# Comments on Sundstrom's *Just Shelter*

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*Just Shelter* offers a rich evaluative framework for thinking about housing justice – a kind of liberal egalitarianism, built on a moral, political, and relational conception of equality, and substantive claims about the forms of spatial and economic distribution and attention to historical mistreatment needed to make this equality real. These values are, at least at a certain level of abstraction, matters of broad agreement between liberal and left political thinkers, but Sundstrom uses them to support what I take to be, for all their reasonableness, rather radical conclusions. It both clarifies disagreements between Sundstrom's liberal egalitarianism and other thinkers and advocates, from libertarians to Marxists to anti-gentrification and indigenous land rights activists, and develops the base of agreement between them in often surprising and heartening ways.

I find myself in an awkward position. I belong to a political tendency that comes under sustained criticism in the book – I'm some kind of Jacobin-reading socialist, more dismissive than Sundstrom of the property rights of at least some people, and (I think) more optimistic about social ownership. But I agree with most of the book's positive conclusions.

I'll use these comments to pose some questions. Some of them gently push back against choices that Sundstrom makes in the book. Others are more exploratory.

## The harm of domicide and group interests

"Domicide" was coined by Porteous and Smith (2001) to refer, roughly, to the mass destruction of housing or mass forced evictions. The word has gained currency in recent years in response to the mass destruction of homes in the ongoing wars in Syria, Ukraine, and, in recent weeks, in Gaza.

The focus of *Just Shelter* is U.S. housing policy, but it has consequences that extend beyond our borders. The book's description of the value of a home is echoed in Rajagopal's (2022) report to the UN recommending that domicide be designated a crime under international law. (This would be in addition to laws, including the Geneva Conventions, that already criminalize the unnecessary destruction of individual houses in wartime.) Rajagopal writes: "The right to adequate housing is a precondition for the enjoyment of a range of human rights. Domicide, therefore, is much more than simply an intrusion into one's property rights. It is a trigger event that sets off a domino effect on the enjoyment of other human rights as well, including the rights to life; security of the person; health; education; food; water; sanitation; work; social security; a clean, healthy and sustainable environment; protection against cruel, inhumane and degrading treatment; and the protection of the child, family and home. Domicide is not only a gross violation of the right to adequate housing, it is also a deliberate attack on a wide array of human rights that underlines the need to for it to be accorded recognition as an international crime of its own standing." One of

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Rajagopal's reasons for additional legislation against domicide is to establish responsibility for repairing homes once they've been destroyed.

These are violations of individual rights, of the sort that Sundstrom's liberal egalitarianism brings into focus. I don't doubt, in other words, that he can explain *many* of the harms of domicide. I wonder, however, whether some interests which aren't neatly captured in liberal egalitarian terms are also at stake in domicide. Here's the thought: some people who live near each other form what I'll call an *enduring place-based constituency*. This is a group that (a) has an interest in coordinating for advocacy, mutual aid, or other sorts of cooperative or collective action, such that (b) if they are separated, they will still have that interest, but they won't be able to satisfy it without significantly increased difficulty. Victims of domicide tend to form precisely these sorts of constituencies. Residents of Mariupol or Homs or Gaza City, for example, have an interest in coordinated action, but the obliteration of their housing disbands them, which makes it that much harder to satisfy that interest. To some extent, their interest in coordinated action is *created* by the domicide – after all, they have an interest in coordinating to advocate for reconstruction and peace, and this sort of coordination is really hard when they have been displaced.

But an enduring place-based constituency's claim to some land is in some sense fundamentally a *group's* claim to some land – it is satisfied only when the group (or some critical mass of its members) occupies the land, and it results from its members' interests in various forms of collective action.

So the question is: can Sundstrom's liberal egalitarianism, which appeals only to the rights of individuals rather than groups, explain the harm done by the dispersal of enduring place-based constituencies? He might explain this harm in terms of a violation of democratic equality, but it's not clear how this would work, since a displaced member of such a constituency could still be democratically equal with their peers in their new home. He might explain it in terms of reparative justice, but merely repairing the harm done to each individual member of a constituency through the destruction of their home doesn't account for the harm done by dispersing the constituency itself.

I'll add, though it threatens to trivialize the horrors of war: in his discussion of cultural loss from gentrification, as I understand it, Sundstrom ultimately concludes that concerns about cultural loss in changing neighborhoods are serious only insofar as they are reducible to concerns about distributive injustice, inequality, and failures of rectification. But these concerns about cultural loss might also, at least sometimes, be concerns about the dispersal or atomization of enduring place-based constituencies. That is, if the sort of cultural loss that accompanies reinvestment in previously disinvested places tends to undermine collective action by a group that has an enduring interest in collective action, and the harm constituted by undermining collective action isn't reducible to a violation of individual rights, then the harm of cultural loss associated with gentrification isn't reducible to a violation of individual rights. So is that so? Is there something irreducible – or rather irreducibly collective – to claims of cultural loss after all? I'm curious what Sundstrom has to say.

## Rehabilitating vs. abandoning the language of gentrification

Popular discourse in which the idea of gentrification is taken seriously or affirmatively deployed consists in condemnation of a few perceived social problems, diagnoses of those problems, and proposals of solutions to those problems. The perceived social problems typically include, at least, rising housing costs, racism or racial tension in increasingly mixed neighborhoods, changing neighborhood character (the closure of old businesses and spaces, the opening of new ones, the unusual dress and speech and manners of the new residents), and displacement. The diagnoses of these problems are typically some mix of increased demand from higher income renters, new housing construction, and the greed and outsized political power of landlords. The proposed solutions to those problems are typically some mix of organized

opposition to new construction, moral criticism of gentrifiers (mostly renters and some homeowners), tenant organizing, and advocacy for rent stabilization or control.

The discourse is, I think (and I think Sundstrom agrees), a weird knot of factual truth and falsity and moral seriousness and goofiness. Some of the social problems are real and some of them aren't. Most of the diagnoses of the problems and the proffered solutions to these problems are mistaken, but some of them are apt, though none of them are complete. At best, it's a rallying cry for organizing around precisely the problems that take up Sundstrom's book; at worst, it's xenophobic, reactionary, segregationist, morally obtuse, NIMBYish, and distracts from issues of real concern. It's a mess.

Of course, there are other sorts of discourse around gentrification, in which the knot is, to a greater or lesser extent, untangled. (*Just Shelter* is a noteworthy example!) The proponents of these different sorts of gentrification discourse compete, perhaps indirectly, to shape how the word is used more broadly. For that reason, it is, or it's very similar to, what Hacking (1995) calls a "human kind." Compare "gentrification" to clinical terms that take on a wilder life in vernacular English, and which are subject to a subsequent struggle for conceptual ownership or control – "idiot" or "projection" in earlier times, "OCD" or "trauma" or "autistic" more recently.

At least in public usage, gentrification is a thick moral concept. Like other thick moral concepts, it facilitates (at least among people who are disposed to use it affirmatively) inferences from observations of matters of fact to moral conclusions. Just as the thick concept of cowardice facilitates inferences from observations about (roughly) aversion to danger to conclusions about bad moral character, the thick concept of gentrification facilitates, in one way or another, inferences from observations about life in the city to the sorts of moral conclusions characteristic of this discourse.[1] Maybe especially dubiously, "gentrifier" facilitates inferences from, roughly, "so-and-so is moving to a neighborhood undergoing reinvestment" to "this is pro tanto morally wrong." So, again, we might compare "gentrification" and "gentrifier" to other thick moral concepts that facilitate questionable, or just mistaken, moral inferences – say, "uppity" or "Karen."

In any case, when you're confronted with a human kind or thick moral concept that is so deeply embedded in this sort of discourse, you have a choice: try to rehabilitate the concept and the discourse, or abandon it and try to start over. This is a terminological question, but it's also a strategic question – a question of *whose* agenda to reinterpret sympathetically, and whose language to reject altogether. In the book, Sundstrom comes down on the side of rehabilitation – roughly, I think, on the grounds that (a) there exists a perfectly respectable minimal definition of gentrification, (b) some of the harms attributed to gentrification, or that could be attributed to gentrification, are quite real, and (c) the excesses of concept creep can be brought under control by just acknowledging that there's more to the housing crisis than gentrification. But I'm still curious: why not just leave the language of gentrification behind altogether, and just talk about the harms that attend (or sometimes attend) reinvestment in previously disinvested neighborhoods? Is the underlying thought here that the groups and institutions that inflate or misunderstand the problems of gentrification are still worthy partners in political coalition? If so, why think that, given that so much of the discourse here is so broken?

## What does a reasonable right to housing require?

In his discussion of open cities and the right to housing, Sundstrom writes that "Individuals should have a substantive opportunity to reside in the cities, towns, and neighborhoods of their choice." He adds later,

1. Facilitating an inference isn't necessitating it. A thick concept facilitates an inference in the sense that people disposed to use the concept affirmatively are more likely, ceteris paribus, to make the inference.

speaking of personal financial obstacles to housing in particular, that "It is… an objection to society if individuals who labor in, have lived in, or just prefer an urban or rural area have no significant chance to rent or purchase a desirable home… unless they are wealthy" (44). He makes a number of suggestions about how to advance this goal by bringing down housing costs, reducing future racial discrimination in housing, and correcting for past housing injustices, which I basically agree with – enforcing the Fair Housing Act, upzoning, increased public investment, new anti-discrimination legislation to protect housing voucher holders, reparations, and so on. To be clear, I agree with these proposals, and I am not interested in pitting the good against the best. But I am interested in what it would take to achieve these goals more completely. In particular, I'm interested in what it would take with respect to international freedom of movement and what it would take with respect to housing costs.

First, closed national borders are some of the most important obstacles to people living where they want. Sundstrom (very reasonably!) does not have much to say about borders in the book. But the right to housing offers what appears to me a compelling reason in favor of open borders. So that's my first question: is that right? Does the right to housing require, at least as an ideal goal, opening or eliminating national borders? Or, to make it slightly more pointed, why isn't the right to housing especially compelling for immigrants, since it's compounded by concerns about corrective justice? After all, you might say, no one has been more profoundly excluded from housing in any country than people who have been forbidden from immigrating there altogether.

Second, Sundstrom recommends a number of proposals that would bring housing prices down, which, again, I agree with. But ultimately, as long as housing costs *anything* to the renter or purchaser, some people will be too poor to afford it. Now, he does consider proposals to decommodify housing, and he rejects them on the grounds that expropriation is a violation of landowners' property rights (as well as politically impossible). I'm not as concerned in principle about expropriating the wealth of ultra-wealthy landlords, although I do think it's politically impossible in the United States for the foreseeable future. But public agents – and I'm agnostic as to whether these agents are cooperatives, community land trusts, local, state, or federal governments, or something else – can purchase privately held land when it's up for sale. Of course, there are practical questions about which sorts of public agents are competent to manage this land and how these purchases could be funded. (I'll say that while public housing in the US is currently in a dire state, getting rid of it would be a serious mistake. In Michael Stegman's memorable words, "[P]ublic housing is unpopular with everybody except those who live in it and those who are waiting to get in" (1990:1).) But the question remains: if the right to housing requires a significant chance to live in whatever city, town, or neighborhood you want, does this require that enough housing is provided for free to people who otherwise can't afford it? At least for those who need it, will we, some day, have to decommodify housing after all?

These are utopian questions, and *Just Shelter* is very much about the actual world. But exploring them might show that there is deeper agreement between Sundstrom and his Marxist foils (or are they comrades?) than the book would suggest.

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