

# What Makes Gentrification Wrong? A Place-based Account

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## Abstract

Through an analysis of the moral relationship between people and place, this paper offers a new view of the wrongful character of gentrification, which is pluralistic, locating the wrong in the non-fulfillment of three place-related rights: rights to a home, rights of residency, and place-based rights to a community. By focusing on the multiple ways that people are connected to place, we offer a more complete and systematic account of place-related rights that is not only able to make sense of people's lived experiences of the harms of gentrification but is also able to address standard criticisms, which have been made of other key accounts of the wrong of gentrification.

## Keywords

gentrification – place – occupancy – exclusion – rights – democracy

The process of 'gentrification' was first described by Ruth Glass:

One by one, many of the working class neighbourhoods of London have been invaded by the middle-classes – upper and lower. Shabby, modest mews and cottages – two rooms up and two down – have been taken

over, when their leases have expired, and have become elegant, expensive residences ... Once this process of 'gentrification' starts in a district it goes on rapidly, until all or most of the original working-class occupiers are displaced and the whole social character of the district is changed.<sup>1</sup>

According to Glass, "gentrification" describes the arrival of middle-class individuals and the displacement of lower-class residents from an urban neighborhood. This use of the concept elides with The Brookings Institute definition of gentrification as "the process by which higher income households displace low income residents of a neighborhood, changing the essential character...of that neighborhood."<sup>2</sup> Today, since class and income are highly correlated with race, the term is often used to describe the displacement of racial minorities. Displacement of Black and Hispanic residents accompanies gentrification in many places in the United States, for example, but it is not an essential feature of that process, at least in the sense that gentrification can occur in the way that Glass describes, without any racial differentiation between the incoming and displaced communities. Nevertheless, the impact on these racialized communities is often an important part of gentrification's problematic nature.

While some see gentrification as a distinct temporal event, others have noted that it can be a dynamic process, occurring in distinct and discreet phases – such as displacement/disinvestment and then replacement/reinvestment.<sup>3</sup> We, following Ronald Sundstrom, adopt a capacious understanding of gentrification where, in the first instance, it refers to demographic turnover and economic change as described above within an urban landscape. This definition makes displacement central to "gentrification," but it is worth noting that in many cases, some individuals can remain in gentrifying neighborhoods, and, we will argue, they do not have to be displaced in order to be harmed by the process of gentrification.

One might be led to deny that there is a particular wrong associated with gentrification for two reasons. The first is that gentrification occurs in a context where many different problematic features of society come together. Deep inequality, vulnerable populations, and racism, especially in cases

1 Ruth Glass, *London: Aspects of Change* (London: MacGibbon & Kee, 1964), 3.

2 Maureen Kennedy and Paul Leonard, "Dealing with Neighborhood Change: A Primer on Gentrification and Policy Changes," The Brookings Institute, Center on Urban and Metropolitan Policy, 2001, 1.

3 Ronald Sundstrom, *Just Shelter: Integration, Gentrification, and Racial Equality* (Unpublished Manuscript, Chapter 3, 13); see also, Quill Kukla, *City Living* (New York: Oxford University Press, 2021), chapter 4.

where class and income are highly correlated with race, often occur alongside gentrification. This does not exonerate gentrification; on the contrary, it concedes its problematic nature. However, on this argument, what makes gentrification problematic is reduced to widely accepted unjust features of the societies where it occurs, but gentrification itself is not wrongful.<sup>4</sup>

The second reason why it might be denied that there is a specific wrong associated with gentrification is connected with a particular understanding of what makes something wrongful. It could be argued that gentrification is a social and economic process that *harms* some people and benefits other people, but itself is *non-wrongful*. It is not wrongful, because, although it may set back the interests of some people, the process itself is the result of many different individuals making legitimate decisions in a market setting, even though the cumulative effects of these decisions are harmful to some people.<sup>5</sup> This is true of many decisions in a capitalist economy, most of which have differential benefits and burdens, and some of which can have serious consequences for some people. Consider a competitive job market, which might mean that some people do not get hired, or do not get hired for the best jobs. Or consider setting up a coffee shop near an existing one, which may mean that the competitor will not survive, and the owners become bankrupt while the workers become unemployed. These outcomes are harmful in the sense that they can seriously set back the interests of some people. Yet, because they are a consequence of a series of legitimate decisions that are made by different individuals in a market setting, it is usually viewed as non-wrongful. Something similar could be claimed in relation to gentrification: although it harms some, perhaps many people, this is not enough to show that it is wrongful.

The wrongs of gentrification are hard to pin down. This paper offers an original approach to the question of what makes gentrification wrong. To make sense of the full wrong of gentrification, we explore the relationship between people and place, and the kinds of entitlements that people may have in relation to place. In this, we take inspiration from other arguments, such as Cara Nine's argument for a right to a home and Margaret Moore's theory of territory, where she develops at least two versions (individual and collective) of occupancy rights. We do not simply rely on these arguments, and we note

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4 Margaret Kohn, *The Death and Life of the Urban Commonwealth* (Oxford: Oxford University Press, 2016), 112.

5 Ibid, 112.

that neither author explicates what these rights imply for related arguments, such as gentrification.<sup>6</sup>

We aim to fill the gap by offering an analysis of the moral relationship between people and place to argue that three place-related rights are jeopardized by gentrification: (i) rights to a home (§1); (ii) rights to residency (in existing homes), which attach to individuals, and are typically rights against expulsion (§2); and (iii) rights to a place-based community, which are group-based and serve to preserve communal ties with others (§3). This account of the wrong of gentrification – rooted in the non-fulfillment or denial of rights – relies on an interest-based theory of rights, whereby rights are grounded in human interests, which are sufficiently weighty to justify holding others under duties.<sup>7</sup> We assume an interest theory of rights as a starting point to the argument. We do not defend it as a theory of rights. We also understand the rights as pro tanto, and as potentially conflicting (or the duties that flow from the rights as potentially conflicting), which is widely accepted as a corollary of an interest theory of rights.<sup>8</sup>

The pluralist place-based account that we advance here focuses on the institutional and structural features of gentrification, but does not show that an individual person, moving to a place, is necessarily acting wrongfully. Indeed, the public policy proposals that we advance at the end of this paper are all directed at addressing the non-fulfillment of the three place-related rights that we advance. Moreover, while the account is pluralist, the analysis of the morally significant ways that people are connected to a place, suggests a kind of priority among them. We understand the right to a home as a basic right, in Henry Shue's sense: it is necessary to realize the other two place-related rights, and so in this sense is more fundamental or basic.<sup>9</sup> However, as we will go on to argue, this does not mean that the duties that arise from this right are lexically prior to the duties that are connected to the other rights. Rather, we adopt the method suggested by Jeremy Waldron in his analysis of conflicting (interest-based) rights, which tries to mitigate conflicts between duties. He suggests that, in addition to the importance of the right, we need to keep in

6 Moore's discussion in *A Political Theory of Territory* (New York: Oxford University Press, 2015) is mainly suggestive. She devotes only two pages (44–45) to the implications (like gentrification) of her account of occupancy rights, which are divided into both individual and collective versions. This paper could be read as an attempt to systematize and go beyond her work in that book.

7 Jeremy Waldron, "Rights in Conflict," *Ethics* 99 (1989): 503–519; Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986).

8 Waldron (1989).

9 Henry Shue, *Basic Rights* (Princeton: Princeton University Press, 1996).

the picture the relationship of the duty to the interest that the right protects.<sup>10</sup> This account of place-related rights, we argue, helps to illuminate the wrong of gentrification, in relation to three distinct categories of persons: 1) displaced residents; 2) those who remain resident in precarious circumstances; and 3) those original inhabitants who remain in non-precarious circumstances, perhaps because they were homeowners.

Our account provides guidance in specific public policy contexts, where the three different rights can conflict. One implication of this account is that it both recognizes the moral argument underlying NIMBYism, but situates it in an overall account of different people's place-related rights, and so does not endorse the policy conclusion associated with that view. It also clearly identifies the state as the principal duty-bearer, with obligations to ensure that these rights are met. Finally, by arguing for a pluralist theory, we can provide a better account of the limits of the three place-related rights. The contours and limits of the third right – the right to a community – are developed by examining all three rights, including a right to a home. This makes this account different from, and superior to, Huber's and Wolkenstein's theory, which focuses on the problem of expulsion, but denies that "weak individual occupancy rights" can justify "the kind of collective rights that would justify exclusive control over the physical appearance or social composition of the neighborhood."<sup>11</sup> Our pluralist account can recognize the interest in collective control by the community, but we deny that the argument is moot simply because it cannot justify the strongest version of that right – a right to *exclusive* control by the collective. We offer instead an account of three place-related rights that are sufficiently weighty to ground duties, and the interrelationship between them, to arrive at a more complete account of the justifications and limits of all three place-related rights.

## 1 The Right to a Home

To make the argument about the wrongs of gentrification, we first need to explain how gentrification may involve a denial of place-related rights, and why we may think that people do have such rights.

<sup>10</sup> Waldron (1989).

<sup>11</sup> Jakob Huber and Fabio Wolkenstein, "Gentrification and Occupancy Rights," *Politics, Philosophy & Economics* (2018), 1–20.

One of the most obvious place-related rights could be described as a right to a home.<sup>12</sup> The term 'home' refers to a personal or familial dwelling that is locatable and has boundaries in the sense of an inside and an outside. It is located in space, but it does not need to have a particular physical structure: it could be a treehouse or a house on stilts, a caravan or a tent, an apartment, or a mansion. This idea also does not depend on a strong liberal view of private property: the right being claimed here is a use-right to control the physical space, and against being rendered homeless.<sup>13</sup> This right is grounded in both autonomy and well-being interests. The well-being interest is often described in terms of a basic right to shelter. Since we are physical beings, we need protected access to clothing and shelter; we need a place to defecate and perform basic bodily functions. This should not be trivialized: the adverse effects of homelessness on street populations is well documented. Indeed, the fragmentation of routines and relationships upsets the sense of continuity that people who have homes take for granted, and this sense of continuity is a fundamental condition for living a life that one feels in control of.<sup>14</sup>

The connection between functioning autonomously and having a home has been empirically documented. Eldar Shafir and Sendhil Mullainathan have argued that "scarcity can capture the mind" and it does not matter whether the limited resource is sleep, security, time, food, or money.<sup>15</sup> Their research shows that when individuals live under conditions of scarcity, their ability to plan for the future, to see the big picture, can be compromised. For example, because of scarcity, the poor spend much of their time wondering where their next dollar is coming from, which means that they have less "mental bandwidth" available for everything else – leaving them less able to plan for their future, for example. This sort of problem simply does not arise for the rich. Something similar can presumably be said of those without secure housing. They may spend so much of their cognitive energy on the necessity of finding shelter – worrying about where they are going to spend the next night safely – that they may be left with less "bandwidth" to think about or plan for other matters that are important to them. Being without a home or being expelled from our homes may impact our cognitive functioning in ways that affect our capacity for autonomy.

12 Cara Nine, "The Wrong of Displacement: the Home as Extended Mind," *Journal of Political Philosophy* 26, no. 2 (2018): 240–257.

13 Ibid.

14 Jeremy Waldron, "Homelessness and the Issue of Freedom," *UCLA Law Review* 39 (1991): 295–324.

15 Eldar Shafir and Sendhil Mullainathan, *Scarcity: Why Having Too Little Means So Much* (New York: Henry Holt and Company, 2013).

It might be claimed that this account of the cognitive impact of homelessness is objectionable because it suggests that the homeless person is cognitively impaired. There is no reason to suppose this: since they cannot count on stable circumstances, focusing on immediate gratification is more rational for people living in precarity. As Joseph W. Kable and Joseph T. McGuire argue, a failure in planning can also be a reasoned response to the uncertainty of time.<sup>16</sup> People who live in precarity – without consistent and stable access to food, shelter, and income – quickly realize that it does not pay off to save for an uncertain future. Linda Tirado, in her book, *Hand to Mouth*, famously argues that “We [the poor] don’t plan long term because if we do we’ll just get our hearts broken. It’s best not to hope. You just take what you can get as you spot it.”<sup>17</sup> If you don’t know how much time you will have – or if you believe, because of your precarity, that you will not have a future – then it is rational not to plan or wait for the future.

The key factor in decision-making is environment: if you are living without a home, deprived of other options, it is rational to believe that you may not have a future and not to plan for one.<sup>18</sup> This is how precarity *forces* people to live in the now, foregoing plans for their future life. Ultimately, both arguments, from Shafir and Mulainathan and Kable and McGuire suggest that precarious housing makes it very difficult for individuals to function autonomously, in the sense of shaping their lives through their own choices. Both arguments suggest that stable housing (a right to a home) is both an important well-being interest and a condition of autonomy.

Gentrification intersects with the right to a home in two ways. First, with the influx of more affluent residents into a poorer neighborhood, rents will typically rise. Landlords will have an incentive to raise rents, and thereby expel people, because, as the area gentrifies and becomes more desirable to more affluent individuals, the rents that are being paid are lower than the amount that the market could command. In some jurisdictions – such as Ontario – there is a restriction on the rent increases that landlords can charge to sitting tenants, which can slow the process of gentrification. It does not stop it, however: as tenants leave, they are typically replaced by more affluent tenants, as landlords then demand market rent. In addition, landlords often find a way

16 Joseph T McGuire, Joseph W Kable, “Decision Makers Calibrate Behavioral Persistence on the Basis of Time-interval Experience,” *Cognition* 124, no. 2 (2012), 216–226; Joseph T McGuire and Joseph W Kable, “Rational Temporal Predictions Can Underlie Apparent Failures to Delay Gratification,” *Psychological Review* 120, no. 2 (2013): 395–410.

17 Linda Tirado, *Hand to Mouth: Living in Bootstrap America* (Berkeley: Penguin Random House, 2015).

18 See also, Jennifer Morton, “Reasoning Under Scarcity,” *Australasian Journal of Philosophy* 95, no. 3 (2017): 543–559.

around this rule, either by converting the rental accommodation to sale (as in San Francisco), or they take advantage of rules that permit family members of the landlord to occupy the unit, or they claim that some repair is necessary, thus leading to eviction (as in Toronto and Montreal).

Whether gentrification leads to homelessness is a contingent matter. If it is only one neighborhood that is being gentrified, but other neighborhoods are subject to disinvestment, and become affordable, and these are roughly equivalent in terms of fulfilling the basic well-being and autonomy interests identified above, then the main problem is transitional. It is emotionally and financially costly to move in ways that may negatively impact a person's well-being and autonomy. Finding new housing and arranging and executing a move is disruptive. But this is only so for the people being displaced to these more affordable neighborhoods, and the negative effects are temporary. They disappear after the move happens and the people settle into their new home.

In many cases, however – and this brings us to the second way that gentrification intersects with a right to a home – the process of gentrification occurs alongside significant price increases of rent throughout the urban area, which means that there is less affordable housing readily available in other nearby neighborhoods. This is because when prices increase in one area, then, as long as demand for housing is relatively constant, prices increase in neighboring areas, because those apartments and houses are often priced relative to other areas. There will still be a price differential between the more attractive (gentrified) area and the less attractive area, but the overall effect is for house prices to rise. Perhaps for this reason, there is, unsurprisingly, a strong association between gentrification and increased homelessness. Between 2000 and 2003, the number of low-income households in the Bay Area increased by 10%, while the number of units defined as affordable for this population decreased by 50%.<sup>19</sup> The disappearance of affordable housing in urban centers has been noted across many urban areas – in New York, where hundreds of thousands of apartments have been removed from rent control and placed on the deregulated market; and in Pittsburgh, where the loss of affordable housing through gentrification has led to evictions and homelessness.<sup>20</sup>

In this case, there is a more serious and long-term impact on individuals' lives. Living under constant, ongoing, or rolling housing precarity, where

19 Sam Levin, "Largest-ever' Silicon Valley Eviction to Displace Hundreds of Tenants," *Guardian*, July 7, 2016, quoted in Rafeeq Hasan, "What's Wrong With Gentrification?" (Unpublished Manuscript).

20 Michael Greenberg, "Tenants under Siege: Inside New York City's Housing Crisis," *New York Review of Books*, Aug. 17, 2017; Jamiles Lartey, "Nowhere for People to Go: Who Will Survive the Gentrification of Atlanta," *The Guardian*, October 23, 2018.



the fact that rental arrangements are constantly insecure over a significant period of time and across multiple moves affects one's capacity to live a secure autonomous life, as one tries time and again to secure a roof over one's head, toilets, showers, and food.

The argument that all individuals have a right to a home is connected to a very serious concern about the impact of gentrification on many individuals. It suggests that the correct remedy is to build more housing and more affordable housing. This would remedy violations of the first place-related right (to a home), but our argument is that while this would be good, it is not sufficient to eliminate the other wrongs of gentrification. In particular, the right to a home does not capture the full nature of the wrongs involved in gentrification. It cannot account for the common idea that losing one's home in one's own neighborhood through gentrification is wrong, even if affordable housing is available elsewhere. In the next section, we try to explain why this is wrong by making a case for why people not only have a right to a home, but have a right to *their* home – that is, the home they already reside in – and why expulsion from that home is wrong.

## 2 The Right to Residency

The previous section articulated the importance of a right to a home or an appropriate shelter. The right to residency focuses on the right to the home that one is currently living in, where it is. This has been discussed in a number of different ways by different authors, but all suggest that not just any home will do: the right is not just to a roof over one's head but a right to live in the place that one is currently living in.

In an argument that builds on the importance of having a home, Cara Nine has emphasized that secure access to one's own private dwelling, where we currently live, is key to our capacity to function autonomously. The idea here is that cognitive functioning, including the ability to form memories and attachments, the ability to evaluate, reflect, and revise values and act on these values, requires secure connections to particular familiar objects. This argument relies on what philosophers have referred to as the "extended mind hypothesis."<sup>21</sup> This is the hypothesis that mental functions are not confined to the head; people often have various mechanisms that out-source some of those functions to alarm clocks, smartphones, post-it notes, and other items

21 This thesis was first proposed by Andy Clark and David J Chalmers, "The Extended Mind," *Analysis* 58, no. 1 (1998): 7–19.

in our environments. Nine suggests that homes function in a similar way. Her argument goes beyond the mental bandwidth view discussed above because she can explain the loss faced by people impacted by gentrification who can afford to move elsewhere. Their problem is not so much living under conditions of unsafety, but focuses on their claims to the home that they are currently living in.

While Nine's extended mind account can explain the very strong interest that people have in remaining in their homes, it faces some difficulties. The interest, as she frames it, is temporary. People have the capacity to set up new homes, which means that, over time, outsourcing begins again and cognitive functioning is restored. This does not mean that moving is not disruptive to cognitive functioning, and stressful, but it does suggest that, in an argument that weighs different kinds of interests, the fact that it is temporary means that it could perhaps be compensated for or outweighed by other interests.

There is also a deeper metaphysical worry about the extended mind thesis. Given what we have already said about the role the environment plays in cognitive functioning, it is plausible that an individual's cognitive functioning is relationally dependent on and structured by objects in the material world, but it is not clear that these objects become part of the cognitive apparatus. Individuals' cognitive functioning can depend on objects in their environment without necessarily being part of them.

A distinct and less metaphysically inflationary argument that is compatible with and supports Nine's conclusion focuses on the idea of homes as locations of life-plans, which examines people's relations with place, and extends beyond the domestic dwelling. This argument helps to explain why having to move from one's home has more long-lasting negative consequences for the individual. Occupancy rights – a moral idea that has been developed in relation to the rights of indigenous peoples and the territorial rights of states – has been explored recently to explain why individuals have a right to reside where they live, if they have come to live there not unjustly.

On one of the most influential accounts of occupancy rights, offered by Anna Stilz, an occupancy right attaches to individuals and "is comprised of two main incidents. First it comprises a liberty to reside permanently in a particular space and to make use of that area for social, cultural, and economic practices; and to be immune from expropriation or removal; and to return" after a temporary absence.<sup>22</sup> Margaret Moore has also developed an occupancy right argument in her work on territory, but differs from Stilz in describing the

22 Anna Stilz, *Territorial Sovereignty: A Philosophical Exploration* (Oxford: Oxford University Press, 2019), 35.

right that attaches to individuals as a residency right, and the one that attaches to communities as a collective occupancy right.<sup>23</sup> The collective version of this concept is discussed in the next section.

What justifies occupancy/residency rights? Stilz claims that “stable territorial occupancy” is important for personal autonomy.<sup>24</sup> As autonomous people, we have a conception of a worthwhile life, which we create and carry into action through many successive decisions. These decisions are, of course, located – we make decisions about what constitutes a worthwhile life and pursue them *somewhere*.<sup>25</sup>

We also have well-being interests in located life plans, which do not depend on how they were chosen: “Each individual has a broad well-being interest in carrying out the (morally reasonable) projects that person happens to have. The ability of a person to act on the values that make life meaningful for him is morally significant, even where he has not arrived at his values through critical reflection and choice.”<sup>26</sup> Located life plans, on this view, are central to both autonomy and well-being. Occupancy rights are justified as one way to render our located life plans secure – secure in the sense that people have a right to live in the place where (reasonable) plans are made, and they have a right not to be expelled from such a place.

Recently, a few normative theorists interested in gentrification have appealed to the idea of occupancy/residency rights to explain the wrong of gentrification, especially when gentrification involves expulsion from a particular neighborhood. Huber and Wolkenstein have argued that gentrification is a violation of city dwellers’ occupancy rights.<sup>27</sup> Central to their view is the claim that the locatedness of projects, identity, and social networks grounds a right against expulsion through gentrification. In their view, “residents should be thought to have a plan-based right to remain in the neighborhood where their social, cultural, and economic practices are located, which goes some way to protecting them from being ‘priced out’ of it.”<sup>28</sup> This right can also be extended to those who may not live in a particular neighborhood but pursue social, cultural, and economic practices there too.<sup>29</sup> We will refer to the right to reside in a particular neighborhood as a “residency

23 Moore (2015).

24 Stilz (2019), 43–44.

25 Anna Stilz, “Occupancy Rights and the Wrong of Removal,” *Philosophy & Public Affairs* 38, no. 3 (2013): 257–292.

26 Stilz (2019), 41.

27 See Huber and Wolkenstein (2018) and Kohn (2016).

28 Huber and Wolkenstein (2018), 7.

29 Ibid, 7.

right,” which is a specific kind of occupancy right, in order to distinguish it from the more general category of occupancy rights, which grounds a right to continue residing in a political territory. One may wonder against whom does this right hold? In Huber and Wolkenstein’s view, the right-holder is the individual, and it is the political community as a whole which is responsible for protecting this right by taking steps to constrain the market processes that lead to expulsion from the neighborhood.

There are several advantages to appealing to occupancy/residency rights, which may explain why theorists of gentrification have done so. First, this type of account can explain why gentrification is wrongful and not merely harmful: it is a violation of people’s rights. If we accept the basic argument that individuals have deep-seated autonomy and well-being interests in stability of place, which, it is claimed, justify a right to continue residing in a place, then we can explain the wrong of gentrification: it is a violation of their occupancy/residency rights. Second, and relatedly, this account of the wrong captures at least two wrongs associated with gentrification. The located life plans argument is compatible with the claim that we made in the last section that everyone has a right to a home and that homelessness is deeply problematic because it disrupts located life plans. It also goes further than this in explaining why people have a right not to be removed from *their home* – that is, the home that they are already in – because in many cases the location of their existing homes is central to their (located) life plans.

Despite its initial appeal, the located life plan account of this right has some limitations in explaining the wrong of gentrification. The central problem is that located life plans do not always match up with presence in a neighborhood. Those who manage to remain in their neighborhoods, despite the changes that gentrification brings, may not have their plans disrupted; indeed, some people, especially homeowners who experience increased property values, may even have more resources to pursue their located life plans.<sup>30</sup> Even when there is expulsion, those who are displaced from their place of residency may not have their located life plans disrupted. This is largely because, in many cases, being displaced from one neighborhood to another may have little impact on an individual’s located life plans, depending on what these plans are and how connected they are to specific neighborhoods.

To see how this might be the case, consider, as an example: two students who live in the same neighborhood in Vancouver and go to the University of British Columbia (UBC). Going to university is important to them; it is a located life plan because that plan requires a particular location. Of course, the life

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<sup>30</sup> Ibid, 7.

plan might simply be to go to a good university, in which case it does not even require them to be in a particular city. But, let us imagine that they are already pursuing a degree at UBC and it is disruptive and perhaps even psychologically and materially difficult to have to leave the university. Nevertheless, their plan does not require that they live in a particular neighborhood. There may be several neighborhoods in Vancouver that have the necessary proximity and transit links to execute that plan of life. Because urban residents typically live, work, study, and socialize in different areas of a city, being displaced from one neighborhood to another may have little impact on their located life plans, depending on what these plans are and how connected they are to specific neighborhoods. In such cases, where individuals can continue to pursue their located life plans in alternative neighborhoods, the residency rights account cannot explain why gentrification is wrong. Moreover, because this argument focuses only on intersecting individual life plans, it cannot explain what many people facing gentrification object to – the loss of their community.

### 3 The Right to Place-based Community

Do the two rights above exhaust the central place-related wrongs of gentrification? In this section, we argue that they do not. We believe that, in cases where there is a community, forged by relationships to each other and to the place they live in, part of the wrong of gentrification is the loss of (place-based) community.

By the term ‘community,’ we mean a group of people with a shared identity as members of a particular neighborhood – an identity that has been developed and nurtured by actual historical relations developed by people living in the same place. Through living in proximity, people can develop substantive and on-going interactions and moral bonds such as friendships based on a shared collective world that is rooted in a particular neighborhood. We call this kind of neighborhood grouping a ‘community.’

So, in addition, and inextricably linked to the idea of residency rights, we suggest that people may have a weighty interest in remaining in their communities. The idea here is that ties and relationships are forged not simply independently by individuals living in a common place, and happening on having some overlapping plans – like the university students mentioned earlier – but by individuals as members of a community of people, who share a geographical location with one another, and whose locus is defined by the activities and way of life central to being in this location together.

To elaborate on this idea, consider Tommie Shelby's discussion of Black neighborhoods. He suggests that Black Americans sometimes prefer to live in neighborhoods with a concentration of Black individuals. This is, in part, because a critical mass of Black people means that there are likely to be establishments and associations that cater to Black preferences and interests – including “hair salons and barbershops, clothing stores, places of worship, restaurants, bookstores, cinemas, music and dance venues, art galleries and theatres, and retail outlets that sell Black and skin-care products.”<sup>31</sup> In his view, having access to these local places can be important to the well-being and autonomy of Black individuals. Building on this idea, we also want to emphasize that it might be important for reasons having to do with the value of community.

Over time, individuals in a neighborhood can come to value being in places with each other as part of their conception of a worthwhile life. They may go to a local restaurant, not just because it serves the food that they like best but also because the people who work there and eat there come to know one another. This is true of neighborhood parks, schools, and stores. Over time, after frequently seeing each other in the same places at the same time, people may come to have a sense of affinity for one another, and they may come to see their resulting social ties as having value in their lives.<sup>32</sup> As Mr. Ramos describes it, Willet's Point (an industrial neighborhood) in Queens, New York, is “a small village ... Everyone knows each other.”<sup>33</sup> Continuing this thought, his wife, Ms. Tapia, explained that shop owners and workers were like an extended family, and customers were often referred to neighboring businesses, making the area a self-contained mini-economy. “Although other people are our competition, we are friends,” she said. People in “the village” – the neighborhood they share together – come to care about one another and to look out for one another's well-being. The valuing of the social ties and relationships like these expresses itself as a desire to continue to live with one another in the same neighborhood over time.

31 Tommie Shelby, “Integration, Inequality and Imperatives of Justice: a Review Essay,” *Philosophy & Public Affairs* 42, no. 3 (2014): 253–285 at 272.

32 These kinds of social ties are referred to as “weak ties,” building networks of casual acquaintances can boost happiness, knowledge, and a sense of belonging. See Ian Leslie, “Why Your ‘Weak-tie’ Friendships May Mean More Than You Think,” BBC, 2 July 2020, available at: <https://www.bbc.com/worklife/article/20200701-why-your-weak-tie-friendships-may-mean-more-than-you-think>.

33 Corey Killagnon and Andrea Salcedo, “How the Immigrant Dream Died in An Automotive Shanty Town,” *New York Times*, Dec. 18, 2019, available at: <https://www.nytimes.com/interactive/2019/12/18/nyregion/willets-point-development-queens.html?action=click&module=Top%20Stories&pgtype=Homepage>.

As Michael Henry Adams explains in, “The End of Black Harlem,” gentrification is wrong, in part, because it disrupts the collective interests that Black people have in sharing a place together. This disruption occurs for both individuals and families who have to relocate due to the increased rent connected to gentrification, but also to those who remain.

It was painful to realize how even a kid could see in every new building, every historic renovation, every boutique clothing shop – indeed in every tree and every flower in every park improvement – not a life-enhancing benefit, but a harbinger of his own displacement.

In fact, it’s already happening. Rents are rising; historic buildings are coming down. The Renaissance, where Duke Ellington performed, and the Childs Memorial Temple Church of God in Christ, where Malcolm X’s funeral was held, have all been demolished. Night life fixtures like Smalls’ Paradise and Lenox Lounge are gone.<sup>34</sup>

Place plays a central role in this account of the wrongs of gentrification. Historic buildings, parks, night clubs, and churches – places where Black people come together – are slowly being eliminated. And even when they are not eliminated, access may change. As Kukla notes, a wall or a front porch that used to be a comfortable place to sit and socialize may become unusable if newer residents complain about ‘loitering.’<sup>35</sup> Gentrification is wrong, in part, because it disrupts the places that Adams and other Black individuals came to value as part of a life *together*.

Earlier we argued that it was unclear how a right to residency can explain why individuals are wronged if they are relocated to a new part of the city where they can pursue some or many of their life plans. We are now in a position to explain how this may be insufficient. We need to go beyond the individualist picture of a located life plan to include the idea of relationship interests, and to capture the idea that for many people part of what makes a life valuable is that it is pursued along with *particular people* in *particular places*. Individuals have a strong collective interest – based both on well-being and autonomy – in being able to maintain relationships that are important to them. In this case, the relevant right to residency is collective – it represents a collectively shared

34 Michael Henry Adams, “The End of Black Harlem,” *New York Times*, May 27, 2016, available at: <https://www.nytimes.com/2016/05/29/opinion/sunday/the-end-of-Black-harlem.html>; accessed 19th August 2020.

35 Kukla (2021), 96.



interest that individual group members have in living in their neighborhood *together* and, in the case of gentrification, that has been disrupted. Even after being relocated to a place where other group members also live, “their” places – the ones where they came together and valued – are simply not there. These places can be – and often are – rebuilt in new places. But it takes time, money, and effort. And, even so, they will not be the same places. A loss is still incurred.

Some of the clearest examples of neighborhood communities, which we discuss above, are cases where the neighborhood is populated by members of a racialized minority group, who may not feel at home elsewhere. Black neighborhoods, such as Harlem, are often a site for Black community building. We have independent reasons for thinking it is important that members of this group are able to build collective institutions and nurture their collective identity. In these cases, the group is identifiable prior to the neighborhood: the group is concentrated in particular neighborhoods, but the group itself (and its characteristic practices) do not require a presence in a particular neighborhood. On this picture, the collective right of residence is arguably owed to Black Americans as a group, because they are entitled to the protection of Black neighborhoods. They are harmed as a group when these neighborhoods are gentrified, since it weakens the relational interests of Black Americans as a group. Viewed this way, the protection of minority neighborhoods could be part of a larger theory of multicultural or racial justice: we protect the neighborhood to protect a vulnerable or disadvantaged minority. While this may be true, and we think that the argument is stronger in such cases, we also believe that the relational interests that the argument invokes can also be internal to the neighborhood and that we do not need to appeal to a broader theory of inter-group justice to make the argument. There can be strong neighborhood interests, and community relations, even when the community is not marked out as distinctive (or as a minority in relation) to other groups in the polity.

The argument advanced above, and particularly the reliance interest that many members of a neighborhood may have on other people in their community, can also have a distributive dimension. If the community in question is an economically disadvantaged group, then its members have a stronger interest in their neighborhood and community than middle-class or rich people. This is so for two reasons. First, to the extent that the economically disadvantaged may lack the financial and social capital to protect their interests in a market economy, they are more vulnerable to the vagaries of the labor market, unfair treatment by political, social, and economic institutions, and discrimination. Lacking financial means of redress, the economically disadvantaged are more likely to *rely on* help, assistance, and support from



others in their families and community. The loss of community impacts them more than the rich and middle class, though it does apply to all social groups at least to some extent.

For all people, one of the central elements in living a good and fulfilling life comes from their relationships with others, especially their family and broader community. However, as Richard Arneson argues,<sup>36</sup> impoverished people have fewer opportunities than middle-class and rich people on a variety of fronts – for creative and enriching work; pleasurable, rewarding and enriching holidays; or even pursuing creative and meaningful tasks. For them, even more than rich or middle-class people, living in a neighborhood community, with rich opportunities for meaningful social interaction, with their families and broader community, may be among the most rewarding aspects of their lives. Loss of their community would impact their well-being more than that of rich people who have other dimensions of living a good life.

Although it is difficult to articulate a clearly bounded ‘test’ for having communities, the general picture is clear enough. There should be evidence of shared identity as a member of a particular neighborhood with substantive interactions over a period of time that are oriented toward other people in the neighborhood, and these interactions and mobilization should be directed at neighborhood-based (shared) public spaces (schools, parks, development, housing, and so on).

It is relatively clear what kinds of neighborhoods do not count. Neighborhoods that have highly transient populations generally are not communities. Relative stability of place is a pre-condition for developing the attachments and relations to people and places that we think of as creating a community. Temporary Airbnb residents of a condo building, for example, do not constitute a community, as they are only there temporarily.

This does not mean, however, that homeless individuals who live in a neighborhood do not constitute a community in the relevant sense, simply because they lack adequate housing. Many homeless individuals live together and share space, for example, in a tent city, and create networks of support with each other. They often meet the community test: they have extended and substantive interactions with each other, and a deep knowledge of the space, albeit a knowledge that is different from people who have secure housing in the neighborhood. Their place-based community is sometimes denied by government officials, anxious to deny rights to homeless individuals. In

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36 The argument here parallels that made in relation to parenting for poor individuals in Richard Arneson, “What Do We Owe Poor Families?” *Law, Ethics and Philosophy* (online) 2014, 7–31.

Vancouver's Downtown East Side, city officials denied their status by citing the transient nature of the population.<sup>37</sup> This denial is almost certainly false, because homeless populations are not like Airbnb populations; they share a community in a particular place, a community that is often ignored as such.<sup>38</sup> Moreover, even if the city officials' claim was true and they did not constitute a community, the transient population of the East Side would still have had an extremely important place-related right to assert, namely a right to a home, which is typically realized through the creation of affordable housing.

The second type of neighborhood that fails the community test is trickier to identify. A possible candidate is the neighborhood of Shaughnessy in west Vancouver, which, throughout the twentieth century until the 1990s, was an Anglo-Canadian area characterized by English street signs and low-density architecture. With the arrival of even wealthier Chinese immigrants from Hong Kong and mainland China, who bought many houses and tended to build bigger homes, there was tension in the neighborhood based on a discourse of 'monster homes' and landscaping decisions. In 1990 there was mobilization by long-standing residents against a Chinese incomer who planned to (and did) cut down two sequoia trees, on his property, which existing residents claimed to be favorites of the neighborhood. They deployed the language of community values in their opposition to the newcomer's plans.

It is, however, not clear in this case that there is an existing community of substantive, on-going interactions and relationships based on shared identities and in a local place. There is a high degree of uniformity of values expressed in the neighborhood by expectations of similar architectural structures and landscaping, and a preference for car-based (rather than public) transportation. However, homogeneity of norms and lifestyle is not sufficient for a community. What is needed in addition is evidence of place-based relationships. There must be on-going and substantive interactions that people have with each other, which are valued and developed in a place and to the place, including places of worship, schools, public squares, and parks that can be damaged by market processes such as gentrification.

How does the right to a community manifest itself? Earlier we claimed that the main duty-bearer with respect to these three place-related rights is the state, but we did not explain why. It is because, typically, rights structure the basic institutions of society, and are enforceable by the state, which makes it the principal duty-bearer. If people have residency rights or rights to a home,

37 Dan Webb, "Urban Common Property: Notes towards a Political Theory of the City," *Radical Philosophy Review* (2013).

38 See Kukla (2021).

then the state which organizes property relations must ensure that these rights are realized. The matter does not end there, however: there may also be duties on the part of developers to build affordable housing in compliance with the just policies of the government; duties on the part of other agencies in the government to investigate violations or punish transgressors and so on. Ordinary citizens are not immune to moral requirements, but it is reasonable for people to operate according to their interests as long as the background framework is just. Individual people moving into more affordable housing may count as ‘gentrifiers,’ but since one individual artist or a single more affluent individual moving into an affordable neighborhood cannot individually cause people to lose their place-related rights, it is unclear whether they are behaving wrongfully, and our argument here is agnostic on that question. It is clear, however, that the uncoordinated actions of multiple people lead to rights-violations and rights-deficits. Governments, as the leading institution to coordinate action and regulate property relations, are the appropriate institution to ensure that neighborhood investment (‘gentrification’) can proceed in a way that is consistent with affordable housing, and with existing residents remaining in place. This can involve a number of mechanisms to ensure that the first two place-related rights are met; and this requires careful delineation of which level of government is appropriate to achieve the fulfillment of the rights.

There is a further question concerning what level of government might best enforce these rights. To realize the interest in community that individuals have, control of public spaces, parks, in some cases schools and recreational facilities, and other things important to the collective local conditions of people’s lives, should be placed at the local or community level, which, ideally, would be inclusive and democratically organized. This would give people control over their collective lives at the local level and input into the public spaces that serve as the context in which their lives are lived.<sup>39</sup> These organizations can also be valuable interlocutors in ensuring that densification takes place in line with the character of the neighborhood, perhaps as partners in the design of new and affordable housing, and that the newcomers are effectively incorporated into the community.

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39 Huber and Wolkenstein ((2018), 14–15) also argue that neighborhoods “should be made more democratic.” Huber and Wolkenstein’s argument for democratic governance is grounded in an individual right to located life-plans, while ours is grounded in the notion of a community-based occupancy right, a collective right that individuals have in virtue of their belonging to a specific community.

This jurisdictional power can be conferred on already existing communities, but access to ways to build such institutional structures can transform or consolidate neighborhoods into communities through organization around shared public spaces and interests. The right enables private individuals to work together collectively and, through their collective action, to realize the kind of relationships that are constitutive of community. They can also help to include newcomers into the community, for these newcomers will also have interests in the kind of neighborhood, in its facilities, and in the design of the public spaces that they have moved to. Of course, there is no guarantee that community-building will happen because it requires people to invest time and effort into making these structures work and building these relationships, but institutional structures that empower communities can at least make this possible.

Here, one might object that, while democratic control at the level of neighborhoods or even cities might have positive effects on collective control and community-building it will likely have an adverse effect on ensuring affordable housing, and so on the first two place-related rights. This is because many neighborhoods, especially ones with low-density housing, would prefer to zone the neighborhoods to require only the building of similar low-density housing. This clearly is a major factor in restricting how many houses can be built, and so reduces the supply of housing, which leads to an increase in cost. In Toronto's Deerfield park, a leafy neighborhood of detached homes, a proposal to develop two single-family lots into a 12-unit condo building (a small step in densifying the area) has long been mired in neighborhood opposition and delay.

While building single family homes may be the tendency, it is not always the case. For example, in 2021, Berkeley, California was the first locality in the US to mandate single-family zoning.<sup>40</sup> The Berkeley City Council (unanimously) voted to end exclusive single-family zoning so that 9,000 housing units at various income levels can be built over the next several years. In Los Angeles, voters raised taxes on themselves to address homelessness, and the Mayor, Karen Bass, and City Council recently exempted affordable housing from a lengthy step in the planning process. They signed into law an ordinance updating the city's zoning code to exempt all affordable units from the time-consuming Site Plan Review processes that often delay final approval of

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40 Supriya Yelimeli, "Berkeley Votes for Historic Housing Change: an End to Single-Family Zoning," *Berkeleyside*, March 25, 2021, available at: <https://www.berkeleyside.org/2021/03/25/berkeley-single-family-zoning-city-council-general-plan-change>.

much-needed housing projects.<sup>41</sup> As part of the Housing For All Plan – the City’s effort to build 82,000 new homes over the next 8 years – the Mayor of San Francisco, London N. Breed, signed legislation removing barriers in the San Francisco Planning Code that will make it easier and faster to approve new housing by eliminating unnecessary processes, hearings, and geographic restrictions, and by expanding housing incentive programs for new housing that fits within the City’s already existing zoning laws.<sup>42</sup> The State of California followed suit and has ended most single family zoning. Oregon<sup>43</sup> and Maine<sup>44</sup> have also outlawed single-family zoning. Connecticut<sup>45</sup> and Massachusetts<sup>46</sup> have taken steps in this direction. These recent policy changes suggest that placing control at the local level is not necessarily a bad step, although clearly more empirical work is needed to determine the conditions in which this is likely to happen and be effective.

This is not to say that the Federal government never has a role to play. They may be needed to incentivize action at the state and municipal level. As Elinor Ostrom has argued, common resources, including shared land, should be governed in nested tiers from the lowest level (e.g., neighborhood) up to the entire interconnected system (e.g., state/provincial and federal).<sup>47</sup> The general thought is that we only move up a level or tier – e.g., to the state level – when the lower level – e.g., the municipal level – cannot find a workable solution to the problem at hand. This response is exemplified in New Zealand’s 2021

41 City News Service, “LA Mayor Karen Bass Signs Ordinance to Streamline Affordable Housing Developments,” July 7, 2023, available at: [https://abc7.com/los-angeles-affordable-housing-la-mayore-karen-bass-ordinance-signed/13471388/#:~:text=LOS%20ANGELES%20\(CNS\)%20%2D%2D%20Mayor,of%20much%2Dneeded%20housing%20projects](https://abc7.com/los-angeles-affordable-housing-la-mayore-karen-bass-ordinance-signed/13471388/#:~:text=LOS%20ANGELES%20(CNS)%20%2D%2D%20Mayor,of%20much%2Dneeded%20housing%20projects).

42 City and County of San Francisco, “Mayor Breed Introduces Housing For All Legislation to Remove Barriers for New Housing,” April 18, 2023, available at: <https://sf.gov/news/mayor-breed-introduces-housing-all-legislation-remove-barriers-new-housing>.

43 Laurel Wamsley, “Oregon Legislature Votes To Essentially Ban Single-Family Zoning,” National Public Radio, July 2019, available at: <https://www.npr.org/2019/07/01/737798440/oregon-legislature-votes-to-essentially-ban-single-family-zoning>.

44 Christian Britschgi, “Maine Becomes the Third State to End Single-family-only Zoning” *Maine Wire*, April 2022, available at: <https://www.themainewire.com/2022/04/maine-becomes-the-third-state-to-end-single-family-only-zoning/>.

45 Desegregate Connecticut, “2021 Legislative Reform.” “Advancing Equity in Zoning Laws Overall,” available at: <https://www.desegregatect.org/hb6107>.

46 Massachusetts Government: Executive Office of Housing and Livable Communities, “Multi-Family Zoning Requirement for MBTA Communities,” available at: <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>.

47 Elinor Ostrom, *Governing the Commons* (Cambridge: Cambridge University, 2015).

housing law, which gives the central government the authority to remove zoning requirements from the neighborhood and city level, and to place it at the level of the national government, which can weigh the benefits of building more housing nationally, and more effectively realize people's first two place-related rights. A tiered system is needed to ensure fairness and to resolve conflict, and especially to ensure that communities are placed at the center of decision-making, while also making sure that everyone's rights (including the right to housing) is respected.

One very serious worry about community-based control is the possibility of elite capture. Elite capture occurs when subgroups of a community mobilize resources to further their own self-interest at the expense of other subgroups in the community. This is an especially serious problem in the circumstances of grave inequality and commodification of housing that characterizes advanced capitalist, democratic societies. In any geographic space, there are likely to be multiple communities who share the space and who must work together to determine how to organize access to that space. This is why it is important to design institutions to address the problem of elite capture (which can happen at any level of government). Philip Pettit has argued that – to protect against domination – democratic design should have strong processes of contestation that allow the marginalized to contest outcomes that go against their interests.<sup>48</sup> In the case of neighborhoods, it is important that the right to community not only be placed alongside the other rights – a right to an adequate home, and stable residency in one's existing (adequate) home, not just any home – but also that it is interpreted in a way that recognizes that most neighborhoods have multiple, and sometimes overlapping communities that share that space, including communities of homeless people or people who live in the place precariously. These communities ought to be given a collective voice in the design of the cities and included in deliberative processes of contestation. We cannot solve the problem of political will and political corruption, here, but our theory suggests, based on and within the bounds of these three rights, that we ought to ensure democratic control over the implementation of these rights and larger state-based control to ensure that development and housing policies are aimed at implementing all three rights. That they are not, now, doing so in the current system is a problem from the perspective of the right to a community.

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48 Philip Pettit, "Republican Freedom and Contestatory Democratization," in *Democracy's Value*, edited by Ian Shapiro and Casiano Hacker-Cordon (Cambridge: Cambridge University Press, 1999), 163–190.

#### 4 Objections

There are three very serious potential objections that could be made of this argument, all of which claim that it has counterintuitive implications. Below we argue that our pluralist argument avoids the implications that it is charged with.

First, it might be claimed that this argument has proven too much. Does it make all community transformations wrongful, even when we think that some may be morally permissible? Rafeeq Hasan has argued that a community-based view of the wrongs of gentrification is counter-intuitive in a number of cases. In support of this claim, he argues that Jewish people in Harlem did not have a claim against Black American residents who arrived through the Great Migration.<sup>49</sup> In his view, Black Americans had the right to settle in Harlem. He suggests that a community-based view cannot support this conclusion because it places values on protecting the preexisting Jewish community in Harlem.

Unlike the other community-based accounts that Hasan considers, because it builds on three important place-related rights, our pluralist argument can account for this intuition. In the first part of our argument, we posited a right to a home, and this grounds an obligation to make room for the displaced. The Great Migration was the result of Black Americans fleeing the South, where they were largely expelled by deprivation and unjust conditions. On our account, everyone had an obligation to allow Black Americans to make a home, not just the Jewish people of Harlem. Maintaining a community does not justify exclusion: indeed, some inclusion is required by recognition of the first place-related right. However, since the duties implied by these three place-related rights can press in different directions, it may be that the most optimal result would be for each community to have a (defeasible) right of control over the rate of change so that this can be done in ways consistent with maintaining communal relations.

Second, a further objection charges occupancy accounts, of which this is a version, with being unable to distinguish between two different cases that we ought to be able to distinguish between: (i) that of a low-income individual who is priced out of a gentrifying neighborhood and (ii) that of a well-off person who is priced out of their increasingly popular neighborhood. This may be true of some occupancy arguments, but our three-tiered argument does provide the conceptual resources to distinguish between these two cases.

In the case of a poorer individual, gentrification poses a threat to *all three* place-related rights. It jeopardizes, not only the community that they live in,

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49 Hasan (Unpublished Manuscript).



their relationships and commitments, and plans and projects in that place, but their right to a home itself. For most of these individuals, their position in the neighborhood is precarious, and there are few alternatives. This is not true of wealthier individuals who are not only able to secure alternative housing but are more likely to be able to realize at least some of their located life plans, which are non-neighborhood specific. This means that the first right (right to a home) is secure for wealthier individuals but not for poorer ones. Even the second right – which protects one's interest in one's located life plans – is not *as likely* to be threatened, since well-off individuals are likely to have greater opportunities to realize at least some of their located life plans. Although this is an empirical matter, and individually variable, we may reasonably expect that people who have left to go to university, who have traveled across the country and beyond, who enjoy high-paying jobs, have located life plans that reflect their greater opportunity sets. This means that their located life plans are less likely to be neighborhood-specific. It is also reasonable to assume that, not only are their plans structured by their social position and their greater opportunity sets, but their possibility of implementing them are greater than for poorer individuals, whose life situation is more precarious.

This is another way in which an analysis of the two rights is different depending on whether the individual is rich or poor. We have already argued above that the third right – to place-based community – is also more important for poor people than for rich people. Having said all that, it is clear that having to leave one's home and neighborhood and the relationships and attachments developed there may be difficult for all social groups. Nevertheless, in balancing the interests at stake, it seems that poorer individuals' interests are more threatened than those of wealthy individuals and ought to take priority.

A third concern is with the tensions that arise between community control, and especially local democratic control over zoning and other things, and the first right (right to a home): too often communities show a preference for building single-family homes over denser, affordable housing. We have addressed this to some extent in our tiered proposal for government protection of rights and with the insistence that poor and homeless people frequently constitute communities too, who should be empowered in decisions to shape their communities and cities. But here let us consider more directly the problem of NIMBYism (“not in my backyard”) – the opposition of residents to affordable housing developments in their *own local area*, despite agreeing that people have a right to affordable housing, more generally (by which they mean – elsewhere).

In 2008, the Canadian federal government was considering transferring surplus land, located on the northwest corner of the intersection at highway 15



and 2, to the City of Kingston, Canada for \$1. The sale price was based on the condition that the land be developed for affordable housing, something the city is in dire need of. The plan was to create housing for as many as 100 families, who would be spread across multiple family dwellings. The land was located in the historic Barriefield Village. Barriefield residents opposed the plan, claiming that the development would detract from the overall historical character of the Village, something that was collectively held to be important by the residents of Barriefield. In the end, the development did not move forward. The residents of Barriefield Village claimed a right to preserve a community and to exclude those who have a need for affordable housing. The city conceded.

At first glance, it might seem that the right to affordable housing comes into conflict with the right to preserve a community. In our view, the right to a home (and relatedly affordable housing) is a more basic right, in Henry Shue's sense, than either the occupancy rights or the place-based community right.<sup>50</sup> If the two rights are in direct conflict, then we ought to ensure that the right to affordable housing is addressed. This does not mean that the more basic right to a home of everyone (everywhere) must already be met, but rather, implies the weaker claims that (a) every community must do its fair share to ensure that affordable housing is available; and (b) including poorer people does not necessarily undermine the existing community and its projects.

To return to the example: let us assume that the community in question – Barriefield – is a genuine community, and that one of its orientating values is the preservation of history and architectural beauty.<sup>51</sup> However, this is not jeopardized by the inclusion of poorer individuals, because there are straightforward ways of ensuring that the historical character of the community is preserved while also allowing for the new affordable housing development. In Barriefield, external renovations of historic homes must be approved by the historic committee, and approval is contingent on meeting specific aesthetic standards. This is how the community ensures that the historic character of the neighborhood is preserved. Something similar could have taken place with respect to the proposed new development. Its appearance could easily have been vetted by the committee to ensure that it met the relevant aesthetic standards and fit in with the general historical character of the village.

<sup>50</sup> Henry Shue, *Basic Rights* (Princeton: Princeton, University Press, 1980).

<sup>51</sup> For a recent defense of NIMBYism, see Christine Sypnowich, "In defense of NIMBYism," *New Statesman*, 8 December 2020, available at: <https://www.newstatesman.com/politics/environment/2020/12/defence-nimbyism>.

## 5 Conclusion

The argument that we have presented in this paper identifies three distinct place-related rights – rights to a home, rights to residency, and rights to a place-based community – and argues that all three are typically threatened by gentrification. We have examined the justificatory argument that grounds the entitlement(s) in question, and argued that the wrong(s) of gentrification consist in the violation or non-fulfillment of these rights.

We also suggest various duties that follow from the analysis, including the idea that the state is the primary duty-bearer in terms of ensuring that the rules of property and regulation should be consistent with affordable housing (right to a home), and plans to keep residents in place during investments (residency rights); as well as democratization at the local level so that communities can have some control over the local dimensions of their lives (place-based community rights). We understand these duties as applying in the first instance to the state, and the third right as justifying empowering democratic neighborhood associations. We recognize, but do not discuss at length, the fact that the duties that flow from the rights are in possible tension with one another, and particularly in tension with the rights that flow from property. This is not a worry, however, since property rights, as we conceive them, are not natural but conventional, and the basic idea is that these rights should inform the constraints and rules built into the idea of a housing market.

While our pluralist view of three place-related rights is consistent with some of the previous work in normative theory that addresses gentrification, our account offers some distinct insights. We agree with Peggy Kohn that gentrification is problematic in large part because many injustices coalesce at the neighborhood level, and with Kohn and Huber and Wolkenstein about the particular wrong of expulsion. We agree with Katy Wells that gentrification (even the word “gentrification”) has problematic psychological dimensions, and could potentially be undermining of people’s sense of self-respect.<sup>52</sup> Our view is that we can only develop an account of how self-respect is impacted after we understand the nature of the rights and interests that are threatened by gentrification, since self-respect is often grounded in the satisfaction of our rights. We also agree with Daniel Putnam that, in many cases, domination features prominently in many cases of gentrification, but our account focuses on the particular place-related wrongs that accompany gentrification, even when domination may be absent.

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52 Katy Wells, “State-led Gentrification and Self-respect,” *Political Studies* 70, no. 3 (2022).

Our account is also different from a common view held by those who agree with us that gentrification is wrongful, but attribute its wrongful character to a common, though not universal, result of some forms of gentrification, namely that of expulsion. In neighborhoods where the rent is lower than the market value, there is an incentive on the part of landlords to evict or replace tenants, and this effect – which we term “expulsion” – is often described as the central, indeed often the only, wrong connected to gentrification.<sup>53</sup> More recently, Jakob Huber and Fabio Wolkenstein have offered a place-based account of that wrong, developed principally from Margaret Moore’s and Anna Stilz’s discussions of occupancy rights, which they argue are violated when people are expelled through processes of gentrification.<sup>54</sup> Daniel Putnam adds that expulsion, and the threat of expulsion, amounts to wrongful domination, and David Jenkins too provides an extensive discussion of the relationship between gentrification and domination, focusing on the economic relationship of modern capitalist societies, which sees gentrification as caused by the dynamics of accumulation and production.<sup>55</sup> Jamie Draper’s account focuses on the role of gentrification in undermining democracy through homogenization in public spaces and community disintegration. We agree – with these thinkers – that expulsion is wrongful because it involves the non-fulfillment of at least one of the place-related rights that we defend; however, empirical evidence suggests that gentrification as a process of urban change may be wrongful even in cases where people find ways to stay in their homes and neighborhoods.<sup>56</sup> On our account – which is in broad agreement with Kukla’s account of gentrification – such people may still be wronged by gentrification, if they are stuck in a disintegrating community.<sup>57</sup> Further, while the relationship that is engendered by the unequal power between landlord and tenant may be wrongful because it is one of domination, as Putnam emphasizes, the denial of place-related rights is the core wrong. Relations of inequality and domination

53 The wrong of displacement or expulsion, identified in terms of the consequences, is widely accepted. See United Nations Office of the High Commissioner for Human Rights, “Contribution to the 2014 United Nations Economic and Social Council (ECOSOC) Integration Segment,” 2014, 1, available at: <https://www.un.org/en/ecosoc/integration/pdf/officeofthehighcommissionerforhumanrights.pdf>; accessed 19th August, 2020.

54 Huber and Wolkenstein (2018), 378–397; Moore (2015); Stilz (2019).

55 Daniel Putnam, “Gentrification and Domination,” *Journal of Political Philosophy*, Forthcoming; David Jenkins, “Gentrification as Domination,” *Critical Review of International Social and Political Philosophy*, published online September 2022.

56 Sundstrom (Unpublished Manuscript); Kohn (2016), 91; Jacob Vigdor, Douglas S. Massey, and Alice M. Rivlin, “Does Gentrification Harm the Poor?” *Brookings-Sharpton Papers on Urban Affairs* (2002), 133–173.

57 Kukla (2021).

seem to follow most market relations, not simply housing markets. We find persuasive Jenkin's social and economic descriptive account of the processes of gentrification, rooted in capitalist relations, but we think that its wrongfulness are not completely captured by the unequal relationships that are produced (and capitalism produces them in many contexts) but must also include the denial of people's fundamental place-related interests.

What is novel about our approach? Our account offers a new view of the wrongful character of gentrification, which is pluralistic, locating the wrong in the non-fulfillment of three place-related rights. By focusing on the multiple ways that people are connected to a place, we offer a more complete and systematic account of place-related rights, which can explain the limits of those rights in terms of the duties that are engendered by the other place-related rights. This is a significant advantage, because, as we argue above, it enables us to address criticisms that have been made when theorists focus on only one of the place-related rights. One worry that arises is that community-based accounts make all community transformations wrongful. We suggest that the right to a home means that some transformations and attempts to make room for incoming migrants are required by all communities, no matter how long standing the original inhabitants' entitlement to live in their neighborhood is. Another common criticism of the community-based account is that it can justify well-off communities in excluding poorer incomers, but we show that, when combined with recognition of a right to a home, that this is not true. This also applies to Huber's and Wolkenstein's criticism of collective occupancy accounts (of which our community-based account is a version), which, they allege, support, strong exclusion, but we show that this is not a reason to reject the community-based argument, but to situate it within a more complex and nuanced account of place-related rights.

Another virtue of our approach is that it offers an account of the different ways that people relate to a place, and the harms associated with gentrification. Unlike many dominant accounts, including Huber and Wolkenstein's, ours can explain why *disintegrating communities*, and not merely expulsion, constitutes a wrong. This point – that gentrification can contribute to disintegrating communities – has also been made by Jamie Draper, who offer a persuasive discussion of this effect.<sup>58</sup> However, he identifies the wrong in terms of the impact on democracy, whereas our account is more direct. The place-based account captures people's felt experiences of place and their lived experiences of community. For many, the wrong of gentrification arises from a sense that

<sup>58</sup> Jamie Draper, "Gentrification and Everyday Democracy," *European Journal of Political Theory*, Published Online, Nov. 2022, 1–22.

an important set of interests that follow from living in a place – including the interest in maintaining communal relations – have been violated. It is our connection to places and communities that give shape and meaning to our lives. And, it is a great loss to our autonomy and well-being when our interests in these connections have been thwarted, left unfulfilled, or not taken into account.

### Biographical Note

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