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‘We Could Not Imagine Their Home Could Be Our Home’: Towards a Feminist Legal Geography of home

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journals.sagepub.com/home/sls**Beverley Clough** *Manchester Metropolitan University, UK***Henrietta Zeffert** *University College Cork, Ireland*

Abstract

In this paper, we introduce a feminist legal geographic approach to home. This is a generative framework for articulating and theorising the relationship between law and home. Integrating feminist socio-legal theory and feminist geography, this perspective brings feminist legal and geographic theory to the mainstream law and home literature and illuminates the many ways law is entwined with home. Through three case studies, we underscore the analytical timeliness of feminist approaches to law and home by illustrating shifts in politics and ideology and demonstrate the ways in which feminist legal geography reveals common threads that link together seemingly disparate or disconnected cases. Crucially, our approach drives a shift in how responsibility and accountability for structural and systemic violence is identified and understood through the concept of home, and the role of resistance to violence in this.

Keywords

feminist legal geography, home, law and space, responsibility

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Introduction

'We could not imagine their home could be our home' (Friedman, 2022: 42). This was among the closing remarks of a lawyer representing survivors in the Grenfell Tower Inquiry. In the London borough of Kensington and Chelsea, where Grenfell Tower stands, Britain's richest and poorest live side by side. But against that spatial and geographic proximity, the lawyer's remark reveals separation and division at home, the boundaries within and between home spaces, and the disconnect between 'us' and 'them' that increasingly characterises the experience of home in the United Kingdom today (and in many other places beside). As Doreen Massey argued, 'it is not simple spatial proximity but the relations of power in which that proximity is embedded which are crucial' (Massey, 1992: 167). The lawyer's remark in the Grenfell Inquiry is also a reminder that home is a contested and politicised concept. In debates about access, visibility and belonging in space, 'home' is frequently invoked with a subtext of division and alienation, often by the perpetrators of racial violence, gendered discrimination, ableist exclusion, nativism, neoliberal abandonment and the abuse of those deemed 'other' (Blunt and Dowling, 2022; El-Enany, 2020; Gaete-Reyes and Power, 2017; Hirschler, 2021). The Grenfell tragedy was as much about these as it was about faulty cladding.¹

Conflict over home – who has access to it, under what conditions, and where – has long been a feature of social life. David Delaney writes that homes are 'socio-spatial artefacts and devices through which the ins and outs of a variety of power relations are established, enacted, revised and reproduced' (Delaney, 2010: 17). What is different now, however, is how the nexus between home and power emerges in late capitalism's 'age of crisis' – which, as others have argued, is more an enduring state of affairs than the language of 'crisis' suggests.² The pressures of ongoing and persistent crises have not only amplified the precariousness of home but sedimented it – shaping an array of new, often profoundly negative, subjectivities associated with home. Scholars are beginning to explore law as a force that operates 'on' or outside of home and to frame the relationship between law and home as one of 'co-constitution' (Carr and Meers, 2022). This focus on co-constitution is an important opening into carefully interrogating the relationship between law and home. Yet, we suggest that our capacity to see and understand home as a site of multiple forms of violence and injustice remains obscured by an analytical framework that emerged out of the problems of the last century and has failed to disturb – and may even replicate – unhelpful and regressive paradigms and the binaries (safety/violence, public/private, home/homeless, among others) associated with them.

In this paper, we introduce a feminist legal geographic approach to home. This is a new and generative framework for articulating and theorising the relationship between law and home. Integrating feminist socio-legal theory and feminist geography, this perspective brings feminist legal and geographic theory to the mainstream law and home literature and illuminates the many ways law is entwined with home. A geographic approach situates the home within a broader legal landscape illuminating the range of legal processes involved in shaping home, and how normative ideas of home are reinforced in law through the everyday material practices and spatial arrangements of home. Moving beyond proprietary or boundary disputes, and the vision of home as a

static and neutral place or object, this approach brings to light other non-normative knowledge of home and draws attention to exclusions and harms produced by deployments of home, diffuse and non-linear relations of power and responsibility, and opportunities for ‘respatialising’ home. We explore what this means using case studies that engage with the intersections of race and disability, health, neglect and structural violence, and raise questions about entitlement and belonging – who is allowed to call a place a home, where and for how long? – and elicit broader themes of the state-as-home and the crisis of home and care under contemporary capitalism. The case studies demonstrate that the interactions between law and home are profoundly non-linear, allowing us to depart from a view of home as fixed in place and time and to explore, as Valverde puts it, the ‘plural temporalities of governance’ (Valverde, 2009: 139): the temporally contingent and uneven application of law in time and space in and around the home. The case studies in turn offer a deeper understanding of the relationship between home and law that encompasses, for example, an array of different legal and quasi-legal processes, relationships of control and agency, the role of material objects, and how even subtle adjustments to physical and social space can shift – sometimes dramatically – the subjective experience of home. As such, a feminist legal geographic approach to home goes beyond searching for the meaning of home in law (Carr and Meers, 2022; Fox, 2002, 2005; Fox O’Mahony, 2007, 2013; Jenkins and Brownlee, 2022; Meers, 2023). Instead, we invite scholars to understand the relationship between law and home as processual, iterative and dynamic (Boccagni, 2022), and to set that relationship within broader assemblages, or ‘nomospheres’ and as emerging from interactions between the state, individuals and communities (Delaney, 2010). We also urge scholars to look further than the co-constitutive nature of law and home towards the productive and transformative effects of that relationship for other aspects of social being (such as power, control, order, agency and capacity) and to the experience of particular groups – specifically, those marginalised in the existing home literature. Finally, this approach enables close attention to subjectivity, inclusion and ‘othering’ as processes through which responsibility and accountability are allocated or obscured. Recognising this, alongside the shifting spaces and temporalities of home, and the material-discursive productiveness of law in the home, allows points or sites of challenge and resistance to emerge. We utilise the spatial framework to explicitly open up the potential for ‘respatialising’ home (Delaney, 2010) – for creating, abolishing, redrawing lines and thresholds and new material forms.

Following this introduction, we begin by chronicling the arc of the law and home literature and then turn to legal geography, tracing its intersections with home. We then set out three case studies. The first is about Richard Handley, who died at age 33 following poor care and complications arising from constipation. The Inquest following his death highlighted both gross failings in post-operative care at Ipswich Hospital, as well as finding that changes in his care provision (from residential care to supported living) led to a worsening of his condition which had necessitated the hospital treatment.. Richard lived at a council run residential care home until it was de-registered and became a supported living arrangement, delivered by a private provider contracted by the council. Through Richard’s case, we follow how law constructs and conditions the material space of home, redraws the boundaries between the private and the institutional

or 'care' home, and shifts responsibility and accountability for violence. This is situated within a context of political and socio-economic crisis in social care, within which the impacts – including abuse, neglect, health inequalities and early preventable deaths – are well documented (White et al., 2023). The second case study concerns Awaab Ishak, who died at age two due to prolonged exposure to mould in his home. The housing association which owned the property was found not only to have failed to treat the mould but to have consistently mocked and marginalised residents on Awaab's estate and attempted to shift the blame for the deadly risks in its homes to residents. Here we examine spatio-legal 'othering' – the discourse and logics of exclusion and racial oppression operationalised by the state through the home as a legal agent and which seep through the walls of the home in a broader context of hostility. In the third case, we meet Marley van Keogh, an 11-year-old boy with severe disabilities. Marley had to leave his home and enter a hospice when his parents could no longer afford to power the equipment that keeps Marley alive nor keep their home warm enough for nurses to provide care at home. Here, we explore the entanglement of layers of legality with the spatial, temporal and material arrangements of home at the intersection of health and disability, amid the collision of the 'cost of living' crisis, energy poverty and the crisis in care, and state failure to support familial caring. In all of these cases, we trace the ways in which responsibility and accountability for violence are allocated, obscured and transformed and highlight how home sustains, and is sustained by, particular logics and enrolments of legal power. We also bring alternative sources of 'law' into view (Davies, 2017), including material objects (Harris et al., 2020) – from the rules that fatally recharacterized Richard's accommodation to the pamphlets blaming residents' 'lifestyle habits' in Awaab's case to worker health and safety regulations governing home-based care in Marley's case – opening up a more nuanced and complex understanding of the relationship between home and law.

Through these case studies, we underscore the analytical timeliness of feminist approaches to law and home by illustrating shifts in politics and ideology and demonstrate the ways in which feminist legal geography reveals common threads which link together seemingly disparate or disconnected cases. Crucially, our approach drives a shift in understanding how law's spatialisation produces relationships of responsibility and accountability in and around home, the complexity of home as an arena of legal domination, and in turn how structural and systemic violence is identified and understood and the role of resistance in this. In doing so we join others (Lancione, 2023) who look past binary thinking and call for liberatory visions of home which foreground the spaces, voices and legal processes that have previously been deemed outside of the boundaries of law and home scholarship.

Law and Home

Legal scholars have begun to investigate the role of law in the political logics and circuits of power that construct and define home though, we argue, there is a need to go further. To date, legal scholars have considered how home is understood in law (Carr et al., 2018; Fox, 2002, 2005; Fox O'Mahony, 2007, 2013) and, more recently, have defined the relationship between law and home as one of mutual co-constitution (Carr and Meers, 2022).

Lorna Fox's groundbreaking work in this context engaged with disciplines beyond law in order to enrich doctrinal approaches to home in legal scholarship. This was particularly important at a time when scholarship on home was undergoing a period of change, with scholars taking a decisive turn from anodyne, humanistic approaches to home in the 1970s and 1980s (Porteous, 1976; Sixsmith, 1986) to the emergence of a critical approach in the late 1980s (Honig, 1994; Mack, 1991; Munro and Madigan, 1993; Oldman and Beresford, 2000; Saunders and Williams, 1988; Somerville, 1989, 1992) and, from the 2000s onwards, a nuanced and multidimensional, and even ambivalent, view of home (Blunt and Dowling, 2006, 2022). Today, a rich multidisciplinary literature on home flourishes. However, it is notable that the focus of much of the legal scholarship and engagement with the concept of home remains preoccupied with integrating these changing conceptualisations of home into doctrinal approaches, often focussed on occupation and possession, with the meaning of home positioned as 'house + x = home' (Rapoport, 1995: 27), and the search for the elusive x-factor in the literature as the site for critical attention. The static materiality of the house, and the legal importance of property, are intimately bound together. Other scholars have urged a more nuanced treatment of home as a 'dynamic' process (Carr and Meers, 2022) and a system or 'container' of interactions between time, space and relationships (Papadopoulos, 2020: 53–70) but nonetheless continue to characterise law as neutral, unambiguous, static, linear and knowable. Meanwhile legal philosophers Kimberley Brownlee and David Jenkins seek to 'uncouple' home from property rights and capture the 'rich' notion of home as a 'place of belonging in which our core social needs are met' through their concept-ladder approach (2022: 441). Yet, existing legal scholarship on home is often shaped by an array of binaries – housed versus unhoused, home versus unhomed, home versus homeless, law versus lack of law – which can overlook or obscure the complexity of the relationship between home and law.

These moves to trouble the existing literature on law and home, and to recognise co-constitutivity and contingencies, have enriched and enlarged a critical view of home. They open an important space for challenge – and we seek to build on this by exploring and unsettling the tendency to characterise law and home as discrete, bounded and linear entities, rationally 'knowable' and internally consistent. But fixed in a frame of home/homeless, and with home positioned as a material space, a more nuanced conceptualisation remains out of reach. We question the very premise of law *and* home – a pairing that assumes a separation between the two and suspends them in opposition. This omits from view the considerable ambiguity and contradictions that plague both, as well as the productive effects of their relationship. These framings also tell us little about the layers of legality in which 'home' is entangled and fail to make visible the 'erasures' built into law that shapes a variety of subjectivities in relation to home (Bimpson et al., 2022). They also overlook, for the most part, the experiences of those categorised as 'other' in dominant paradigms of law and home scholarship, such as children, disabled people, low paid and precarious workers, and migrants. There is a need for further critical reorientation to disrupt the ideological scripting of the 'ideal home' as a fixed, static, bounded space, a place of haven and refuge (Gordon-Bouvier, 2019; Lloyd and Vasta, 2017), which is far from the precarious reality of home in most places today (Citizens Advice, 2024).

Towards a Feminist Legal Geography of Home

Building on this more complex picture, we integrate the tools, orientations and methods of socio-legal theory and feminist geography, bringing these together in a feminist legal geography of home. We look to the work of geographers such as David Delaney (in particular, his ‘nomospheric’ analysis: 2010) and Doreen Massey (on the spatiotemporal: 2005) – and socio-legal scholars who employ geographic concepts, in particular Mariana Valverde (on scale, jurisdiction, chronotopes of law and mobilities of justice: 2015), Katherine Brickell and Dana Cuomo who have pioneered the subfield of ‘geolegality’ within the law and geography movement (2019a, 2019b); and Antonia Layard and Luke Bennett, who see legal geography as a way of examining law’s ‘worlding’: its materialisation within space and its practices of being ‘both active and still, vocal and silent’ (2015: 406).

Legal geography has grown as a field since its inception as a transdisciplinary project in the 1980s (Braverman et al., 2014; Delaney, 2010; Massey, 2005). One of the core tasks of legal geography has been to highlight, critique and challenge the abstraction of doctrinal law. Part of this is critiquing the idea that law and legal processes are detached from social, cultural and spatial contexts; it also means drawing attention to ‘pluri-legality’ (legal pluralism and interlegality) and the multi-scalar, spatiotemporal nature of law in everyday life (Braverman et al., 2014; Davies, 2017; Massey, 2005; Merry, 2020). Delaney offers a vocabulary for navigating law-space with several terms: ‘nomospheres’, processes of legal and spatial co-constitution; ‘nomic settings’, which refers to social constructs (such as place, space and territory) that are inscribed, assigned or coded with legal meanings, and thus become legally visible or meaningful through practices that are both regulatory and performative (Delaney, 2010: 59; Nicolini, 2022); and the ‘nomoscape’, which contains a constellation of nomic settings (Delaney, 2010: 100).

Reacting to the lack of explicitly feminist perspectives in legal geography, Brickell and Cuomo have developed a body of work on ‘feminist geolegality’. This interweaves the terrains of legal geography and feminist geopolitics and is closely allied with our own project in bringing feminism to the foreground of legal geography. Brickell and Cuomo define feminist legal geography as ‘sensitivity to difference, the gendered character of law, and its (everyday) material sites and discourses’ (Brickell and Cuomo, 2019b: 1043). As they point out, it is somewhat curious that feminist legal studies didn’t engage directly with legal geography (and vice versa) during its ascendancy in 1980s and 1990s given similar points of critique. Nevertheless, work bringing them together is in nascent but exciting stages. To the above calls, we would add our own intervention: that feminist legal geography requires rethinking both the law and the spatial aspects, not just adding different disciplines to law; for more diverse methodologies, and particularly qualitative empirical work, attending to non-normative voices and spaces; investigations of embodied practices of law; questions of responsibility and response-ability; and work that looks towards and opens up possibilities for transformation.

What then does it mean to take a feminist legal geographic approach to *home*? The remaining parts of this paper turn to the three cases. In these, we show how a feminist

legal geographic approach to home maps the landscape of spatio-legal arrangements of home, broadens the vision of legal processes involved in shaping home and brings to light how normative ideas of home are framed and deployed by these. This approach goes much further than the proprietary or boundary disputes that law and home have tended to focus on; in fact, it seeks to decentre and destabilise these epistemologies of home and law both to reveal and give voice to other, non-normative knowledges and to draw attention to the logics that underlie 'official', legal normative narratives of home. It is also not limited by the fixing of home as a static, material place or object, nor by the constraints of binary perspectives (home/homeless, public/private, housed/unhoused, etc). It is through this mapping and expanding of space, through redefining concepts, disrupting legal processes, highlighting connections, material effects and causal links that law (and the state) has otherwise sought to exclude through invocations of home, property, ownership, privacy, etc, that we identify sites for intervention and change.

Dynamic Temporalities and Materialities: Richard's Case

We begin this exploration of the potential for a feminist legal geographic approach to home through unsettling the static, material boundaries of the relationship between law and home. In particular, we foreground the importance of questioning what it would mean for the law to take seriously the dynamic, multiple and permeable nature of space and temporality and highlight the role of home as a legal agent. Richard Handley's story is particularly powerful and instructive here.

Richard Handley had Down's Syndrome and a history of mental ill health. He was 33 years old when he died in Ipswich Hospital following serious complications resulting from constipation (BBC Online, 2018). The constipation and blockage were preventable and had been compounded by a lack of treatment, resulting in the need for surgical intervention. Richard died following failings in post-surgical care, but also – as the coroner notes – as a result of poor care and dietary management. A Serious Case Review followed his death (Flynn and Eley, 2015; INQUEST, 2018)³ to understand the circumstances and assess the agency responses that had occurred. The Serious Case Review and Inquest that followed both point to the changes in Richard's care, including changes in diet and monitoring, that led to a significant worsening in his condition. Richard resided at a council-run residential care home, Goshawk Close in Suffolk, England, until July 2010 when it was de-registered. It then became a supported living arrangement, delivered through Suffolk County Council's supported living contract with United Response. According to the Serious Case Review, Richard's family associated this shift with a reduction in the support offered to him in the arrangement. This shift in the designation of the space, through legal and regulatory changes, was notable in then shifting the ways that the individuals residing in this space were framed and responded to, a point that we will return to more fully in the next section. For our purposes here, though, we can begin to get a sense of the role that law plays in shaping the characteristics and ideals of home, and how these can be transposed onto material arrangements with crucial consequences for those inhabiting these spaces. With Sarah Keenan, we seek to surface,

What it would mean for law to take seriously Doreen Massey's conceptualisation of space as 'dynamic, heterogenous simultaneity' ... [as] a compelling and politically useful way of exploring how different spaces are produced, how particular subjects come to belong in those spaces, and what constitutes the complex relation between space and the subject. (2015: 39)

When a space is designated as Supported Living, the individuals residing there are positioned as tenants rather than care home residents. Purported disengagement with health services following this shift in designation was thus framed as his choice, as he was positioned there as an autonomous individual exercising agency. As Delaney points out, '[i]f a given location is framed one way this may have practical implications for the play of power and experience in lived situations' (Delaney, 2010: 70).

Reflecting on Richard's case, in many ways the external boundaries of the care home remained unchanged. Inside too the space stayed the same apart from small material shifts – such as key pads or new locks on doors – which enabled the legal and regulatory changes. Yet, the legal and regulatory frameworks at play here had a subtle but powerful role in (re)shaping the space and power relations of those within it, demonstrating the recursive relationship between law and space. Home-like properties and norms of privacy, control (albeit heavily constrained) began to circulate but without necessarily facilitating Richard's agency. As Rob Imrie suggests, 'disabled people's domestic experiences are, potentially, at odds with the (ideal) conceptions of the home as a haven, or a place of privacy, security, independence and control' (Imrie, 2004: 746). The Care Quality Commission provides guidance on the distinction between care homes (which are subject to heightened regulation and inspection regimes) and Supported Living arrangements, asking whether the 'service users' have 'exclusive possession' of at least part of the accommodation, whether they have 'control over their own front door', and whether providers keep office equipment in their services users homes (CareQuality Commission, 2015; CareQuality Commissions Guidance, 2024). The materiality of the internal features of the property thus become crucial, with objects such as keys, keypads, doors and office equipment shaping and changing the legal designation of a space, with significant repercussions for individuals residing there. The disjoint between the normative projection of ideas of home through this regulatory framework contrasts markedly with the ways in which it was ultimately experienced by Richard, and as Imrie has argued in relation to home and disability more broadly, 'in part, this is because design conceptions, in relation to floor plans and allocation of functions to specific spaces, do not conceive of impairment, disease and illness as part of domestic habitation or being' (Imrie, 2004: 746). It is striking that this ideal conception and reinforcement of home as a nomospheric setting had material impacts on the care that Richard received, how he was perceived and rendered as a legal subject in terms of decision-making and responsibility, and ultimately on his embodied experience and pain.

The importance of objects and materiality in relation to home is well-recognised in other literatures (Buse and Twigg, 2014; Lovatt, 2021; Miller, 2021). Thinking about care homes, personalisation is often seen as a key component in ensuring residents feel at home.⁴ Yet, as Mel Lovatt suggests, it is important to be attentive to whether individuals are merely surrounded by personal possessions, or supported in homemaking

‘practices, routines and interactions’ (2018). In this way, objects are active agents in these processes of home (un)making (Harris et al., 2020), but must be viewed as part of the broader nexus of relations, processes and norms that shape and are shaped by home. Moreover, looking beyond the objects and traditional ideas of possessions helping to personalise a space, pets have also been highlighted as central to home making practices, with reflections such as ‘My Dog is My Home’ (Gillespie and Lawson, 2017). This turn to materiality and objects, and the shifting nature of these in home (un)making, expands the potential spaces and sites for critique for law and home scholarship, and legal scholarship more broadly. They work to unsettle the house + *x* = home approach (Rapoport, 1995: 27), drawing attention to ‘legalities and micro-details of law’s unexpected workings, which will continue to need careful, critical, empirical attention’ (Cloatre and Cowan, 2018: 433–434).

While these examples emphasise the dynamic relationship between law, home, space and materiality, many however also reinforce the temporal and recursive nature of these processes – they are made, remade, unmade. Harris, Brickell and Nowicki, in their work on home-(un)making, recall one resident who waited for four years in temporary accommodation with a box of wallpaper, until she had a permanent place to put it up (Harris et al., 2020). The authors show how a range of temporalities – permanence, transience and temporariness – jostle together and manifest in (and emerge from) the material experience of home. Following Massey (2005) and Valverde (2015) a critical engagement with home and law needs to conceptualise home and homemaking as a dynamic and ongoing process, consisting of a range of temporal as well as spatial, affective and experiential modalities, which are ever in flux. The reality of instability, of shifting experiences of time in relation to home, and the tensions that emerge from this (e.g. between temporariness and permanence), challenges conceptual attempts to ‘fix’ home as either ‘stable’ or static, or not existing at all. Home and homemaking is better understood temporally as multiple, as a spectrum between ‘at-home’ and ‘not-at-home’. A person may inhabit different points on the spectrum at different points in their lives; time and space may take on different significances and involve more or less agency; and the borders or boundaries between these points may be fuzzy and porous. We feel, however, that it is not enough to note this, nor less accept this. A feminist legal geographic approach goes further by asking what logics underlie the temporalities, multiscale and multiplicity of home, and how do legal and quasi-legal or administrative forces shape these.

Overlapping Spaces: Marley’s Case

In many ways, the ‘work from home’ messaging that came through the Covid-19 pandemic brought the reality of the shifting and dynamic temporalities of home to the fore for many. The home became a home space *and* a work space (and for many also a schooling space), sometimes at different times of the day, but also often *at the same time*. Marley Van Keogh’s case, however, demonstrates that often what might be seen as a home space can also be *someone else’s* workspace – revealing the overlapping layers of legality that work to shape experiences of home, and the multiple homespaces that emerge from this, further unsettling static, material visions of home. Marley Van

Keogh is a disabled 11-year-old boy. In January 2023 he moved ‘temporarily’ into respite care after agency nurses refused to continue care for him at home because Marley’s family could not adequately heat their home (Butler, 2023). Marley has severe cerebral palsy, severe epilepsy and other problems resulting from a traumatic birth injury. He requires 24 h care. Marley’s parents rely on disability benefits, income support and carers allowance. In the previous year, the family’s electricity and gas bills had almost doubled making it prohibitively expensive to heat their home and run the medical equipment needed to keep Marley alive. Marley’s care package provider stopped providing nurses for overnight shifts because the temperature in the home had dropped below 16C. The provider cited a duty of care to its employees working within patients’ homes, including ‘acceptable working conditions for staff’. For Marley’s family, the cancellation of nursing care due to the cold was exacerbated by the nationwide shortage of nurses: almost half of his nursing care shifts were cancelled in December 2022.

Marley’s case shows the ways in which the legal and policy aims of worker health and safety can become entangled with particular spatial and material arrangements in order to shift the rendering of the subject within it. Here we see not only the overlaying of social security, employment and health and safety regulation in shaping the home space, but also broader societal and political currents intertwined with these, such as the energy crisis and ‘cost of living’ crisis, which implicate subjects in a particular way. Lydia Hayes illustrates this in her writing on care home workers in Australia who were subject to mandatory vaccination during the COVID-19 pandemic. The broader conditions of crisis during the pandemic exacerbated the existing precarity of care home workers, who are often low-paid, lack bargaining power, and are exposed to disproportionate limitations of liberty (Hayes, 2019, 2021).⁵ As Delaney writes home is a ‘nomic setting’ which, he suggests, is often ‘nested’ (Delaney, 2010: 70) – it is in relationship with other legal spaces, enfolding wider social and political dynamics, including the dynamics of crisis. Delaney points for example to how a nursing home may be nested in a home and a work place, or a prison may be nested as a home and a work place. It is crucial though to draw attention to the power dynamics and agendas that underlie that ‘nesting’. Weisburd for example analyses the transformation of homes into spaces of incarceration, surveillance, control and other restrictive practices through criminal court supervision and a range of modern social welfare institutions (Weisburd, 2023: 1882). Yet, Marley’s case allows us to see how these spaces, and the processes that operate within and across them, ought not to be seen as linear or layered, but interpenetrating and shaping each other in diffuse ways. Moreover, the seeping in of these societal and political currents offers an important insight and challenge to the idea of the walls of the home as impenetrable, or as bounding the space of the home.

Drawing attention to these processes and practices, rather than taking the walls of the home as the primary point of analysis, resonates with the literature on ‘carescapes’ and geographies of care (Bowlby, 2012; Milligan and Wiles, 2010). As well as foregrounding the porosity of these walls – and going beyond this, the active role of walls as an agent in shaping such processes and practices of care – this also opens up ways of recognising the home as multiple and extended. Home can extend beyond the walls, and be felt at different scales (Boccagni and Duyvendak, 2020; Valverde, 2015) and in different spaces at the same time (Campo et al., 2020). As will be further discussed below, this reinforces the

longstanding challenge to the public/private divide in law and policy in feminist legal literature. It also unsettles the trope of ‘an Englishman’s home is his castle’ and the bordering and boundary drawing role that home has played. This recognition results in an expansion of the legal frameworks that are brought into view – going beyond questions of land, property, possession and occupation – recognising employment, health and safety, social care regulation as key vehicles through which ideas of home are conceptualised, deployed, enacted, and ultimately experienced. Moreover, as Christine Oldman and Bryony Beresford suggest, ‘[a] new way of thinking about domestic environments and disability may mean that the definition of housing need goes beyond stair lifts and ramps to issues of poverty and health, conflict between families, neighbourhoods, and, most centrally of all, the constraints of physical and social space’ (Oldman and Beresford, 2000). A legal geographic approach extends such thinking by foregrounding the role and shaping force of law and legal processes, norms and practices in these spaces.

Lastly, Marley’s cases also remind us that the homes of disabled people and their families, people in long-term care, and poor families, are rarely private or impenetrable; that lack of control and agency over the home space is a common experience for these groups; and that the illusion of home as a linear, predictable and secure unfolding of personhood is constantly broken and interrupted. Yet, while Marley’s home was the subject of multiple incursions by state regulation, making the presence of the state in the home space irresistible, it was also marked by the absence of the state in other ways, as in the fact that so little was done to keep Marley in his home with his parents (Gill et al., 2019). Emma Power and Kathleen Mee frame this as a question of care (Power and Mee, 2020), arguing that housing is an ‘infrastructure of care’ (484) and urge scholars to identify ways that housing supports or hinders the capacity of households to care. We would layer this with law and opening up a view of home as a space of care – or at least the potential for care – that is conditioned and constrained, often conveniently, by law.

Non-Normative Spaces and the Logics of Exclusion: Awaab’s Case

A feminist legal geographic approach allows us to see that the ways law connects space and the subject are often not reflective of how people experience or are connected to the spaces where they live, work and otherwise inhabit, however briefly. As Keenan puts it, ‘while critical and socio-legal studies have drawn on identity politics and intersectional analyses to powerfully show the many varied ways in which law affects particular subjects differently from others, these fields have paid relatively little attention the relationship between law and space’ (2015: 20). The need to do so is made more pressing by the ‘hostile environment’ policy, introduced by UK home secretary Theresa May in 2012 and which shaped the immigration programmes of subsequent Tory governments. This explicitly co-opted and racialised space (Webber, 2019) and was operationalised through aggressive laws that aimed at ‘removing’ illegal (and sometimes legal) immigrants from their homes and neighbourhoods (Hirschler, 2021; Kelbert and Parhar, 2024). The Grenfell tragedy was produced by similar logics, underlined by exclusion, neglect and, in Brenna Bhandar’s words, ‘organised abandonment’ (Bhandar, 2022). The remark

made in the Grenfell Inquiry by one of the lawyers which we quote in the title of this paper – ‘we could not imagine their home could be our home’ – puts into words the frequently fraught interaction between law, space and subjectivity, and the ‘othering’ that is produced. That remark powerfully signals the deployment of home as a normative concept in legal and political processes, mutually imbricated in ideas of legal subjectivity. It also positions home as a legal agent in itself, tasked with establishing and maintaining the boundary between us/them as well as making critical determinations, such as: Whose home matters? Whose whose home is recognised as ‘home’, and what are the implications of this, including for those who are not brought ‘inside’ such recognition?

This resonates with the third case of Awaab Ishak. This is a powerful example of the spatio-legal ‘othering’ and the logics of exclusion that are operationalised through law and home. Awaab Ishak lived with his parents in Rochdale, Greater Manchester, on a property owned by Rochdale Boroughwide Housing (RBH), a housing association. The family had recently arrived from Sudan. In 2017 the family notified RBH of a mould problem which then told Awaab’s father to ‘paint over it’ (Kearsley, 2022: 4) but they were not made aware that this would require a specialist paint. Awaab was born in 2018. In 2020, the family showed a health visitor the mould and a letter was sent to the housing association explaining concerns about the impact of the mould on Awaab’s health. His parents made a disrepair claim to RBH and a subsequent inspection confirmed mould in the kitchen and bathroom. By the time Awaab died, on 21 December 2020, at two years old, no action had been taken to treat the mould which was by now ‘significant’ in all rooms of the house. Awaab’s cause of death was recorded as acute airway oedema with severe granulomatous tracheobronchitis due to prolonged exposure to mould in his home (Kearsley, 2022: 3).

Home, as Alison Blunt and Ann Varley argue, can be ‘a space of belonging and alienation, intimacy and violence, desire and fear’ (Blunt and Varley, 2004: 3). Those conditions for home are shaped by and through an array of legal policies, processes, functions and practices. Rochdale’s policies gave no consideration to or guidance on damp or mould and it had failed to report and keep records of damp and mould incidents. It had a ‘policy’ of waiting for agreement from complainants or their legal representatives before rectifying any disrepair (Kearsley, 2022: 5). Drawing from complaints data from other residents (Housing Ombudsman, 2021), the coroner highlighted a pattern of Rochdale staff blaming mould problems on ‘family lifestyle’ (Kearsley, 2022: 4). In Awaab’s case, the coroner found no evidence of ‘excessive lifestyle’ or daily activities at home (such as washing, cooking, bathing, etc.) that would have contributed to the mould. These moves to discipline and blame residents both highlighted and intensified the imbalance of power between residents and the housing association and rendering residents not only negligent and worthy of suspicion but also dehumanising them as incapable of caring for themselves. Legal geographers have for some time pressed for legal pluralism and interlegality to inform spatio-legal matters. Sarat and Kearns, for example, urged taking a ‘constitutive perspective’ in which everyday understandings, assumptions and conventions structure legal practice, and vice versa (Kymäläinen, 2024: 353; Sarat and Kearns, 1995: 10). Home can again be seen as an agent of law and its practices when we take this more expansive view. In Awaab’s case, we can see a diverse network of actors, agents and objects were involved in transmitting and

affecting law (Blomley, 2016; Braverman et al., 2014; von Benda-Beckmann and von Benda-Beckmann, 2014) as well as an array of performances, manifestations, conflicts and constitutions of law, in its official and less than official or informal forms (Kymäläinen, 2024: 353). Rochdale's policies, as well as the coroner's report, can be seen as forms of law that became 'mixed into the routines of everyday life' and took shape in the legal space of the home (Bartel, 2018; de Sousa Santos, 1987: 297; Kymäläinen, 2024). As legal geographers note, it matters not only what the law is, but where law takes place (Braverman et al., 2014). For Awaab and his family, this meant the gradual decay and disrepair of their home in the face of institutional neglect and Rochdale's racially discriminatory policies (Kelbert and Parhar, 2024), leading to Awaab's death and also highlighting how law's operation and practices in the home shapes the social determinants of health (Gurney, 2023; Rolfe et al., 2020).

The Housing Ombudsman, which released its report in March 2023 (Housing Ombudsman, 2023), found that a culture of 'othering' of residents 'lied at the heart' of housing issues in Rochdale. 'Othering' was 'a pattern of exclusion and marginalisation based on identities that are different to the norm' (Housing Ombudsman, 2023: 4). Rochdale had systematically failed to find damp and mould not only in Awaab's home, but throughout the estate Awaab lived on: 80% of the homes on the estate suffered damp and mould, including 12 that were branded 'Category 1 hazards' (Housing Ombudsman, 2023: 4). There was, however, complete inaction on investigating potential structural causes of the damp in Awaab's home such as leaks or addressing the lack of ventilation (Kearsley, 2022: 4). After Awaab's inquest, many other complaints emerged from residents concerning extensive mould and respiratory problems and photographic evidence was presented of damp throughout entire properties which surveyors said was due to leaks (including through a chimney where a tree was growing out of the mortar) (Housing Ombudsman, 2023: 5). The case is a stark example of the 'othering' of residents and, as a result, the ways that home can be denied to individuals through lack of recognition as a legal subject within the logics of law and home. Moreover, and thinking about the porous boundaries of the home discussed in the previous section, we see the 'hostile environment' seeping into the space of the home, with cultures of othering, organised abandonment (Bhandar, 2022), and the racialisation of migrants as 'disposable subjects' (Kelbert and Parhar, 2024) permeating the walls of the home and circulating in state responses to this, literally and materially decaying space and producing asymmetrical vulnerability to fatal harms.

Fox O'Mahony and Sweeney describe as 'ontological homelessness' the experience of 'failed' asylum seekers subjected to deliberate legal and policy approaches in which housing is allocated merely to provide shelter and are excluded or alienated from the conditions of wellbeing associated with housing (2010). They highlight an 'official discourse based on the denial of housing and the avoidance of 'home' attachments' (Fox O'Mahony and Sweeney, 2010: 287). The feminist legal geographic lens extends their analysis here, going beyond thinking about home as the material and discursive attachments that propel that experience to home-like (within the home = house + *x* dynamic (Rapoport, 1995: 27)), but signals the importance of looking at the broader legal and policy processes and norms, obligations and responsibilities, and how they are mediated and navigated, in shaping home, subjectivity and inclusion/exclusion. Focussing on the importance of

belonging, Grabham suggests that ‘belonging appears less as a way of describing ‘home’, attachments and security, and more a way of accounting for the contemporary distribution of material wealth and the circulation of power relations through bodies’ (Grabham, 2009: 67; Keenan, 2015). Indeed, whether a place is or could ever be ‘home-like’ depends as much (if not less) on material or emotional resonances than on legal, social and other status.

This attentiveness to the interactions between space and subjectivity provides the scope for recognising non-normative voices and settings, experiences that are otherwise overlooked in current framings of law and home. Linked to the unsettling of the spatial and temporal dynamics in the previous section, recognising the interaction with subjectivity – particularly as a tool for highlighting spaces of exclusion and othering, but also processes through which this can happen (beyond the more mainstream legal frameworks in home and property scholarship) – is an important shift for scholarship, revealing otherwise overlooked experiences and practices. In Marley’s case, more than highlighting how the material and spatial arrangements of his home were reshaped by rules that restricted his care at home, our analysis demonstrates the productive effects this had for his experience of agency and autonomy and the idea of home as a relational space – of autonomy through interdependence. Taking a feminist legal geographic approach illuminates how legal technologies are operationalised to reinforce idealised scriptings of home that ignore Marley’s experience. It enables us see the productive effects of those legal technologies on the material and spatial arrangements of home and in shaping new subjectivities in relation to home. In Marley’s case, the withdrawal of care forced the family to leave their home and enter hospice care. The spatio-legal designation of home as a place of care alters the portrayal of those within in it – nurses and parents as carers and Marley as cared-for suggests an subject/object, agency/passivity relationship, but this is countered where living at home also facilitates disabled peoples’ agency and autonomy and has the potential to reshape the caring relationship (including as that relationship is depicted in law in relation to working conditions for nurses) from one of carer/cared-for that might be spatially indicated in a formal care setting (such as a hospice or supported accommodation) to a relationship of reciprocity, mutuality, trust, understanding, relationship, solidarity, sensitivity, and compassion. This foregrounding of relationality, through seeing the broader processes that care is situated in, signals an important shift away from the trope of the autonomous liberal legal subject residing within the private space of the home. Marley’s case also illustrates the prevalence of flows between care spaces – home, hospice, institution. Thus, looking through the lens of home – idealised as an alternative to institutional care – offers a more nuanced understanding that dissolves or at least diminishes the binary of home/institution.

Similarly in Richard Handley’s case, ideals of autonomy and choice were deeply embedded in liberal legal subjectivity, with normative ideas of home weighing heavy in shifting him from the passive care recipient to the autonomous tenant, with significant material consequences. The language of choice, control and independence is here heavily infused in the very materiality and regulatory landscape of a particular space. Those occupying such spaces become the capacious, autonomous and self-determining subject which is central to the liberal legal structure. This is further evident in the language used around Richard’s living arrangement and agreement to reside there, which is

framed through contract. Again, the Serious Case Review reports the family's experience of this transition,

It states that James signed his paperwork, we commented that in a Court of Law the agreement would carry no weight as he didn't have the capacity to understand what he was signing. The Manager told us they had done lots of work with James and that he understood it all. Despite our feeling that this was ludicrous we felt obliged to allow him to sign the document otherwise he wouldn't have been allowed to stay there. (Flynn and Eley, 2015: 16)

This shifting of Richard into the realm of the self-determining liberal figure, freely expressing his wishes and being left alone to do so then becomes central to the trajectory of the Review and Inquest, with his refusals to engage with certain services framed as his choice and independence in action. Here, the policy aims of independence, choice and control can become entangled with particular spatial and material arrangements in order to shift the rendering of the subject within it.

Through our feminist legal geographic approach to home, vital attention is drawn to the interactions between subjectivity and space beyond the walls of the home. Like Keenan, we note that 'rather than analysing particular places, it might instead be useful to analyse the broader relations of belonging that constitute place at any particular moment; the spaces in and through which place occurs' (Keenan, 2015: 40). What is striking in Richard, Marley and Awaab's cases is the ways in which subjectivity, inclusion and othering are processes through which responsibility and accountability are allocated, curtailed or obscured. Recognising this, alongside the shifting spaces and temporalities of home, and the broader nomospheric setting that 'home' is situated within, crucially enables us to surface points or sites of challenge. This is important in terms of what Delaney terms 'respatialisation', a powerful tool that a legal geographic perspective offers.

Respatialising Home? Responsibility, Accountability and Causality

These case studies have highlighted the importance of spatialising engagement with home and law, expanding the legal processes and contingencies that shape the experience of home, and the deployment of home as a legal agent. Legal geography highlights the boundary-drawing role of legal processes, recognising that boundaries are active interventions that serve to obscure or exclude, and in turn, shape responsibility, accountability and causality. As Delaney suggests, 'conventional spatial imaginaries tend to invisibilise injustices, obscure the contingencies and causes of injustice, and uncouple injustice from responsibility' (Delaney, 2010: 267), and this is particularly true in the context of home, which as a concept is deeply enmeshed with gendered, domesticated ideals and which has (re)presented the public/private in an urgent, material form. This was particularly stark in Richard's case, where the shifting of the designation of the space – a shift that Richard and other residents had no power over – from a care home to supported living, moved Richard from the space of the passive recipient of care and into the role of the autonomous individual, steeped in ideas of individual responsibility for decisions made

thereafter. The state here ostensibly retreated out of this space, yet the law was ever-presented and shaping the lives of the now-tenants, albeit now invisibilised.

Turning back to Awaab's case, Rochdale's euphemistic treatment of residents falsely portrayed residents as 'responsible' for the mould in their homes. It published pamphlets advising residents how to bathe, referring to their 'lifestyle habits' and offered other patronising, discriminatory 'advice'. This shifted the burden of causality to residents and rendered Rochdale itself unaccountable. The practice of 'responsibilisation' would have generated considerable fear of repercussions among residents who were already vulnerable to housing precarity and profoundly disempowered. The culture of othering and responsibilising in Awaab's case did more than disrespect the dignity of residents: it drew sharp divisions between 'us' and 'them' in a way reminiscent of the remark made in the Grenfell Inquiry that we began this paper with. Home is invoked, discursively and materially, as a key part of law's boundary-drawing processes, through which responsibility and accountability are allocated and questions of 'fault' are pre-empted and closed-off. In turn, the subjective experience of particular people and groups is implicated in myriad ways: experiences of control and lack of agency, of subjugation and exclusion, are intensified by exercises through which, as Keenan writes, 'different spaces come to be shaped such as that some subjects, objects and practices are 'in place' and proper, while others are 'out of place' and improper? Or to put it another way, how is it that spaces, in all their dynamism and heterogeneity, still operate such that some subjects belong and others do not?' (2015: 60).

For Awaab and his family, that they were made to feel 'out of place' and 'improper' both in their intimate, everyday home lives (such as Rochdale's criticism of how they bathed) and in a broader sense of ontological security (the feeling of being 'at home' in the nation or state, the entitlement to call a place a home) (Blunt and Dowling, 2006, 2022; El-Enany, 2020; Waetjen, 1999) – contributed to their lack of voice and power against Rochdale, leading to extreme consequences. Similarly, Marley's home space was shaped over time by a collision of crises inexorably leading to the almost complete withdrawal of the state's responsibility for his care. Marley's parents faced an invidious choice between heating their home or powering the equipment needed to keep Marley alive, circumstances that grew out of the 'cost of living' crisis coupled with a sharp rise in energy bills following the outbreak of war in Ukraine, and inadequate state support for families. When the temperature dropped in Marley's home, health and safety regulations kicked in, prohibiting nurses from continuing to provide overnight care for Marley at home. The crisis in the UK care system also meant that nurses had been regularly cancelling shifts for Marley's care. This confluence of conditions meant that Marley had moved between home and hospice care for much of his childhood and that 'home' expanded to mean different things and experiences at different times. The overlapping of law and regulatory regimes in the space of his family home (employment law, social security law, health and safety regulations) wove through the different functions of the home (work, care and family life, among others) as well as the multiple temporalities of home, which were distorted or in tension (permanence vs temporariness, overnight vs daytime), together working to resignify home as both a private home (Marley's family home) and a public place (a workplace), in turn contouring the material and emotional experience of home. But home is not only a space in which law 'does things' to subjects:

here, home itself became a legal agent, deployed through regulations to determine the spatial, temporal and material boundaries of care. Against the view that home is an 'in between' space, or a 'gray space', or a hybrid public/private space where lines of responsibility and accountability are blurred or cannot (perhaps conveniently) be traced, a legal geographic approach to home allows us to follow through the way law courses through a space in multiple, overlapping ways and scales and through a variety of instruments. This opens up a view of the withdrawal of the state from responsibility for Marley's care and its re-allocation to his family, and his expulsion and exclusion from home in a way that felt punitive.

What we now have is a far more complicated relation between space, identity and the subject than that suggested by a conception of space as a static platform on top of which subjects act. For example, Keenan's work indicates that law is capable of producing spaces in which some subjects belong and others do not (2015). However, what scholars still have not adequately explored or explained is how the relations between law, space and identity operate. The fact that identity is affected by space shows, consistent with the critiques of identity politics we opened this piece with, that identity is unfixed. Even subtle adjustments to physical and social space, operationalised through law or interacting with law, can shift – sometimes dramatically – the subjective experience of identity in a subject, as we saw in Richard's case with the re-designation of his accommodation as 'supported living' drastically altering responsibilities for his care, or the change in temperature in Marley's home which set off regulatory concerns that ultimately meant he was unable to remain in his home, or the shifting of responsibility onto residents in Awaab's case which profoundly disempowered them in relation to Rochdale and increased their vulnerability not only to exclusion and discrimination, but also to fatal harms. These observations prompt the question that if both space and identity are unfixed, how are relations of belonging, control and agency, among other aspects of identity, between space and the subject produced, maintained and altered?

At the same time as enabling us to foreground and better understand the broader legal processes shaping the law and home dynamic, beyond the static material vision, a legal geographic approach offers important insights into various sites and processes of change which need to be attended to in order to facilitate meaningful shifts. The mutability and constant reinforcement and reconfigurations of the nomoscapes that home is imbricated in, as Delaney suggests, also opens up space for reflecting on whether they can be reconfigured *without* these exclusionary effects (Delaney, 2010: 119). Here, he suggests the need for 'overt respatialisation', creating, abolishing, redrawing lines and thresholds, new material forms and also 'resignification'. Delaney explains: '[R]elevant traces or figures that are constitutive of settings may be revised so as to affect the situational operations of power *within* a setting or modify the significance, conditions, or consequences of movement *between* settings – access, exclusion, expulsion, confinement, invasion etc..' i.e., through 'nomospheric fractures' including public/private 'nomic' resignification (2010: 150). This demonstrates the need not to reinforce problematic norms and conceptualisations of home when seeking to (re)claim home in progressive or transformative imaginaries, or in activist efforts harnessing home. This is particularly stark in relation to reflecting on the ways in which subjectivity is shaped through deployments of home, and the importance of not reinforcing law's 'others'

and exclusions. Instead, progressive interventions need to be driven by non-normative voices and spaces.⁶

In the three cases we discussed above, Massey's suggestion for a normative framework of 'geographies of responsibility' is instructive here and may respond to Delaney's call for a reimagining and reconfiguration of space without the exclusionary effects that emerge out of drawing and redrawing lines and thresholds. The legal geographic lens builds on and extends the existing feminist legal critiques of the public/private divide, providing further tools through which to disrupt this dividing line and foreground the legal techniques and processes through which responsibility is allocated and avoided. As Keenan explains, rather than allocating responsibility and accountability following the legal model based on the acts of individual subjects, a geography of responsibility sees the individual as interconnected with others, rather than discrete, and is concerned with 'where and how particular subjects are located rather than with what they have done or who they are' (2015: 54). This model has at its centre relationships, how these are constructed and maintained within space, and their interconnections. It would place Richard, Awaab, Marley, their families and communities, are the centre of a network of relations of interdependence, rather than autonomous decision-makers, and with law facilitating and supporting those relationships, rather than dismissing or denying them.

'Braiding the Strands': A Feminist Legal Geographic Approach to Home

Reflecting on the cases and discussion above, we suggest that a feminist legal geographic approach to home illuminates three key themes:

1. How law constructs and conditions the material space of home, draws and redraws boundaries, and pierces through these, and is implicated in the shifting, temporal processes of shaping space over time.
2. Spatio-legal 'othering' and the 'logics of exclusion', operationalised through law and home.
3. How home is enrolled in spatio-legal processes of attributing and closing off responsibility, causality and accountability.

Drawing from the richer perspective on home that feminist geographic work opens up, our work reorients scholarship on law and home using tools drawn from feminist socio-legal theory and feminist legal geography towards an understanding of the relationship between law and home as an active, iterative and recursive 'collapsing' and 'unfolding'. In this, legal and other subjectivities are produced *and* undergo transformations at different points in time. Those effects of the productive relationship between law and home resonate well beyond the material and affective space of home and sound in other aspects of social being, such as belonging, identity, security, order and coercion. This approach, foregrounded in empirical contexts, progresses the literature beyond identifying the meaning of home in law, or examining the co-constitution of law and home, and

moves on from a focus on transcending binaries. It is an approach that disrupts mainstream assumptions of law as neutral, detached and distant while decoupling the binaries that contribute to that framing. It also illuminates how legal technologies are operationalised to reinforce idealised scriptings of home that ignore particular experiences, especially those of marginalised people. It enables us to see the productive effects of those legal technologies on the material and spatial arrangements of home and in shaping new subjectivities in relation to home. It does more than map the space of home (Brickell, 2012) – it illuminates opportunities for resistance and transformation, and opens up counter-geographies and imaginative geographies, and spaces of possibility.

Broadening the focus of analysis to include the experience of people marginalised or rendered invisible in dominant frames, as we have done through the above case studies, enlarges our understanding of the relationship between home and law – and forms the foundation for politicising that relationship and linking it to everyday struggles for social justice. In this, we take seriously Brickell's injunction to 'do' socio-legal work on home as well as 'map' the sites of law's entanglement with home (Brickell, 2012). Beyond identifying problems, 'doing' socio-legal work on home means thinking about the lived, embodied implications, consequences, risks and responsibilities of that entanglement particularly as these produce different subjectivities and sound in the experience of particular groups. It also means scrutinising the possibilities for transformation and the type of demands we are making to effect that transformation.

Some caution should be flagged about the extent to which transformation can be achieved through law. As Kelbert and Parhar argue, when agitation and protest after some cases becomes loud enough the state can be pushed into action through some form of legal redress. In Awaab's case, the government has introduced amendments to the *Social Housing (Regulation) Act 2023* which created more provisions to address damp and mould issues. Following the Grenfell Tower fire, a statutory inquiry was established in 2017⁷ and released its final report in September 2024.⁸ The government passed the *Fire Safety Act 2021*⁹ and the *Building Safety Act 2022*¹⁰ in response to the inquiry. Despite this, arguably the possibilities for meaningful redress through law will be limited to the extent that these reforms reinforce framings and normative ideas of home, especially as these relate to responsibility and accountability, that are embedded in regressive, gendered, racist and ableist paradigms. As Nadine El-Enany has observed, legal redress may not ameliorate the root causes of racialised discrimination and systemic neglect. Kelbert and Parhar cite El-Enany's reminder that: 'when warnings relate to the protection of human life, there must be some agreement on who counts as human ... People who are treated as less than human become that other thing. A thing that can be caged, deprived of the basic means of life, killed or left to die'. (El-Enany in Kelbert and Parhar, 2024: 7).

Methodologically, we also see space for intervention in the law and home scholarship, leading in turn to more meaningful transformation. Socio-legal scholars have, for the most part, used case law and judicial decision-making to examine the relationship between law and home (Carr and Meers, 2022). Judicial consideration of home tends to be clustered in particular areas of law (notably, housing, property, family law and

human rights law); this confines the analysis to those contexts. In the previous sections, we widened the analytical scope by taking a richer empirical approach grounded in qualitative case studies that emerged from contemporary issues, crises and policies, among other non-legal or quasi-legal sites in which we see the entanglements of law and home. This is consistent with a shift – while still nascent – in socio-legal scholarship towards a more expansive, ‘unlimited’, view of law inspired by Margaret Davies’ work (2017). In the cases we discussed above, we tried to unhinge our analysis from mainstream or conventional conceptual, doctrinal and institutional legal frames and boundaries in order to identify – and imagine – different modalities of law and to consider the material-discursive productiveness of this for legal and other forms of subjectivity. By taking this broader lens we can avoid prioritising some forms of law as more legitimate or authoritative than others. Instead, multiple sources of ‘law’, including non-law, quasi-law and informal law, and other artefacts of governance, discipline and regulation, are brought within view.¹¹ For example, the practices through which Richard Handley’s accommodation was re-characterised, transforming legal responsibility for his care and ultimately proving fatal, even while spatially and materially his home remained the same; or the pamphlets Rochdale published which invoked a narrative of home and home-making that succeeded in ‘othering’ residents and rendering itself unaccountable for the deadly risks in its homes; and finally in Marley’s case, where we saw the collision of health, safety and employment regulations with the wider energy and cost of living crisis, which together materially and affectively reshaped Marley’s and his family’s experience of home and their ability to make-home together. For us, bringing these alternative sources of ‘law’ into view opens up a nuanced and more complex understanding of the relationship between home and law.

A feminist legal geographic approach also brings attention to the multiple, multi-scalar and multi-temporal dimensions of legal space. In particular, our work on home brings the domestic back into focus (if it had ever truly left the focus) while appreciating the intermeshing of the intimate, the everyday and the domestic with politics at larger scales (Brickell and Cuomo, 2019b). In doing so, a feminist legal geography of home follows through on several important threads. First, the recognition that liberal law may be only one of many forms of legal spatial temporality operating on a site. Second, that space is multivalent – relational, dynamic and temporally contingent – as opposed to stable, neutral and inert, a framing of space that we find to be politically convenient and frequently deployed to reinforce particular logics. Thirdly, and emerging from this, is a more nuanced consideration of power as partial, contingent and relational (Braverman et al., 2014). To these, we would add a call for more diverse methodologies – in particular, qualitative empirical work (see for example Layard, 2022), in different spatio-legal contexts (such as non-Western spaces); investigations of embodied and material practices of law; and for a pluri-legal approach which moves beyond ‘interlegality’ (de Sousa Santos, 1987) towards Davies’ ‘unlimited’ (Davies, 2017) view of law and governance. It is in effect a broadening of the analytical lens to canvas the overlapping, ‘mutually imbricated and embodied’ (Brickell and Cuomo, 2019a: 106) and emplaced legal orders that constitute socio-legal life and identifying and tracing the complex relationships between these.

Conclusion

The cases discussed in this article showed the ways in which a feminist legal geographic approach unsettles a static vision of home in law and dissolves the material boundaries embedded in the formula ‘home = house + x’ (Rapoport, 1995: 27). At its core, this approach challenges the liberal idealisation of home as linear, closed, finite and unchanging. As Lenhard, Coulomb and Miranda-Nieto argue, ‘[h]ome is not only special type of domestic place, but also a constellation of practices, processes, skills, material settings and meanings that evolve in private, public and communal spaces’ (Lenhard et al., 2022: 183). Untethering us from the static materiality of the house, a feminist legal geographic approach recognises the porosity of the home (Delaney, 2010: 114), the fact that home is never impenetrable – a universal ontology but which is most acutely experienced by people in long term care, poor families, disabled people and people living on the ‘margins’ – and highlights the relations, between concepts, logics, people and power, that shape the experience of home and subjective responses to it. Given the multivalent and multifaceted nature of home, its interactions and points of intersection with law can be characterised in different ways. In the cases, we saw home as a space over which law exercises authority (to govern conduct, restrict liberty, impose moral authority, etc.) and a space in which challenges to law are enacted (such as acts of resistance, struggle, agency, becoming and alternative worldmaking). We also saw how invocations of ‘home’, and the deployment of home in legal processes, elicit a range of other ideas, practices and norms that home is entangled with, often revealing an exclusionary subtext. Crucially, we have drawn attention to the limits of not only meaningful redress, but transformative redress, through law. Indeed, we have tried to show that a feminist legal geographic approach to home means not simply thinking about how law recognises or categorises or protects home as a pre-existing space or container but instead understanding the role of law and legal processes in shaping or reinforcing ideas of home, and the broader ‘nomospheres’ that home is imbricated in. It means going beyond searching for the meaning of home in law (Meers, 2023), and within that the co-constitutive nature of law and home, towards the productive and transformative effects of that relationship for legal consciousness and other experiences of subjectivity, such as identity, personhood, belonging, memory, agency, coercion, control, as well as for the experience of home for particular groups – specifically, those marginalised in the existing literature on home. Crucially, this approach means broadening the analytical space beyond cases, judgments and statutes to look at the myriad legal tools and technologies, as well as non-legal, quasi-legal and informal legal forms, processes and performances of governance and governmentality that produce new subjectivities and implicate different aspects of social being in relation to home.

We have also foregrounded in this article the contemporary social and political settings and the material conditions within which the relationship between home and law unfolds, drawing attention to marginalised voices and spaces. For too long, as Suk writes, the centrality of home in relations between individuals and the state has been treated as if ‘it was self-evident and contained axioms from which legal results follow’ (Suk, 2009: 3). By contrast, the case studies demonstrate that far from being settled, home is a site of struggle over legal concepts and frameworks, the outcomes of which

have profound implications for human life. We urged legal scholars to look to the broader nomospheres, the wider social and political conditions, in which home is enmeshed and to move beyond home as a definitional arena alone, instead engaging with it as constitutive of experience and subjectivity.

As such, we have argued that a feminist legal geographic approach opens up a more nuanced and complex understanding of the relationship between home and law. It offers insights for law and home scholars to expand the spaces and legal processes that they interrogate in their work, as well as prompting legal scholars more broadly to consider the ways in which home as a legal actor is deployed and impacts the individuals and phenomena they are engaging with. Moreover, in reflecting on the shift in home literature to thinking through emancipatory or liberatory visions of home, we highlight the importance of legal processes as part of this, beyond a positivist vision of law. We see scope in future work for that relationship to encompass, for example, the role of material objects (such as bedroom door locks in care homes) in regulating homespaces, the legal status of non-human species (such as animals in the lives of homeless people (Ojalammi and Blomley, 2015); ‘house rules’ in bed and breakfast accommodation that curtail homemaking opportunities for single mothers (Bimpson et al., 2022; McCarthy, 2018); and indeed the capacity of home to ‘resist’ – to itself operate to disrupt, reconfigure or transform the operation of law, and the implications of this for (re)shaping subjectivity. These are just some of the myriad places in which law operates to produce diverse subjectivities and spatial arrangements in relation to home and which we would urge other scholars to examine using the tools, methods and orientation of a feminist legal geographic approach.

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Notes

1. Grenfell Tower Inquiry, Phase 2 Report (September 2024), available at <<https://www.grenfelltowerinquiry.org.uk/phase-2-report>>. See also Brenna Bhandar, 'Organised state abandonment: The meaning of Grenfell', *The Sociological Review Magazine*, 4 October 2022, <https://thesociologicalreview.org/magazine/october-2022/verticality/organised-stateabandonment/?ref=author_profile>; and Brenna Bhandar, 'Theft in broad daylight: Racism and neo-liberal legality' (2021) 32 *Law and Critique* 3.
2. See, in particular, Helen Carr et al (2018) *Law and the Precarious Home: Socio Legal Perspectives on Home in Precarious Times*. Hart, especially chapter one. See also Desiree Fields et al, 'Housing movements and care: Rethinking the political imaginaries of housing' (2024) 56(3) *Antipode* 743.
3. Now called a 'Safeguarding Adult Review' (SAR) under the *Care Act 2014*, s 44.
4. See further *Social Care Institute for Excellence*, Introduction to personalisation, available at <<https://www.scie.org.uk/providing-care/personalised-and-person-centred-care/introduction-to-personalisation/#:~:text=Personalisation%20means%20recognising%20people%20as,%20received%20the%20right%20help>>.
5. This chimes with broader disability literatures challenging disability group homes as work-places. See, for example, the responses to the Disability Royal Commission 'Group Homes Issue Paper'. "Some respondents discussed staff-centred practices which included, for example, group home routines that suit the staff rather than the residents. Those respondents told us that the staff in some group homes set meal and bed times for all residents to suit their rosters and make their work easier, and that 'outings' are designed to suit staff rather than meet the wishes of residents": Australian Government, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2020: 6). See further CareQuality Commission (2015); *Social Care Institute for Excellence*, Introduction to personalisation, available at <<https://www.scie.org.uk/providing-care/personalised-and-person-centred-care/introduction-to-personalisation/#:~:text=Personalisation%20means%20recognising%20people%20as,%20received%20the%20right%20help>>.
6. Following their son's death, Awaab's parents campaigned for timescales for landlords to respond to complaints of damp and mould in social housing. Government consultations for 'Awaab's law' are now at an advanced stage: see <<https://www.gov.uk/government/consultations/awaabs-law-consultation-on-timescales-for-repairs-in-the-social-rented-sector/awaabs-law-consultation-on-timescales-for-repairs-in-the-social-rented-sector>>.
7. Under the Inquiries Act 2005 (<https://www.legislation.gov.uk/ukpga/2005/12>) and the Inquiry Rules 2006 (<https://www.legislation.gov.uk/uksi/2006/1838/contents/made>). See further Grenfell Tower Inquiry 'Key Documents': <https://www.grenfelltowerinquiry.org.uk/key-documents>.
8. Grenfell Tower Inquiry, 'Phase 2 report', 4 September 2024, <https://www.grenfelltowerinquiry.org.uk/phase-2-report>.
9. Fire Safety Act 2021, <https://www.legislation.gov.uk/ukpga/2021/24/contents>.
10. Building Safety Act 2022, <https://www.legislation.gov.uk/ukpga/2022/30/contents>.
11. See generally Kymäläinen (2024).

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