

# Unfree simply to be

*The scale of our homelessness problem makes it difficult to argue we are a Republic*



**By Seána Glennon**

President Michael D Higgins’ recent comments at the opening of a new facility for homeless young people, in which he designated the Irish housing crisis “our great, great, great failure” has rather predictably resulted in much consternation and pearl-clutching on the part of those concerned about the President’s proper constitutional role.

Outrage over the propriety of the President’s apparent criticism of government policy, however, seems rather petty in the face of the scale of the epic housing crisis.

Criticising the role of international investment funds in the Irish housing sector and the drastic increase in homelessness among younger people, the President asked: “How republican is what we created?”.

This raises a much more important question for present purposes than the rights or wrongs of the President commenting on an issue: what does it mean to live in a republic, and how does the idea of housing as a fundamental right fit into the republican ideal?

Republicanism is, broadly, a theory of democracy that centres on government “by the people”. One of the central ideas of the republican theory is the freedom of the people. The theorist Philip Pettit explains that from a civic republican perspective, the most legitimate system of government is one that provides for the people’s equal enjoyment of freedom; every citizen must have the freedom to make choices without requiring the permission or goodwill of another. Of course, people’s actions may be restricted by law – but those restrictions must be in the common interest. The state may not arbitrarily interfere with people’s choices – it must respect individual liberty.

How does this republican idea of the freedom of the people connect to the housing crisis?

I know *Village* likes to ground rights in equality and is not well disposed to property rights but I’d like to look at the housing crisis from the perspective of freedom, as seen for example by the legal philosopher Jeremy Waldron. The rules of private property mean that anyone who owns a piece of land is entitled to exclude everyone else from that land. Anyone present on private property without permission may be guilty of trespassing and the owner can call the authorities. Homeless people have no entitlement to be



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present on any private property without permission. They do not have a private space to sleep, wash, cook and go to the bathroom. They are instead relegated to public spaces.

Yet our public spaces themselves are increasingly regulated. Public parks and pavements do not permit characteristic domestic activities – sleeping, cooking, washing, using the bathroom and so on. The authorities can “move on” or even prosecute homeless people carrying out these basic activities in public spaces.

For homeless people there may be no place they are free to simply “be”; they are, as argued by Professor Waldron, “unfree”.

The homelessness crisis has steadily worsened in Ireland for the past decade. Last month, it was reported that the number of people experiencing homelessness had risen to over 10,000 for the first time since the pandemic hit. It is difficult to get a sense of the full extent of the crisis, however, as most official figures do not take account of those living in precarious circumstances, on the cusp of homelessness. This includes people who have been served a notice of termination of their tenancy, those in rent or mortgage arrears, women fleeing domestic abuse and those in Direct Provision.

The housing crisis is complex and multifaceted, but we can look to some unlikely places internationally for a proactive approach to ending homelessness that is proving to work.

While Ireland’s homelessness crisis has gone from bad to worse in the past 10 years, the city of Houston, Texas, has made remarkable strides in that period of time in housing the homeless, through a “housing first” initiative.

The city has approached its homelessness crisis by partnering with a variety of local aid organisations to place homeless people directly into accommodation without imposing

pre-conditions (such as overcoming addiction or finding employment). Those receiving accommodation have their lease paid for a year, giving them the breathing space to find a job, obtain services and prepare to either continue paying the rent themselves, or find alternative accommodation.

Three quarters of those receiving this ‘rapid rehousing’ have remained housed after their one-year period expired. The system is not perfect and further work needs to be done to support those who do not qualify for the scheme; however, research shows that the ‘housing first’ approach works. It is estimated that Houston has reduced its rate of homelessness by almost two-thirds through this proactive approach.

Ireland has a variety of different organisations focused on alleviating the housing crisis. We can draw inspiration from the joined up approach taken by the city authorities and local non-profit and charitable organisations in Houston (many of which had historically competed with one another for funding) in working together to take meaningful action to get roofs over people’s heads.

How do we square a claim that Ireland is indeed a republic, with the reality of the increasing numbers of individuals and families facing homelessness and a state of “unfreedom”? Perhaps this is what the President was getting at in his speech.

To argue for a shift from viewing housing as an investment to a legal right is not to pursue a “dangerous Marxist ideology”, to use the words of Lucinda Creighton in the *Business Post* in June, arguing that “Higgins’s railing on policy issues is as predictable as it is inappropriate. His narrow constitutional role has never stopped Michael D Higgins from championing a jaded and dangerous Marxist ideology and attacking Ireland’s open, liberal economic model”.

The argument that there is a legal right to a home is recognition that every person in a republic has the right to live a free and dignified life. If a place like Houston, Texas – traditionally a bastion of laissez-faire and deeply divided over matters that touch on personal rights such as abortion and gun control – can take the bull by the horns on homelessness, then the real question we should be asking is: why can’t Ireland? **L**

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