Bookreviews

The Right to Housing: Law, Concepts, Possibilities. By JESSIE HOHMANN. Oxford, Hart Publishing, 2013. 286 pp. £50.00 (hardcover), £45.00 (eBook).

The Right to Housing: Law, Concepts, Possibilities by Jessie Hohmann is a major milestone in human rights literature and adds considerably to discourse concerning the right to housing in the United Kingdom and beyond. The book will be of particular interest to those who advocate the right to housing in a range of international, regional and national jurisdictions, but such is the craft of the author that this text will also be of interest to those who contest the value of such a right. The text opens by identifying some harsh realities of homelessness which serve to illustrate for the reader the manner in which discourse on the right to housing has often failed to progress beyond an abstract discussion. The author is motivated by a central question: in a harsh world littered with persistent denials of human dignity, what role can a human right as nebulous, contested (even derided) as the right to housing, play? Throughout the text the author does not lose focus on this central concern and as the text unfolds, the reader is left in no doubt as to the important role the right to housing can play in today's world.

The book is divided into three parts, titled law, concepts and possibilities respectively. Part one traces the development of the right to housing across a range of international, regional and national legal documents. The author skilfully untangles the complexities of the discussion on housing rights by identifying three fundamental weaknesses which operate to undermine, in one form or another, the right to housing. The author identifies one weakness as the failure of courts and monitoring bodies to adequately define the right to housing or the obligations to which it gives rise. Where the right to housing has been litigated, the author indicates that there is a propensity to interpret the right in an 'unduly procedural' manner. The author identifies that this form over substance interpretative approach is compounded by the overly abstract interpretation of the right to housing which results in a general failure to embed the right in the actual circumstances of deprivation and violation. The author indicates that these weaknesses are more the result of a philosophical neglect rather than something which stems naturally from the nature of the right to housing. The second part of the text takes privacy, identity and space as three conceptual lenses through which to fundamentally reconsider the meaning, content and scope of the right to housing. For the reader, the presentation offers a truly fresh and imaginative

analysis of the teleology of the right to housing as the author connects abstract concepts to a vivid reality in a remarkably illustrative manner. The third part of this book strikes at the heart of the question which motivated the author to write this text. The author queries, can the right to housing offer possibilities for social transformation? In considering this issue the author seeks to explain how the agency and creativity of those who seek to realise the right at ground level fails to materialise at the institutional level. In doing so the author identifies a fine seam running through the complex tangle of crossed wires which has often characterised housing discourse.

Throughout the text the author employs a flexible understanding of both the concept of home and the concept of citizenship which serves to liberate the dialogue and allow for dynamic engagement with a wide range of well-selected illustrative cases across multiple jurisdictions. For instance when considering *Cecilia Kell v Canada* [2012] CEDAW 19/2008, the author engages with the concept of home being at once a site of oppression but also potentially a place of empowerment, social and familial interaction and economic security in an illustrative and effective manner.

The first chapter details the right to housing in the International Bill of Rights by considering the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The second chapter shifts focus to consider the right to housing in subject-specific international conventions. The author traces the right to housing as it arises, often indirectly, in the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Racial Discrimination and finally the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. Throughout the first two chapters the complex relationship between various harms and the right to housing is illustrated.

The third chapter shifts focus by examining the right to housing in regional covenants, including the Revised European Social Charter (RESC) and the European Convention on Human Rights. The chapter then considers African regional housing rights, the Inter-American human rights system and finally the Arab Charter on Human Rights. The standout section of this chapter relates to the RESC. The relatively advanced development of the right to housing in the RESC is often overlooked in human rights discourse, however it is certainly not lost on the author who devotes careful analysis to the right to housing under the RESC. The author's critique offers genuine insight into what is perhaps the most

detailed right to housing in international law. Indeed, the reviewer looks forward to further works in this area from the author.

The fourth chapter shifts focus onto the right to housing as a constitutional right within South Africa and India. The author broadens the analysis by delving into two of the most radical jurisdictions in terms of their differing treatment of the right to housing. From a re-constructionist approach based on an express right to housing through to an unenumerated, and judicially developed, right to housing the author offers further context for the reader.

The fifth chapter employs the overarching analysis set out in the previous four chapters to develop an insightful critique of the interpretative failings of the 'de-radicalized right' to housing. In particular, the author identifies the three reoccurring weaknesses; of definition, overly procedural interpretation and the disconnect between the right to housing and human rights violations, which undermine the legal interpretation of the right to housing at international, regional and national levels.

The sixth chapter marks the beginning of a broader conceptual analysis of the right to housing as the author frames the discussion in terms of justifying the right to housing as a human right. The legal interpretation of 'economic, social and cultural rights' has suffered from a relative dearth of philosophical reflection; an issue which the author points out has not attended the legal development of civil and political rights. In this chapter the author examines the concept of homelessness and its relation to the right to housing through a conceptual framework centred upon 'privacy'. The investigation unites three strands under the rubric of homelessness: the need for the space of the house; the need for rights to that space; and finally on the added element of 'home', the need to develop a deeper understanding of the relation between the concept privacy and the right to housing. The analysis succeeds in illustrating the conceptual overlap between privacy and the right to housing and goes some way towards offering a justification for the right to housing.

Chapter seven extends the process of conceptual analysis which began in chapter six by introducing the concept of identity as a means of refining understanding of, and providing further justification for, the right to housing. The chapter sets out to explore how housing relates to the social and cultural identity of individuals and groups by analysing how identity is often mediated through relationships with the house as a physical, material construct and the home as an ideological one. The fundamental nature of the connection between the right to housing and identity is further reinforced by the author who illustrates that this relation has capacity for both positive and negative outcomes.

The chapter charts the role of housing in the construction of community, the idealisation of the home and its impact on women's identities, before finally considering the role of housing policies which act to destroy indigenous identity.

Chapter eight concludes the second part of the book with an analysis of the right to housing against the conceptual backdrop of 'space'. The chapter charts the development of the right to housing in the city of Mumbai, India, in an effort to elucidate the way in which the right to housing may operate as a vehicle for social inclusion.

The conceptual frameworks employed by the author in part two provide the framework for a comprehensive analysis of the concept, meaning and scope of the right to housing. However the chapter also succeeds, in a broader sense, by challenging the reader to re-imagine housing beyond its role as a physical entity. In doing so the author succeeds in offering further well-reasoned justification for the right to housing. The choice of the conceptual frameworks was successful, however further detailed analysis with perhaps the overarching concept of environment might serve to shed further light on potential conflicts within the conceptual underpinning of the right to housing.

Chapter nine opens the final part of the book and moves the discussion forward to consider possibilities, politics and law with respect to the right to housing. The chapter offers excellent critical analysis of the 'hidden politics' of human rights and with great precision and effect challenges the assumptions underpinning the institutional fragmentation of human rights. The chapter engages with recurrent criticisms of the utility of the right to housing and throughout a vibrant discussion the author offers well-reasoned counter arguments. In particular, the author counters claims that the right to housing could operate to undermine human rights institutions by identifying that such misgivings betray 'an anxiety about who controls the interpretation of our rights-founding mythologies, and what admitting the politics behind those mythologies might entail' (239). The author then develops the analysis by considering the issue of the ownership of rights. In particular the author identifies that it is the agency of advocates of the right to housing which imbues within that right a unique capacity to represent and express denial of dignity through human rights dialogue. The author argues that it is this claim to housing as a human right which challenges the underlying assumptions which bind human rights discourse to artificial divisions and consequent denials of human dignity.

Throughout *The Right to Housing: Law, Concepts, Possibilities* the author is guided by a fundamental question: 'In such a harsh world, what role can a human right as nebulous, contested (even derided) as the right to housing, play?'

(v). In answering this question the author addresses the complex nature of the right to housing by undertaking a comprehensive discussion of the right in its current form across a range of international, regional and national documents. In doing so the author sheds light on the 'perceived' complexity of the right to housing. Through employing a troika conceptual framework, centred on privacy, identity and space, the author develops a deeper understanding of the concept, meaning and scope of the right to housing and lays the groundwork for further philosophical discourse and reflection on this important though often overlooked area of human rights. Finally, the answer to the question which motivated this text was drawn out against a consideration of the arguments of those who contest or even deride the right to housing. In the final section of the text the author's argument excels when uncovering the hidden politics of human rights discourse and the resulting denial of dignity. The author skilfully reconciles the artificial division within human rights with the continued agency of those activists who employ the right to housing as a vehicle for representing and expressing those denials of human dignity which continue to characterise societies, rich and poor, across the world. As well as being of interest to those who engage with the right to housing within the legal regimes considered, the philosophical reflections on the right to housing, and its place within broader human rights discourse, offered by the text will undoubtedly interest academics and students alike. In summation *The Right to Housing: Law, Concepts, Possibilities* by Jessie Hohmann is a must-read text for those interested in human rights and the right to housing.

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Global Perspectives on Income Taxation Law. By REUVAN AVI-YONAH, NICOLA SARTORI AND OMRI MARIAN. Oxford, Oxford University Press, 2011. 288 pp. £41.99 (hardcover), £17.99 (paperback).

The practice and especially the scholarship of tax law are largely self-contained. The academic literature on tax law hardly interacts with other areas of legal scholarship, much less with other social disciplines such as economics. The nature of tax law—dominated by intricate and specific rules is often a sufficient explanation for it being self-contained. The predominant concern for most