the freedom, or capability, to function.

Regardless of how well-being is defined, individuals also value housing for reasons that transcend its beneficial consequences. For many, housing has “constitutive” value because it is an aspect of the good life from the standpoint of the individuals leading that life (Raz 1986). Goals and plans often refer to a life lived in a particular place. Many people organize their life plans around the eventual purchase of a dream home, for example. Furthermore, individuals modify and personalize housing in accordance with their goals and plans. My flower garden is an expression of my love of nature, and the care that goes into my gardening reflects my commitment to environmental stewardship.

Housing is also an aspect of an individual’s identity, or personhood. According to Margaret Radin (1993, 35), “To achieve proper self-development—to be a person—an individual needs some control over resources in the external environment.” She argues that “one may gauge the strength of significance of someone’s relationship with an object by the kind of pain that would be occasioned by its loss. On this view, an object is closely related to one’s personhood if its loss causes pain that cannot be relieved by the object’s replacement” (Radin 1993, 36–37). The trauma of eviction, for example, arises in part from the loss of a vital material dimension of one’s personal identity.

By enabling individuals to be the primary author of their own lives, housing plays a role in the cultivation and exercise of personal autonomy, a feature of human lives that has intrinsic value because “it is intrinsically good for people to take charge of their affairs and run their own lives” (Wall 1998, 149). Housing and autonomy are linked in a variety of ways. To the extent that a person lacks housing sufficient to satisfy their biological need for safety, warmth, and protection from the elements, that person is unable to devote their energies to the pursuit of larger goals and projects. By satisfying health and safety needs through the provision of housing, the inhabitant is liberated from biological necessity, freeing up time for the formulation, evaluation, and pursuit of long-term goals. Housing also

enhances autonomy directly through the spatial privacy that it affords. Housing provides an undisturbed spatial realm within which inhabitants may formulate and pursue plans, meditate, or simply relax. Within the privacy of the home, individuals can evaluate and accept or reject their preferences and beliefs, free from the criticism of others (Dawkins 2017a). As Gaston Bachelard (1969, 6) writes, “The house shelters daydreaming, the house protects the dreamer, the house allows one to dream in peace.”

Housing’s contribution to well-being, personhood, and autonomy arises in part from the close connection between housing and leisure. Housing provides a private realm where human beings can enjoy leisure on their own terms, apart from the active world of work. As Josef Pieper (2009, 46) writes, “Compared with the exclusive ideal of work as activity, leisure implies (in the first place) an attitude of non-activity, of inward calm, of silence; it means not being ‘busy,’ but letting things happen.” As I discuss in chapter 7, the connection between housing and leisure has interesting implications for the justification for the right to own property. If private property’s contribution to leisure justifies a person’s right to own private property, those who labor to acquire property have no special rights to their ownership claims, as John Locke (1980 [1690]) asserts. Furthermore, inequalities in the distribution of property are harder to justify, particularly if leisure is something that everyone has a right to enjoy.

In general, these different sources of prudential value are incommensurable, or not directly comparable in terms of a single metric. Furthermore, different individuals have different conceptions of what the good life entails, and different conceptions of the good life rank prudential values in different ways. Since there are many reasonable conceptions of the good life, there will generally be reasonable disagreement among individuals about the relative importance of different prudential values. Some prudential reasons for valuing housing, such as privacy and social affiliation, may be in tension with one another. Prudential value pluralism does not necessarily imply value relativism, because many prudential values are universally shared, at least among those who share a common cultural tradition (Crowder 2002). Furthermore, nothing I have said so far about prudential values necessarily implies a pluralism of *moral* values.

Prudential value pluralism has two important implications for housing justice. First, prudential value pluralism points in the direction of a pluralism of distributive principles that may be in tension with one another. For

example, the positionality of housing suggests that, all things considered, an equal distribution of housing delivers a higher level of aggregate well-being than an unequal distribution does (Brighthouse and Swift 2006). Other reasons for valuing housing may ground distributive principles other than equality. If housing's value originates from the satisfaction of basic human needs, the moral urgency of these needs may call for a *sufficientarian* distribution of housing that guarantees minimally adequate housing to everyone but nothing more (Dawkins 2017b; Frankfurt 1987). I return to the tension between egalitarian and sufficientarian distributive principles in parts II and III of the book.

Second, value pluralism implies that any conception of housing justice derived from a publicly justified set of principles will likely appeal to a minimalist morality that, to the extent possible, respects the diversity of values that individuals assign to housing. Some interpret this requirement as implying that governments should remain neutral in their justifications for actions and not appeal to a controversial conception of the good derived from some ranking of value (Rawls 1993). Others interpret value pluralism as implying that the state should directly promote the diversity of values (Galston 2002). The conception of housing justice offered in this book is more consistent with an emphasis on state neutrality than with the active promotion of value diversity, but I argue in chapter 6 that value diversity may be instrumentally important in societies that value personal autonomy.⁷

The Social Meaning of Housing

A house is more than just a delivery mechanism for housing services. A house is a home. Some homes record the histories and identities of inhabitants, while other homes are merely places to hang hats. A home derives its meaning from a personally recognized way of life, a shared relationship with one's co-occupants, and an engagement with the socially constructed practice of domestic life. The terms "household" and "family" refer to the shared, intimate social relationships formed within the home, and those without homes are marked by society as "homeless." The phrase "American dream," which James Truslow Adams (1932, 404) originally coined to describe equality of opportunity, has been co-opted by real estate professionals to describe particular housing styles.⁸ One's ability to take part in the social practice of living an American dream is determined in part by the social availability of that option. Individuals may choose to accept or reject

a particular characterization of the American dream, but they leave the dream intact while doing so.

Walzer (1983) argues that the social meanings of goods have radical implications for distributive justice because “distributions are patterned in accordance with shared conceptions of what the goods are and what they are for” (Walzer 1983, 7). He argues that goods are first conceived and created before they are distributed, so to understand the appropriate principles governing a good’s distribution, we must first understand why the good being distributed was conceived in the first place, within the historical context of the good’s purpose in a particular society. Walzer presents a compelling case for a housing-specific approach to justice because if the social meaning of housing defines its distributive principles, it is impossible to know how to distribute housing without first understanding its social function.

This book draws on Walzer’s social meaning idea to understand and interpret the historical arguments offered in defense of particular housing policy proposals. Still, as I argue here and throughout the book, one must be careful not to assign undue moral significance to housing’s prevailing social meaning, because social meanings often conceal unjust social practices. For example, in the early twentieth century, racial zoning ordinances and racially restrictive covenants legally constrained housing options for people of color. An inquiry into the social meaning of American housing during this era would no doubt reveal that racial hierarchies governed the distribution of housing. To critique unjust social practices such as these, one has to step outside existing practices and critique those practices not only from the standpoint of prevailing social meanings but also from the perspective of more fundamental moral values.

Another concern is that dominant social meanings are often contested. First-wave feminists rejected the domestic ideal tied to the American home because it relegated women to an inferior social position (Hayden 1984). Nineteenth-century communitarians objected to the wastefulness of the single-family home and its tendency to isolate families from communal obligations (Jackson 1985). As America has become more diverse, different groups have interpreted the social meaning of home in ways that often clash with prevailing social meanings. Willow Lung-Amam (2017) describes how Asian Americans in Silicon Valley adopted the American love of the “McMansion” but interpreted this ideal in ways that clashed with their white neighbors’ interpretation of the same ideal. Local planners in Silicon

Valley marginalized Asian Americans' interpretation of the social meaning of home through planning processes, development standards, and design guidelines that institutionalized the dominant white interpretation of the social meaning of home. Just as housing is valued for many reasons, the home has a variety of social meanings, and public policies that favor one meaning over another fail to show respect for those whose social meanings have been marginalized.

Although housing's sphere of justice need not be as self-contained as Walzer suggests, his recommendation to ground moral theory in a materialist understanding of a good's social function has merit, even if the conception of justice that emerges from the inquiry draws on principles that transcend the good's prevailing social meaning. Social meanings provide a place to begin a housing justice inquiry and help to ground principles of justice within a realistic social and political context. Social meanings also help us understand and evaluate the arguments advanced by reformers fighting for social change. It is impossible to make sense of normative statements such as "housing is a human right" or "everyone deserves to be adequately housed" without some understanding of what housing means to those who wish to see its distribution altered. If housing's social meaning assigns an elevated social status to some members of society and not others, social meanings provide a basis for social critique. An understanding of the moral underpinnings of particular housing ideals, such as the suburban tract home or the frontier homestead, provides a window into the cultural bases of housing injustice.

In this book, I draw on a variety of media to interpret housing's social meaning in the United States, emphasizing material that calls attention to the moral justifications for public policy proposals. Often, these justifications are absent, only implicitly stated, or used for rhetorical purposes rather than to support sound moral arguments. The inquiry into a good's social meaning is an interpretive exercise. Where the justifications for policies and reforms are not apparent, I infer arguments from policy documents, editorials, political pamphlets, and secondary accounts of the context surrounding policy adoption.

I also explore the connections between the social meaning of housing and American society's shared norms and values, paying particular attention to social movements committed to property and housing reform. The fluidity of social meanings implies that several may coexist and simultaneously vie

for social recognition. Social movements often interpret social meanings through dissent, calling attention to hidden values not expressed in social institutions. Some movements call for policy changes to bring institutions into conformance with latent social values, while others call for reforms that appeal to new values.

In the pages that follow, I argue that the social meaning of the American home can be understood in relation to America's evolving conception of real property. The home embodies important moral and political values, and property rules define, protect, and reinforce these values. The dialectic tension between America's two dominant political traditions—liberalism and republicanism—provides a metaframework for understanding the historical evolution of the social meaning of home and real property. Liberalism emphasizes the separation between public and private spheres, individual rights, and liberty understood as freedom from government interference, while republicanism emphasizes self-governance, political engagement, civic virtues, and liberty understood as freedom from domination (Dagger 1997; Sandel 1998a; Pettit 1997).⁹ While these two traditions share many features, differences in each tradition's political values have contributed to different conceptions of housing's social function and different views of private property's role in defining and protecting that function.

For liberals, the home is a spatial embodiment of the private realm of unfettered freedom from government interference. This idea appears in the writings of eighteenth-century English jurist William Blackstone, who described the right of property as "that sole and despotic dominion which one man claims and exercises over the external things of the world, in total exclusion of the right of any other individual in the universe" (Blackstone 2016 [1765], 1). For John Locke (1980 [1690]), the private sphere is the domain of domestic family life, governed by consensual but paternalistic power relationships, and the public sphere is the realm of government, political authority, and justice. Property rights wrap individuals and families inside a bubble that insulates individual and familial liberty. The government acts as a neutral arbitrator among the competing right claims of households in the public realm. Conflicts within the family, should they arise, are governed by norms of reciprocity and trust (Kelly 2002). Locke's ideas inform the classic liberal understanding of negative liberty, described by Isaiah Berlin as "the area within which the subject—a person or group of

persons—is or should be left to do or be what he is able to do or be, without interference by other persons” (Berlin 1971, 121–122).

Republicans emphasize the home’s role in cultivating good citizens. Throughout American history, housing, and more specifically the ownership of housing, has been linked to the civic virtues of economic independence, frugality, hard work, and a concern for the common good. Whereas liberals have been more interested in protecting the private sphere from unwanted intrusions from the public realm, republicans have sought to promote the civic virtues cultivated by private home life. Republicans’ understanding of housing’s connection to civic virtue is associated with a distinctive view of property. Whereas Locke understood the right to own property as a natural right that exists independently of government, republicans understand property as a conventional right created by government to promote stable republican institutions. Housing reform movements throughout American history, from the late nineteenth-century tenement housing reform movement, to Herbert Hoover’s homeownership campaign, to the contemporary “new urbanist” civic design movement, have appealed to republican values.

The owned single-family detached home has endured as an ideal American housing type in part because it embodies deeply held liberal and republican values. Single-family homes are separated from one another by rigid property lines that provide privacy and a spatial zone of liberal freedom and autonomy. At the same time, homeownership cultivates a society of republican stakeholders who have an interest in actively engaging in civic affairs to protect the investment value of their homes. The excerpt from Robert Frost’s (1917, 12) “Mending Wall,” quoted at the beginning of this chapter, paints a picture of this marriage between republican and liberal ideals. In the poem, two neighbors meet periodically to repair a wall separating their adjacent properties. The wall can be interpreted as a metaphor for the civil law that simultaneously separates and unites citizens (O’Neill 2016). For one neighbor in the poem, the constant repair of the wall and the meeting between neighbors upon each repair symbolize the stabilizing force of mutual respect for one another’s property rights. The walls that separate homes become the glue that binds them together. Do “good fences make good neighbors,” as the one neighbor is fond of saying? Or are fences unnecessary because “apple trees will never get across and eat the cones under his pines,” as the other neighbor asserts (Frost 1917, 12)? This book offers

one answer: good fences make good neighbors only if all neighbors have fences.

Toward Housing Justice

A theory of housing justice combines certain basic materials—conceptions of value, principles, grounds, and bases—to construct a conception of justice that appeals to the special connection between housing and human lives. The social meanings of home offer additional materials from which to construct just housing arrangements, but social meanings and their underlying moral foundations are often contested. As discussed in the chapters to follow, social reformers throughout American history have appealed to liberal and republican values to justify a range of policies designed to shape the distribution of land and housing. The ideal of the owned single-family detached home has endured even as the arguments justifying this particular housing type have evolved. If we dig deeper to reveal the single-family home's moral underpinnings, we often find that egalitarian ideals conceal exclusionary motives. Chapters 2–5 excavate the justifications for land and housing reforms to unearth the moral foundations supporting the American dream of home.