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Gated Communities Are Harmful—Just Look At Their History

In the midst of protests against police violence following the deaths of George Floyd and Breonna Taylor this past summer, the nation was forced to once again reckon with its racist history. As part of this reckoning, we ought to examine the very neighborhoods in which we reside.

Private property has been a protected tenet of American housing since the inception of the Constitution. One manifestation of this right are racial restrictive covenants: restrictions written into property deeds that white residents used for most of the first half of the twentieth century to evade anti-segregation ordinances and bar people of color, primarily Black folks, from purchasing property in certain neighborhoods.

Today, we can witness a similar manipulation of private property in the proliferation of gated communities.

Gated communities may seem like a far cry from the overt and intentional racist segregation enacted by the racial restrictive covenant. However, a comparison of the two phenomena shows that in defending private property to legitimize segregation, gated communities draw upon the same logic of racially restrictive covenants.

Racial restrictive covenants emerged in response to shifting demographics that posed a threat to white middle-class spaces. They rose to popularity in the wake of both the 1917 court case *Buchanan v. Warely* that outlawed state-mandated segregation and the Great Migration, in which Black migrants moved from the rural south to northern and midwestern urban centers en masse. In response, white residents wrote racial restrictive covenants into their property deeds to preserve the segregation that was threatened by their new neighbors and yet was no longer enforceable by the state.

Just as residents feared the intrusion of white space during the Great Migration, gated communities emerged in the 1980s when upwardly mobile people of color began to possess the means to access suburban spaces. This was also the height of Reagan’s War on Drugs and the pandemic of moral panic it fueled around crime and vice. The fear of people of color as criminals incited by the War on Drugs and the rise of gated communities as havens of enhanced security is no coincidence. The language of safety and security used by gated communities were racially coded justifications for exclusion.

Forty years after the War on Drugs, gated communities continue to use the defense of private property to preserve the exclusivity of neighborhoods. Take, for example, the case of Breezy Point, a private community in Queens, New York that is [92% white and overwhelmingly Republican](https://www.nytimes.com/2020/10/20/nyregion/breezy-point-queens-trump.html?searchResultPosition=1). In order to live there, [a buyer must obtain recommendations from three current residents and approval from the board](https://www.brickunderground.com/buy/breezy-point-real-estate). Privatization allows members of Breezy Point to do the same thing that racial restrictive covenants sought to do without using overtly racist and illegal discrimination.

Racial restrictive covenants and gated communities are by no means a perfect analogy. While the racial restrictive covenant operated with the explicit goal of racist segregation, gated communities restrict access on any number of grounds not in direct violation of anti-discrimination laws. However, the key similarity remains in the use of legal maneuvering to opt out of public space and use private property rights to enforce segregation.

The gated community adopts the social and legal logic of the racial restrictive covenant and pushes it to further extremes of privatization. The physical gate creates sharp and policed boundaries between inside and outside that were not so concrete nor patrolled in the time of racial restrictive covenants. Rather than just mandating exclusion, the gated community creates insular spaces that foster likemindedness and fuel fear of outsiders. When acted upon, this fear of outsiders legitimized by private property can be dangerous, and in some cases, fatal.

Gated communities aren’t illegal—just as racial restrictive covenants weren’t in their prime. Individuals have the right to control their private property as they see fit as long as it does not violate the Constitutional rights of others.

But while residents have the right to control access to their neighborhoods, choose where they live and with whom, we must question the social and legal consequences of these choices. Racial restrictive covenants were taken to court and proved unconstitutional. Perhaps it’s time we learn from their history and question the legitimacy of gated communities. Just because something is legal doesn’t mean it’s harmless.