

The Conflicting Tugs of Community and Inclusion

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Kenneth A. Stahl, [The Challenge of Inclusion](#), 89 **Temple L. Rev.** 487 (2017).

“Inclusion” is one of those words that typically elicits warm and positive feelings. However, when an entire society is described as “inclusive,” the question arises—included in what? Putting the question another way, is it even possible for a community be all-inclusive?

Often, contemporary American political and legal discourse draw Manichaeian distinctions between advocacy of inclusivity and of xenophobia. With regard to land use and housing issues, complete racial and socioeconomic integration of neighborhoods thus are juxtaposed against sinister demands by NIMBYs, who demand that integration take place “not in my back yard.”

Professor [Kenneth Stahl](#) is both an advocate for inclusion and an opponent of easy over-simplification. His analyses of economics, sociology, and political theory in *The Challenge of Inclusion* led him to observe that, at a fundamental level, the problem resides in the very notion of “community” itself.

I argue that the NIMBY is not the principal barrier to creating inclusive communities. Rather, *the very notion of community, however broadly conceived, depends on exclusion*. As the theorist [Michael Walzer](#) wrote, if communities lacked the ability to exclude, they could not maintain the very thing that makes them communities: their character as “historically stable, ongoing associations of men and women with some special commitment to one another and some special sense of their common life.” The perceived selfishness of the NIMBY is an outward manifestation of this deeply embedded and widely shared desire to preserve community. Therefore, even if NIMBYism could be excised, the challenge of inclusion would remain. (P. 492.)

In particular, Stahl added, sociologists have demonstrated that a system of shared norms enforced by exclusion “enables people to survive in an impersonal urban ‘world of strangers.’” (P. 502.) Beyond that, he reiterated Elinor Ostrom’s findings that strong community oversight could substitute for private ownership: “[W]ell-organized communities with strong collective social norms can develop effective cooperative systems for sharing common resources without private property or government intervention.” Furthermore, these shared social norms “can only exist where communities strictly exclude outsiders.” (Pp. 499–500.)

Affluent political progressives willingly pay taxes for social services for the less fortunate. However, they are unwilling to give up exclusionary zoning in their own neighborhoods, which protects their property values and exclusive access to superior schools that provide their own children with entrees to elite colleges and subsequent advantages in life. In his recent book *Dream Hoarders*, Richard Reeves points out that Americans less frequently refer to themselves as “middle class,” and more as “lower middle class” or “upper middle class,” which he defines as the top 20 percent of the income distribution, less the top 1 percent.¹ Affluent professionals and managers are growing in wealth and power, and, through exclusionary zoning, Section 529 plans for tax-free college savings, and the like, increasingly seem to be perpetuating a class apart.² This growing demographic seems more intent on hoarding opportunities than on inclusivity.

Stahl, on the other hand, declared that “inclusion represents our society’s highest aspiration,” and it has attempted the complicated task, as he puts it, of creating communities that are both “diverse and inclusive.” (Pp. 487–88.) He observed:

“[D]iverse communities practice exclusion in much the same way homogeneous communities do, just at a different scale. Arguably, moreover, these diverse cities could not remain diverse without being exclusive at the neighborhood scale. . . . One way to reverse th[e] pattern of suburban migration and maintain a diverse city, however, is to unbundle residence from public goods and services so that individuals can choose their preferred package of municipal amenities while remaining within the city. This is precisely what exclusionary mechanisms like private schools, BIDs, and neighborhood zoning are intended to accomplish. (P. 525.)

Professor Stahl’s concrete suggestions involve compromise, thus furthering inclusion while permitting a sustainable amount of differentiation. This “municipality as a federation of neighborhoods” approach includes mechanisms for limited local management of public goods and to permit development that falls short of the inclusionary ideal. An example of the latter is the luxury apartment building which includes government-subsidized units for those with low- and moderate-incomes, the latter with separate side-street entrances and lobbies (assailed by critics as “poor doors”). This, Stahl argues, gives the poor ready access to the employment, educational, and cultural amenities of affluent neighborhoods, while assuring their affluent neighbors that “increasing diversity in their neighborhood need not lead to a tipping point of decline.” (P. 531.)

Likewise, private schools and charter schools would preserve the link between schools and residential neighborhoods, while at the same time providing a comforting option to the well-off, while also providing lower-income families some access to schooling in other areas.

Stahl understands and accepts that his approach will face substantial criticism: “As a normative matter, the idea of the diverse city as a federation of neighborhoods conflicts with a perhaps more conventional view of diversity as integration at the granular level. The federation of neighborhoods is not a recipe for mutual understanding or deep meaningful interactions between diverse groups of people. To the contrary, it accepts separation as the price of inclusion.” (P. 527.)

In an era of increased political polarization, Professor Stahl’s approach will not fully satisfy many. Yet it facilitates the kind of compromise between diverse groups that may, in the long run, best advance the cause of inclusive housing and inclusive communities. For this reason, *The Challenge of Inclusion* is an analysis and a set of prescriptions deserving of close attention.

1. Richard V. Reeves, **Dream Hoarders: How the American Upper Middle Class is Leaving Everyone Else in the Dust** (2017). [2]
2. *Id.* [2]

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