
November 1978

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Citation Information

Loughlin, Martin. "Book Review: Housing and Race in Industrial Society, by David H. McKay." *Osgoode Hall Law Journal* 16.3 (1978) : 798-799.

DOI: <https://doi.org/10.60082/2817-5069.2091>

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Book Review: Housing and Race in Industrial Society, by David H. McKay

HOUSING AND RACE IN INDUSTRIAL SOCIETY, DAVID H. MCKAY, U.K.: Croom Helm, U.S.: Rowman and Littlefield, 1977. Pp. 193.

This book is the product of a political scientist's comparative study of the racial implications of housing policies in Britain and the United States. In essence, it documents the failure of civil rights laws to combat the incidence of racial discrimination and disadvantage, and concludes that we have little cause for optimism regarding the future of urban racial minorities.

Recognizing that the social and economic forces which produce urbanism are incompatible with achieving equality of access to housing or other urban resources, McKay demonstrates that race generates a series of relatively autonomous problems. Having thus justified a separate study dealing with the racial dimension of housing problems, McKay argues the worth of comparative study on the ground that despite differences in the historical, social and political circumstances of racial minorities in the two countries, there are sufficient similarities in the measures taken to alleviate discrimination to engage in useful comparative policy analysis. Nevertheless, the author does recognize that differences, particularly in the size of racial minorities¹ and the institutional framework for governmental action,² have resulted in different manifestations of racial discrimination. In Britain, the problem is seen as primarily one of ensuring equal access to housing opportunities, whereas in the U.S., discrimination has resulted in the more intractable problem of "ghettoisation."

One factor McKay believes contributes to the similarity of reform measures is the common legal tradition of the two countries. His analysis, however, is rather unsophisticated due to his failure to stress the importance of the constitutional dimension to dispute resolution in the United States. The dynamism of adjudication at the constitutional level in the U.S. is highlighted by the Supreme Court's decision in *Washington v. Davis*,³ handed down four months before this book went to press and not included in the book. In that case, the Court rejected the proposition that disproportionate racial impact alone was sufficient to establish the unconstitutionality of a law or other official act, thereby suggesting that unconstitutionality must ultimately be traced to "a racially discriminatory purpose."⁴ The rationale of *Washington v. Davis*, which has now been specifically applied to the area of housing policy,⁵ undermines constitutional protections against racial disadvantage, by

¹ Britain's minority population forms, at most, 2.5% of the total population, whereas in the U.S., the black population alone accounts for 11% of the population.

² Public housing in the U.S. forms only 1.5% of the total housing stock and has become synonymous with black housing. This situation is reinforced by the structure of local government which places zoning power in the hands of small, fairly independent municipalities who have tended, in the absence of comprehensive regional planning, to use zoning as an exclusionary device and primarily as a tool for the stabilization of property values. By comparison, public housing in Britain, forming 31% of the total housing stock, is an accepted tool of social policy.

³ 426 U.S. 229, 96 S.Ct. 2040 (1976).

⁴ *Id.* at 239 (U.S.), 2047 (S.Ct.).

⁵ See *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 98 S.Ct. 752 (1977).

which is meant "the operation of apparently neutral rules and procedures whose effects are discriminatory."⁶

The value of McKay's study lies in its demonstration of the fact that civil rights and race relations laws have had little effect in increasing the housing opportunities of racial minorities in both the private and public sectors. All lawyers interested in anti-discrimination laws, urban affairs and administrative law generally, may be particularly interested in the ideological level at which McKay criticizes attempted legal solutions to the problem of racial discrimination:

Administrative and judicial remedies under civil rights laws have not had much impact on the private markets in either country because they fail to challenge the social structures responsible for succouring those values and practices which result in discrimination and disadvantage. Civil rights laws providing remedies for individuals . . . prevent the problem of discrimination from being perceived in terms of broad structural forces such as the fundamental economic interest which property industries have in social segregation. Instead, the law portrays discrimination in terms of individual instances of interpersonal conflicts of interest.⁷

McKay suggests that inequalities can be reduced only by "redistributing resources in favour of the black population either by massively increasing spending on the inner city or by moving disadvantaged populations from unfavourable to favourable economic environments."⁸ Unfortunately, McKay gives us no indication of how capital could be encouraged into areas of need, nor how positive results could be guaranteed.⁹

As a descriptive study, *Housing and Race in Industrial Society* provides an interesting and fairly concise account of the racial dimensions of housing problems. However, other than perhaps for individualist-oriented lawyers, it breaks little new ground in urban study, either on the level of analysis or theory.

By MARTIN LOUGHLIN*

⁶ D. McKay, *Housing and Race in Industrial Society* (U.K.: Croom Helm, 1977) at 175.

⁷ *Id.* at 176.

⁸ *Id.* at 180.

⁹ The inherent problems with McKay's proposed solutions are discussed in D. Harvey, *Social Justice and the City* (London: E. Arnold, 1973) at 107-18, especially.

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