

Spring 2015

Housing As Holdout: Segregation in American Neighborhoods

Rashmi Dyal-Chand
Northeastern University School of Law

Follow this and additional works at: <http://digitalcommons.law.utulsa.edu/tlr>



Part of the [Law Commons](#)

Recommended Citation

Rashmi Dyal-Chand, *Housing As Holdout: Segregation in American Neighborhoods*, 50 *Tulsa L. Rev.* 329 (2015).

Available at: <http://digitalcommons.law.utulsa.edu/tlr/vol50/iss2/28>

This Book Review is brought to you for free and open access by TU Law Digital Commons. It has been accepted for inclusion in Tulsa Law Review by an authorized editor of TU Law Digital Commons. For more information, please contact daniel-bell@utulsa.edu.

50 TULSA L. REV. 329 (2015)

HOUSING AS HOLDOUT: SEGREGATION IN AMERICAN NEIGHBORHOODS

Rashmi Dyal-Chand*

JEANNINE BELL, *HATE THY NEIGHBOR: MOVE-IN VIOLENCE AND THE PERSISTENCE OF RACIAL SEGREGATION IN AMERICAN HOUSING* (2013). Pp. 259. Hardcover \$ 30.00.

RICHARD R. W. BROOKS & CAROL M. ROSE, *SAVING THE NEIGHBORHOOD: RACIALLY RESTRICTIVE COVENANTS, LAW, AND SOCIAL NORMS* (2013). Pp. 304. Hardcover \$ 49.95.

DOUGLAS S. MASSEY ET AL., *CLIMBING MOUNT LAUREL: THE STRUGGLE FOR AFFORDABLE HOUSING AND SOCIAL MOBILITY IN AN AMERICAN SUBURB* (2013). Pp. 288. Hardcover \$ 35.00.

How far have people who are not African American gone to keep African Americans out of their neighborhoods? And how far might they go? These are the questions that link three recent books by Jeannine Bell, Richard R. W. Brooks and Carol M. Rose, and Douglas S. Massey and several coauthors. Bell, who discusses the phenomenon of contemporary move-in violence, and Brooks and Rose, who discuss the history of racially restrictive covenants,¹ demonstrate that whites, broadly defined as a *social* class, have gone to great lengths to maintain residential segregation. Brooks and Rose show this by discussing the social norms that historically allowed restrictive covenants to thrive and outlive their legal enforceability, even when other legal mechanisms for achieving segregation failed. Bell makes her case by recounting the many disturbing examples of anti-integrationist (or move-in) violence, which she defines as crimes directed at African Americans and other minorities upon moving into or while residing in majority-white neighborhoods.² As Bell amply demonstrates, such violence has occurred across all decades, classes, and areas of the United States since the early twentieth century. Massey and his colleagues have a quite different research focus, drawing lessons from a ten-year study of the town of Mount Laurel, New Jersey from the time that the affordable housing development that was the subject

* Professor, Northeastern University School of Law. I am grateful to Benjamin Ericson and Joseph William Singer for their valuable comments.

1. JEANNINE BELL, *HATE THY NEIGHBOR: MOVE-IN VIOLENCE AND THE PERSISTENCE OF RACIAL SEGREGATION IN AMERICAN HOUSING* (2013); RICHARD R. W. BROOKS & CAROL M. ROSE, *SAVING THE NEIGHBORHOOD: RACIALLY RESTRICTIVE COVENANTS, LAW, AND SOCIAL NORMS* (2013).

2. BELL, *supra* note 1, at 4. Bell's definition includes violence by people of color who are not African American, so long as it serves a segregationist purpose.

of the famous case of *Southern Burlington County NAACP v. Township of Mount Laurel* was built and occupied.³ Despite this difference in research questions, their study of Mount Laurel provides a fascinating window on the persistence of housing segregation. Indeed, their study is an invaluable complement to the other two books, because it also provides deeply engaging insights into how to curb the ongoing preference among whites for segregated housing.

Using racially restrictive covenants as a case study of the relationship between social norms and law, Brooks and Rose argue that the most important function of such covenants was to signal neighborhood intent.⁴ The authors follow the historical arc of racial covenants to demonstrate that neighborhood social norms elevated covenants as the mechanism of choice to maintain housing segregation. Such norms were in turn reinforced by courts, the Federal Housing Administration, and local and state boards and societies of real estate developers and brokers in their use and enforcement of covenants.⁵ This reinforcing feedback loop *created a desire* for ongoing segregation—and a corresponding discomfort with integration—that outlasted the legal enforceability of those covenants.⁶

Brooks and Rose begin by addressing the question of who needed legal mechanisms to enforce segregation. As they discuss, working class neighborhoods that tended to be more socially cohesive relied on violence;⁷ meanwhile more affluent neighborhoods were able over time to use social organizations such as clubs, as well as the simple mechanism of inaccessible pricing, to exclude African Americans.⁸ However, middle class neighborhoods, especially those urban areas where migration of African Americans was resulting in expansion of the “ghettos” and white flight, had neither the social cohesion nor the financial means to take advantage of these segregationist tools. These middle class neighborhoods were where covenants were most useful.⁹

The ascendance of covenants also occurred along a legal trajectory in which courts over time eliminated the most blunt forms of domination by upper class whites of African American labor.¹⁰ The loss of power over African American labor combined with urbanization in the early part of the twentieth century eventually thwarted explicit economic domination of African Americans. This created even more incentive for whites to seek social segregation in place of economic domination.¹¹ The only question, as Brooks and Rose discuss in the first half of their book, was how such social segregation would be accomplished. The answer was the result of a legal winnowing process in which nuisance and zoning laws in particular were rejected as a legal means of segregation because of the

3. DOUGLAS S. MASSEY ET AL., *CLIMBING MOUNT LAUREL: THE STRUGGLE FOR AFFORDABLE HOUSING AND SOCIAL MOBILITY IN AN AMERICAN SUBURB* (2013); *S. Burlington Cnty. NAACP v. Twp. of Mount Laurel*, 336 A.2d 713 (N.J. 1975), *modified*, 456 A.2d 390 (N.J. 1983).

4. *See, e.g.*, BROOKS & ROSE, *supra* note 1, at 18.

5. *Id.* at 211-12.

6. *See, e.g., id.* at 2, 211-14.

7. *Id.* at 488.

8. *Id.* at 4, 180-81.

9. *Id.* at 12-13.

10. *Id.* at 20-24.

11. *Id.*

unacceptable pressure they imposed on the formal constitutional rights of African Americans.¹² Instead, courts used increasingly powerful notions of freedom of contract and even corporate ownership to uphold covenants limiting the *use* by African Americans of housing in white neighborhoods on the technical grounds that limiting use would not overly restrain alienation.¹³

The greatest contribution that Brooks and Rose make to understanding contemporary housing segregation is their discussion of who exactly served as the “norm entrepreneurs” and “norm breakers” over time. In the course of this discussion, they insightfully track the influence of key players in shaping the current housing landscape, in which urban degradation persists while suburbs flourish. For example, they provide vivid details about how the Federal Housing Administration (FHA) profoundly shaped the private markets for real estate and mortgage financing by privileging white purchasers, borrowers and neighborhoods and isolating their African American counterparts.¹⁴ The FHA’s involvement effectively shifted the federal government’s obligation (and incentives) from that of protecting racial minorities to that of purportedly protecting taxpayers’ investments in their homes. Norm breakers and (eventually) courts were driven to respond in light of their alarming recognition that the FHA and suburban developers were well on their way to formally and legally establishing “residential apartheid” in suburban America.¹⁵ Brooks and Rose complement this wide-angle view of race and housing with a close-up view of norm-makers and breakers in Chicago. In this equally important discussion, they highlight the enormous contributions of individual norm breakers. In so doing, they very effectively convey what was at stake in the struggles over integration, both in individual lives and in legal arguments.¹⁶

Brooks and Rose also use their analysis of social norms around housing segregation to provide intriguing hypotheses about alternative paths that were not taken. One example is their persuasive argument that the famous case of *Shelley v. Kraemer*¹⁷ may have had more lasting legal impact had it been decided on Thirteenth, rather than Fourteenth, Amendment grounds.¹⁸ In *Shelley*, the Supreme Court held that court enforcement of racially restrictive covenants would be an exercise of state action, thus violating the equal protection clause of the U.S. Constitution.¹⁹ Brooks and Rose hypothesize about what might have been if instead *Shelley* and other civil rights cases of the time had been argued and decided on the grounds that large-scale limitations of such core rights as the right to own and dispose of property in entire neighborhoods across the country was a modern form of enslavement.²⁰ They argue that holdings grounded in the Thirteenth Amendment,

12. *Id.* at 31-46.

13. *Id.* at 51-55.

14. *Id.* at 107-11.

15. *Id.* at 154.

16. *Id.* at 116-36. *See also id.* at 130-31 (NAACP legal strategizing involving “unsettling” the meaning of race is a particularly fascinating example). *Id.* at 130-31.

17. *Shelley v. Kraemer*, 334 U.S. 1 (1948).

18. BROOKS & ROSE, *supra* note 1, at 146-49.

19. *Shelley*, 334 U.S. at 22.

20. BROOKS & ROSE, *supra* note 1, at 146-49.

which reaches private actors, might have more fully protected the ability of racial minorities to engage in a broad range of economic relationships.²¹ Although I found it less persuasive, the authors also present an interesting argument that *Shelley* might have had more impact if its finding of state action had been grounded in the courts' unique role in enforcing social norms concerning housing.²²

As Brooks and Rose regularly remind us, when racially restrictive covenants lost their legal enforceability, they also lost some (though clearly not all) of their power. The weakening of covenants left space for more concerted efforts at integration, but also for other segregationist strategies to flourish.²³

One reading of Bell's book is that violence filled part of the void left by covenants. If in the first half of the twentieth century, covenants were a substitute for violence in middle class neighborhoods that did not have the social cohesion of their more violent and working class counterparts, then we could surmise from Bell's book that once covenants lost their legal enforceability, a broader range of neighborhoods relied on individual or small groups of violent enforcers of segregationist norms. This is especially surprising in light of what Bell terms the "tolerance-violence paradox."²⁴ To put it bluntly, why are whites so uncomfortable sharing neighborhoods with African Americans when so many of them voted for President Obama and, more pointedly, when so many express high tolerance for housing integration in surveys?²⁵

In her book, Bell is less focused on answering this question from the perspective of white owners than she is in documenting and understanding the violence itself. Her main arguments are that anti-integrationist violence is a form of hate crime and that the legal system should treat it as such. Bell also extensively discusses the impact of such violence on attempts to integrate neighborhoods. The much-oversimplified arc of her narrative is that, although move-in violence shifted over time from violence perpetrated by angry mobs of hundreds to discrete acts by individuals or small groups (supported by the silence of their neighbors), it was intended for the same anti-integrationist purpose and it has had the same anti-integrationist effect. The bulk of such violence has never, in any era, been undertaken by organized hate groups dedicated to extremist causes.²⁶ Instead, Bell shares some of the conclusions reached by Brooks and Rose that many perpetrators have been motivated by a "desperate" desire to protect their own property values and upward social mobility.²⁷

Bell adds significantly to the contemporary picture by her emphatic description of such violence as racist hate crimes, and in her systematic cataloguing of the effects of racism on the targets of move-in violence.²⁸ These are important contributions, and they are especially valuable contextualized as they are with Bell's careful analysis of the legal

21. *Id.* at 146-49.

22. *Id.* at 160-66.

23. *Id.* at 182.

24. BELL, *supra* note 1, at 88, 97-104.

25. *Id.* at 88, 97-104; BROOKS & ROSE, *supra* note 1, at 195.

26. BELL, *supra* note 1, at 86-87.

27. *Id.* at 43.

28. *Id.* at 72-81.

redefinition of these crimes in the 1990s as hate crimes.²⁹ As a result of this redefinition, move-in violence has been tracked more thoroughly, revealing a strong correlation between violence and minority migration to white neighborhoods.³⁰ Also, the label itself has brought much greater police and prosecutorial attention to these crimes, many of which are “low-level” enough to otherwise escape the attention of criminal law.³¹ Bell makes a unique contribution both by using and critiquing multiple sources of hate crimes data, and by tying her prescription to the evidence produced by these studies concerning the value of treating move-in violence as hate crime.

While Bell’s analysis of legal responses to move-in violence is an important contribution, the power of her book is in the (often heartbreaking) stories of the forms, motivations, and effects of such violence. Largely on the basis of meta-analyses of a broad range of empirical studies of hate crimes, racial violence, and racial tolerance, Bell succeeds in making a forceful case that violence plays a crucial role in maintaining segregation. Finally, Bell’s particular view of housing segregation through the lens of violence produces a useful complement to the property law focus of Brooks and Rose. After analyzing the nature and legal categorization of move-in violence, Bell describes the legal avenues for responding to, discouraging, and ending such violence. Bell offers a helpful guide for practitioners and scholars alike for understanding, using, and evaluating a range of civil rights and criminal laws at the federal, state and local levels.

At some turns in the book, I felt that Bell’s drive exhaustively to catalog the phenomenon of move-in violence undermined her claim that the many forms of such violence nonetheless all are variations on the same pernicious theme. Thus, for example, I wished for more information about how and why gang violence could be categorized as a form of move-in violence when only some of the motivations for such violence overlap with the desire to drive racial minorities out that overarchingly defines anti-integrationist violence.³² It is not clear that gang violence is motivated by the desire to protect property values, and it also seems likely that it is motivated by forces beyond segregationist desires. These are more marginal doubts, however, and they should not detract from the overall power of Bell’s message about this particular form of contemporary racist violence.

One of the benefits of reading the two books by Bell and Brooks/Rose together is to internalize the sobering message about the role of law that they collectively send. Paralleling Bell’s catalog of the legal responses available to targets of move-in violence, Brooks and Rose catalog the legal responses that were made in response to segregationist (and at times *integrationist*) efforts after the legal demise of covenants. These included use of the Fair Housing Act, other statutes, and court decisions to ban “not for sale” signs that signaled neighborhood resistance to integration beyond a certain tipping point, “benevolent quotas,” and even in some states “neighborhood-upkeep covenants.”³³ The ultimate message one gets from both of these books, which Bell explicitly makes, is that legal measures for increasing housing integration have by and large failed. Even those targets of violence

29. *Id.* at 61-66.

30. *Id.* at 62.

31. *Id.* at 63.

32. *See id.* at 117-35.

33. BROOKS & ROSE, *supra* note 1, at 198-216. Indeed, Brooks and Rose argue that some of these bans led to greater segregation.

who win lawsuits experience terrible setbacks in achieving their original goals of safer housing and greater social mobility.³⁴ Although they conclude with suggestions about how America can move toward greater residential integration, the authors of both books present a sobering portrait of the depth and complexity of contemporary housing segregation.

Read as commentaries on the efficacy of law, both books also provide compelling perspectives on the unique role of property law in enabling what amounts to a collective form of ownership by whites of a *neighborhood*, with all its accompanying advantages of property value, infrastructure and other benefits.³⁵ While the authors discuss a range of motivations for white discomfort with integration, one prominent common denominator is the extraordinary fear whites have that the property values of their homes will fall precipitously at some imagined “tipping point” of integration. Both books also explore the fascinating fragility of the tipping point: different residents of a neighborhood can have very different tipping points, and they can also rapidly and unpredictably change their tipping points based on signals from their neighbors.³⁶

Ultimately, the authors of both books appear to conclude that progress toward housing integration depends in critical part on managing the “tipping point” at which whites fear further integration.³⁷ Both books point out that studies from the middle of the last century onward suggest that as many as fifty percent of whites express a willingness to live in integrated neighborhoods.³⁸ Why, then, the much higher levels of segregation? Bell answers this question in part with a very useful critique of studies that reached such optimistic conclusions. Brooks and Rose conduct their analysis using game theory to understand why tipping points can shift so easily and seemingly unexpectedly.³⁹

While one might expect each book to propose policy interventions that could allay the fears of whites concerning integration beyond the “tipping point,” both close by emphasizing the role whites can play in stabilizing the expectations of their own neighbors. Specifically, both discuss signaling effects. Bell emphasizes the importance of reaching out to minority neighbors when they first move in.⁴⁰ Not surprisingly, given their claims about the connection between social norms and law, Brooks and Rose discuss the symbolic value inherent in white owners’ repudiation of racial restrictions in their own deeds.⁴¹ The symbolic acts proposed by Bell and Brooks/Rose undoubtedly have value in signaling a shift in social norms toward greater integration, but I left this pair of books feeling that such symbolism could only go so far. In particular, after acquiring a more acute vision of the harms of contemporary housing segregation from both books, I experienced an even greater urgency for concrete policy recommendations. In neighborhoods where no majority group member is willing to take symbolic acts out of good will or integrationist commitment alone, what could motivate white members of a neighborhood to accept their minority neighbors?

34. For a painful example, see BELL, *supra* note 1, at 185.

35. *Id.* at 200-01; BROOKS & ROSE, *supra* note 1, at 7.

36. BROOKS & ROSE, *supra* note 1, at 195; BELL, *supra* note 1, at 195-97.

37. See BROOKS & ROSE, *supra* note 1, at 195; BELL, *supra* note 1, at 104.

38. BROOKS & ROSE, *supra* note 1, at 195; BELL, *supra* note 1, at 98-104.

39. BROOKS & ROSE, *supra* note 1, at 197.

40. BELL, *supra* note 1, at 205.

41. BROOKS & ROSE, *supra* note 1, at 230.

Massey and his coauthors provide a compelling, though perhaps overly optimistic, answer to this question. *Climbing Mount Laurel* is a report on a ten-year study of the town of Mount Laurel after a large affordable housing development, the Ethel Lawrence Homes (ELH), was built and occupied in 2000. The case that produced this development, *Southern Burlington County NAACP v. Township of Mount Laurel*,⁴² has fascinated many property law scholars because it also produced the most emphatic and expansive response to exclusionary zoning in the country. The case began in 1971, when Ethel Lawrence, several other low-income individuals, and three institutional plaintiffs filed a lawsuit claiming that the town had used zoning laws to systematically exclude low-income people and members of racial minorities from living in the town.⁴³ By doing so, the plaintiffs alleged, the town had violated its affirmative obligation under the New Jersey Constitution to provide housing opportunities for people of all incomes and races. The plaintiffs' original motivation was to allow some of the low-income residents of the town to continue to live where they and generations of their families had been living already. Due in part to the town's delay in complying with court orders and in part to the sweeping intervention of the New Jersey Supreme Court, the remedy obtained by the plaintiffs was much, much broader. As the authors state:

The great irony in the Mount Laurel controversy is that if the township had simply approved the . . . original request, the township would have gained just thirty-six affordable housing units. Moreover, these homes would have been built in a section of the township where poor African Americans had long since established a presence. Instead, by fighting the request all the way to the State Supreme Court the township incurred an obligation to provide nearly a thousand units of affordable housing scattered throughout the entire community. At the same time, it established a new statewide doctrine that prohibited exclusionary zoning and created an affirmative obligation to provide for the housing of low- and moderate-income families that applied to *every* municipality in the state.⁴⁴

Although the "Mount Laurel Doctrine" was meaningfully diluted by a 1985 statute that allows municipalities to meet their "fair share" of affordable housing by contributing financially to developments in other towns, the doctrine nonetheless has had an extraordinarily positive impact on affordable housing development in New Jersey. In my own experience as a practitioner representing a developer of several affordable housing developments in New Jersey, the state administrative agency assigned to enforce and implement the Mount Laurel Doctrine is also an excellent administrative model for other states.

To test the effects of the development on the development's residents, their neighbors, and the surrounding town of Mount Laurel, Massey and his coauthors constructed an

42. S. Burlington Cnty. NAACP v. Twp. of Mount Laurel, 336 A.2d 713 (N.J. 1975), *modified*, 456 A.2d 390 (N.J. 1983).

43. MASSEY ET AL., *supra* note 2, at 36.

44. *Id.* at 50.

extremely comprehensive, ten-year, quantitative study.⁴⁵ They designed a multiple control-group time-series experiment to measure changes in property values, crime rates, and tax burdens. They supplemented this quantitative study with in-depth interviews of more than forty residents of the development and members of the management team. They surveyed members of two neighborhoods directly adjacent to the development. They even conducted a special survey of adolescents living in the development. While my expertise is not in the kind of empirical research conducted by these authors, it is hard for me to imagine a more thorough and thoughtful study.

The main focus of *Climbing Mt. Laurel* is in using empirical data to establish that affordable housing developments can alleviate poverty, housing scarcity, and residential segregation.⁴⁶ The authors make these claims on the basis of data about the impact of the Mt. Laurel development on the surrounding neighborhood and on the residents of the development. While the book's primary purpose is to test the effects of affordable housing on a community, this study also provides important data about the effects of racial integration, because the vast majority of the development's residents are people of color, many of them African American.⁴⁷

The starting assumptions for Massey and his coauthors are quite similar to the other two books. For example, Massey and his coauthors contribute extensively to the argument that racial segregation can serve as a form of collective ownership, reaping many benefits for the white residents who engage in exclusionary practices. Not surprisingly given Massey's earlier scholarship,⁴⁸ this book also shares the normative position of the other two books in favor of prioritizing housing integration in American policy. Moreover, the book provides detailed documentation of the vituperative opposition bordering on violence of many of Mount Laurel's residents to the affordable housing *plans* in their town, much of which was grounded in racist assumptions. It is all the more surprising, then, that this book answers the question of how far people will go to maintain segregation very differently from Bell, Brooks and Rose. On the basis of their quantitative study, Massey and his coauthors conclude that the answer is: not very far at all, at least so long as property values, crime rates and tax burdens do not change for the worse. Their optimism may seem unwarranted given the current state of racial patterns in housing in the United States.⁴⁹

But what Massey and his coauthors have found suggests that the tipping point that causes whites to oppose integration is not as fragile as Brooks, Rose and Bell fear. Indeed, the authors argue, "[a]lthough future proposals for affordable housing in other communities will likely also encounter vitriolic opposition, we conclude that public officials might be well advised to discount the vehemence of the antidevelopment reaction as the actions

45. The authors discuss their methodology in Chapter 4. *See id.* at 64-79.

46. *Id.* at 6.

47. *Id.* at 101.

48. Perhaps the most well-known example is DOUGLAS S. MASSEY & NANCY A. DENTON, *AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS* (1993).

49. Many studies have documented the distressing constancy in housing segregation over the last century in addition to Massey's earlier work, prominent examples include: THOMAS J. SUGRUE, *THE ORIGINS OF THE URBAN CRISIS: RACE AND INEQUALITY IN POSTWAR DETROIT* (1996); WILLIAM JULIUS WILSON, *THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY* (1987); Robert J. Sampson, *Racial Stratification and the Durable Tangle of Neighborhood Inequality*, 621 *ANNALS AM. ACAD. POL. & SOC. SCI.* 260 (2009).

of a highly motivated few against the indifference or favorable leanings of the many.”⁵⁰ As the authors systematically show over the course of forty data-filled pages, crime rates, tax burdens, and most importantly property values did not even marginally change for the worse after the Ethel Lawrence Homes were built and occupied.⁵¹ Moreover, although the vast majority of the development’s residents were people of color, low-income, possessed of much lower educational levels, and different in other respects from the upper middle-class suburban community surrounding them, ten years after their move-in very few of their white neighbors expressed negative views about them or their presence in Mount Laurel.⁵² If the findings of these authors are generalizable, the hard data of stable property values and crime rates is a far better indicator of the potential for integration than anti-integrationist crimes committed by a “highly motivated few.” When property values and crime rates stayed constant, the mostly white residents of Mount Laurel accepted, or at least were indifferent, to integration in their neighborhood and town.

While it is tempting to attribute this more optimistic picture to the data alone, it is important to note the considerable efforts by the developer of the Ethel Lawrence Homes to ensure that property values, crime rates, and tax burdens would not change.⁵³ For example, the developer worked hard to develop physical structures that would blend into the housing styles in the town. Massey and his coauthors also claim that by ensuring a mix of income levels at the development (ranging from ten percent to eighty percent of the area median income), the developer avoided concentrating abject poverty with all its associated ills as outlined by social disorganization theory.⁵⁴

More importantly, once the development was occupied, the management team went to extraordinary lengths to ensure that the development would not negatively impact exactly those variables tracked by Massey and his coauthors. For example, the property management team held weekly meetings at which residents were reminded to keep their homes and yards well-maintained. A frequent discussion at these meetings concerned proper garbage storage. The management team also went to great lengths to screen residents for prior engagement in low-level criminal activity, drug use, and for their *neatness* and commitment to property maintenance. In essence, one of the more important findings of Massey and his coauthors was that the developer of this particular affordable housing anticipated and preempted many of the factors that could ultimately lead to the reduction in property values. In addition to emphasizing the truism that property values are composites of highly subjective judgments by nervous owners (in other words, the tipping points are, at least in this respect, quite fragile), this study also drives home the point that affordable housing developments such as this require a suite of comprehensive services for residents if such developments are to serve successfully as vehicles for racial and class integration.

Moreover, as the authors emphasize in their introductory chapter, their study is contextualized by a dual focus on the political economy of place and the ecology of inequality,

50. MASSEY ET AL., *supra* note 2, at 185-86.

51. *Id.* at 80-120.

52. *Id.* at 103-18.

53. *Id.* at 90-98.

54. *Id.* at 80-81, 195.

which together lead them to hypothesize about the asymmetries in the residential real estate market flowing from the different valuations by market participants of the “use value” and “exchange value” of homes.⁵⁵ These differences involve highly emotional attachments to housing by some, though by no means all, market participants. The ecology of place, and in particular the extremely potent instrument of density zoning, contributes to this context by explaining the relevance of the geographic concentration of poverty and race. The authors have shaped their study in part to respond to concerns about crime and social malfunction raised by social disorganization theory. Bell, in particular, blunts their optimistic conclusions by emphasizing the ubiquity of move-in violence across class, geography, and time.

However, even if we cannot accept the broad version of these authors’ claim that Mount Laurel proves that the indifferent majority can stabilize integration over the objections of the vociferous few, is there enough data here to give motivated policy makers concrete strategies for integration? Could they, for example, publicize the constancy of property values in the course of a neighborhood’s integration? Could policy makers go further and take measures to ensure such constancy as a neighborhood integrates? Given the explanatory emphasis placed on property values by all three books, these are the questions that I find most productive in light of Massey’s and his coauthors’ findings.

Of course it is critical to answer many questions before policy makers can generalize these findings to other contexts, and space constrains me from doing more than listing a few of the more important ones. To what extent can policy makers and others mimic the preemptive actions taken by the affordable housing developer when the types of neighborhoods described by Bell, Brooks and Rose integrate (and tip) much more organically—house by house—over time and without prior planning and organization? Can the findings in this book about suburban stability in the face of integration be generalized to the myriad urban contexts discussed by Bell, Brooks and Rose? To what extent did the unique setting created by the Mount Laurel Doctrine influence the expectations of the residents in that town? Despite the obviously high quality of the study, there are also important questions to raise about its methodology. For example, the authors studied two neighborhoods near the affordable housing development, one of which was an elderly housing development, and there were a number of findings (for example, those about property values) that seemed to me potentially skewed by the unique character of that development.

In addition, given my own investment in the debates over housing integration by *class* as well as race, I feel compelled to raise some of the many questions about the meaning of this book’s findings for future affordable housing policy. Massey and his coauthors list many positive effects for the residents of the Ethyl Lawrence Homes, thereby asserting a strong case for locating affordable housing in affluent communities away from the “social disorder” that the authors argue plagues affordable housing residents before they find stable housing.⁵⁶ According to this study, the residents experienced less stress from negative life events such as robbery or injury,⁵⁷ higher levels of social interaction with friends

55. *Id.* at 8.

56. *Id.* at 176-77, 181-83, 186-87.

57. *Id.* at 132-37.

and neighbors,⁵⁸ higher levels of employment and earnings,⁵⁹ and better educational access.⁶⁰ While these findings are compelling, they leave much unanswered. For example, the study does not provide enough support for the generalizability of its claims that the social networks of residents will not be ruptured,⁶¹ especially in light of the level of social control imposed by the management of the housing development that was studied. Nor does it adequately discuss the tradeoffs in terms of low density, suburban flight, and dependence on automobiles imposed in favor of suburban integration.

But it is easy to conclude that Massey and his coauthors have opened up invaluable space both for questioning entrenched assumptions about the viability of integrated housing and about the pragmatic steps that can be taken to achieve integration. In this latter respect, this book is an excellent complement to the important analyses presented by Bell, Brooks and Rose. While all three books leave many open questions about how to address the problem of contemporary housing segregation, all three contribute much to understanding this problem at a deeper level so that policy makers and others can more efficaciously address it.

58. *Id.* at 137-41.

59. *Id.* at 148.

60. *Id.*

61. *See id.* at 137-41.