MENDING WALLS AND BUILDING FENCES:

CONSTRUCTING THE PRIVATE NEIGHBORHOOD[1]

Sally Engle Merry

Robert Frost's famous poem, 'Mending Wall', poignantly exemplifies a curious American ambivalence about neighboring, about feeling close and staying apart. Readers of this poem are as likely to quote 'Good fences make good neighbors' as they are the later line in the poem, 'Something there is that doesn't love a wall'. Americans have schizophrenic views of separation and community. They seem to want the intimacy of community along with the freedom of privacy; the close ties of a cozy neighborhood as well as the ability to assert their rights of property and protection against insult and violence. As I studied American middle-class and upper-middle class urban neighborhoods, I found that their residents had often chosen privacy and distance rather than intimacy in their relationships with neighbors. In contrast to the prevailing image of working class and poor American neighborhoods, portrayed as intimate and interdependent (eg., Gans 1962; Stack 1974), I found these neighborhoods marked by patterns of staying away, of building fences, of cutting off relationships, and of moving out in response to problems and conflicts. Good fences made good neighbors here because they diminished the opportunity for conflict. Separation entailed a loss of intimacy, a 'walling in and a walling out' which, as in Frost's poem, produces peace.

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Separation has become a characteristic feature of social life in many American neighborhoods, particularly affluent suburban ones. The walls, social and physical, provide peace and freedom from the prying eyes of neighbors. When the walls crumble, however, the most common move is to the law.[2]
Order is maintained by shared standards of behavior enforced by local government rather than by informal social control.

Examining the pivotal role law plays in ordering social life in affluent American suburbs provides one way of understanding the nature of legal pluralism in industrialized societies. At first glance, such communities seem remote from the legal system. Residents rarely appear in courts as defendants or as plaintiffs against their neighbors. They condemn others who use law to deal with interpersonal problems and they resist exposing their personal lives or problems in public arenas. Yet, people who live in such neighborhoods rely heavily on law to regulate their neighborhood and family lives, to maintain the privacy and distance they value. Law provides the symbols of ordering, the forms by which people live together. Residents of these separated neighborhoods deal with irritating neighbors by petitions, by zoning laws, by leash laws and by dog officers. Here, the law operates in 'trouble-less' situations, providing a form of regulation which is unstated rather than appearing in moments of breach (Holleman 1986). But it is a local law, created and implemented within local towns.

In a society which believes both that good fences make good neighbors and that something doesn't love a wall - a society which hears both voices in this poem, law provides the fundamental form of ordering, even in its silence and even though few conflicts erupt for which it is used directly. Its silent presence establishes the basis of order.

These conclusions emerge from a comparative study of the role of law in the social ordering of four urban neighborhoods in New England, ranging from working-class to upper-middle class, carried out during the early 1980s.[3]
I did ethnographic research on all four, examining in each how often people had family and neighborhood problems and what they did about them. Two were working-class neighborhoods, one of which was fairly stable and the other

2 Other studies describing similar kinds of communities in the United States also reveal patterns of social distance and conflict avoidance. See, particularly, Baumgartner 1988 and Perin 1988.

3 I have described these neighborhoods in more detail in Merry and Silbey 1984; Merry 1987; Merry 1990. The private neighborhood concept is described briefly in Merry 1987 but developed more fully here.

undergoing rapid transformation. The third was a middle class suburb of single family homes, economically homogeneous but ethnically diverse. The fourth was an upper-middle class suburb of single family homes, economically and ethnically homogeneous and socially stable.[4]

The comparison was an effort to pin-point features of class and stability which affected the frequency and kinds of problems people had outside of court. Since lower middle class and working class people were more likely to bring problems to court than poorer or more affluent groups, I wanted to know if they tended to have more problems than the other groups or were simply more likely to rely on the court for help.[5]

Of the four neighborhoods, two exemplified what I call private neighborhoods. A private neighborhood is characteristically a neighborhood with widely spaced houses, a homogeneous housing stock, extensive town regulations, a police force effective in dealing with public order and dog problems, pervasive norms of social distance and avoidance, and a stable social identity. Privacy is highly valued. In these neighborhoods, houses are spaced far enough apart to reduce the irritations of noise, wandering dogs, and playing children that serve as the focus of conflict in denser neighborhoods. Lots tend to be a quarter of an acre or larger. Private neighborhoods tend to be affluent: these design features are expensive. Zoning regulations detail what kinds of buildings and activities are permissible in different areas, thus serving to maintain socially homogeneous neighborhoods and eliminating buildings and land uses which are seen as nonconforming (See further, Perin 1977; Vandervelde, in this volume).[6]

I found few indications of local leaders, little if any locally-based dispute settlement, and relatively little concern with neighborhood gossip, reputation, or

4 After I studied the first three neighborhoods, I noticed that the single-family suburb was intriguingly different from the other two more urban and working-class neighborhoods. It had less conflict and more pervasive norms of privacy between neighbors. To see if these differences were enhanced with a yet more affluent suburb, I studied a fourth neighborhood in 1985 with a similar combination of survey and ethnographic techniques.

5 For a further discussion of the way working class people use the court system, see Merry 1990.

6 As Eric Steele describes in his study of another mature residential community, zoning serves to conserve the existing character of a town and maintain existing land uses, particularly of single-family residential areas (1986: 731).

standing. Instead, there was a desire for social distance from neighbors and the avoidance of conflict.[7]

In these neighborhoods, peace and social order are achieved through privacy and government regulation rather than cooperation, compromise, and informal social control. Law provides a fundamental mode of ordering.

Residents tolerate family and neighborhood problems as long as possible, avoiding the annoying behavior, building fences and closing windows against noise, calling the dog officer about dogs, seeking counseling or separation for marital problems. But, when these problems become unbearable, people turn to the law. They often call the police, but do not file criminal complaints against their neighbors. In neighborhood disturbances, most people only want the noise or the party stopped, they do not want the culprit arrested or punished.[8]

The law occupies a peculiarly ambiguous position here: it is regarded as more civilized than violence and yet also as inappropriate for interpersonal problems, particularly family problems. It is more significant for establishing the forms and standards of collective life than for interventions in conflicts. And when law does intervene, residents want only its fringes: the tactful request for quiet without an arrest, a visit from the dog officer allowing the complainant to remain anonymous.

Is this kind of neighborhood symptomatic of the 'breakdown of community?'[9]

Commentators since the 1950s and earlier have bemoaned the disintegration of the American community (eg., Nisbet 1953, Gans 1962; see generally Bender 1978). The notion of community breakdown is part of a general theory of the relationship between formal and informal social control and the conditions under which one or the other predominates (see, generally, Wirth 1938; Schwartz 1954; Black 1976). According to this theory, formal and informal social control are inverse; the more formal social control, the less informal, and vice versa. Therefore, the collapse of informal social control will be associated with an expansion of formal. Informal control exists only under conditions of stability, intimacy, and normative homogeneity. As society becomes more functionally specialized, mobile, and differentiated, and is transformed by urbanization and industrialization, these conditions tend to disappear. The normative homogeneity and social linkages which provided for effective informal social controls within

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7 Mary Pat Baumgartner has analyzed a similar form of neighborhood life (1988). For a discussion of forms of social order in such neighborhoods, see Perin 1988.

8 In his comparative study of policing, Wilson noted this important order maintenance function of police officers in such affluent suburbs (1968).

9 For the classic statement of this position, see Nisbet, 1953.

local communities dissipate. Gossip, scandal, and other forms of social pressure fail to produce an orderly society.

This theory seems to imply that the state expands into a vacuum; that its growth is a passive response to the collapse of community. However, this is a theory of correlation, not causality. The expansion of formal social control is not caused only by changes in the community. Instead, the state has actively expanded its scope and its reach, redefining the structure of community in the process (Friedman 1973). The invitation to individual plaintiffs to bring their personal problems to the court is one small part of this expansion (see Merry 1990).

Instead of seeing private neighborhoods as the product of the degeneration of community, I think that private neighborhoods are created by choice. At the same time, they are produced by the expansion of regulations by states and towns. In the communities I studied, the private neighborhood seemed for many residents to be a product of a desire to escape from the intimate and confining urban ethnic neighborhoods of their parents and grandparents to a spacious suburb where one is insulated from the gossip of neighbors and relatives and the authority of community leaders. This desire is hardly new in American society, nor is dealing with conflict by avoidance and exit. A nation of immigrants, Americans have since the earliest days responded to control and social pressure by moving on, moving West. They have long pursued individual opportunity and freedom of expression at the expense of community ties. As Bender points out, according to American historians, community has been breaking down for at least two centuries (1978; see also Wiebe 1975).

Yet, as Americans in the contemporary period as well as in earlier eras seek to escape the social control of local neighborhoods, they have become more dependant on the law to regulate their day-to-day affairs (but see Greenhouse 1986). The zoning board, the police officer, the town council, and the use of space and distance provide ways of regulating interaction and diminishing the frequency of interaction. Such private, legally regulated worlds are places without overt conflict; people need not fight with their neighbors because they see little of them and can rely on enforced town regulations if they cannot avoid them altogether. The law is a last resort, but it is viewed as the more civilized way to deal with problems.

Social Order in the Private Neighborhood

In private neighborhoods, order is conceptualized as rooted in alikeness rather than cohesion. The sense of belonging comes from a stable class identity rather than enduring social relationships. Neighbors help each other by staying away

from each other, comfortable in the expectation that the person they do not know will help if necessary because they expect the same thing of themselves. Wealth - the price of houses and the rent of the few available rental units - insulates this kind of community from residents of different life style or social class. People do not fight with their neighbors because they have shared standards of life, yet they do not know these neighbors. This is a neighborhood of *transience*, in that people move in and out, but it is not a neighborhood of *transition*. Those who move in replicate those who have left, maintaining shared norms of neighborhood life despite a shift of personnel. The private neighborhood offers peace without intimacy. Its residents avoid conflict by avoiding each other.

The social life of private neighborhoods is based on choice, not propinquity. The neighborhood is chosen for its houses, its prestige, or its schools rather than family relationships or where one happens to be born. Residents' close friends live elsewhere and are contacted through the work place, organizations, or in informal socializing. Neighbors are casually friendly, saying 'Hello' on the street, but generally avoid deeper entanglements. They generally feel too 'busy' to visit with neighbors, although this 'busyness' is simply a reflection of the way they have chosen to organize their lives. To be busy is to be important. There are rarely people lounging outside in such a neighborhood except for short periods of garden work, although many pay for lawn services. Otherwise, they are inside their houses or away from home, working during the week and away on vacations or social activities on the weekends.

People who live in this kind of neighborhood are preoccupied with status, competition, individual growth and fulfilment, and constant activity.[10]
Children participate in numerous classes and after-school activities; voluntary associations and religious organizations consume adult time; and recreational pursuits usually involve trips to more distant places. Status is defined not simply by wealth but by education, taste, individual accomplishment, and life style. Walking through the streets of private neighborhoods, it appears that no one lives there: people rarely sit on their steps or in their front yards. They are not available to visit with anyone who chances by; they are not interested in 'passing the time' with a casual visit since they have already filled up their time with chosen activities, usually outside the home. The house and the neighborhood are not the places to be, the places where things are happening: activity is at the school, the church, the office, or the beach. The home is a place to seek repose and renewal. Its external appearance is important to the neighbors, but its interior privacy is scrupulously guarded.

10 For another portrayal of the suburb, see John Dorst 1989.

Four Neighborhoods and Patterns of Conflict

The four neighborhoods are small geographical areas generally recognized as having a distinct name and social identity, each with about 1000 residents. Each is a subsection of a larger town, not an autonomous political entity. The first three neighborhoods are located in Salem, a small city near Boston, Massachusetts, part of the urbanized Eastern seaboard of the United States. The fourth neighborhood is a subsection of Wellesley, a bedroom suburb outside of Boston, most of whose residents commute to the city rather than working in the town.[11]

Two of these can be analyzed as private neighborhoods. Riverdale (a pseudonym) is a recent suburban development within the city limits of Salem. Built in the mid-1960s, it is a collection of single-family homes clustered closely together on relatively small lots, usually about 1/8 of an acre, with individual backyards. The houses are overall quite similar. They are separated from each other by about 30 to 40 feet, but this does not provide enough space for plantings to create barriers between the fronts of houses. Houses have garages and off-street parking spaces. Many people have fenced in their small back yards, but few have built fences between the houses. The population is predominantly white and economically homogeneous, although the neighborhood contains a wide range of ethnic backgrounds. Most people live in nuclear families. Those who responded to my survey there (36 people) indicated that most (97%) moved there because of the location or the houses, not for proximity to relatives or friends. Although the neighborhood is attractive, it is dense for a suburban development and the city's planners worry that it will not hold its value in the future.

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11 In collaboration with Susan Silbey, in each neighborhood I did intensive ethnographic research over a period of several months and surveyed approximately 32 people, a total of 128. The survey, a questionnaire of 88 items, asked people to talk about their neighborhood, their reasons for moving there, the kinds of problems they had, and what they did about them. Interviews were all in person and typically lasted between 45 and 90 minutes. Each respondent was presented with a list of the kinds of family and neighborhood problems which people most often brought to court and which were subsequently referred to a mediation program. The 41 problems were divided into four categories: neighborhood problems, family (marital and parent/child) problems, friendship problems (including boyfriend/girlfriend), and consumer and services problems.

A middle-class suburb in a predominantly working class town, Riverdale is a place for people who are 'making it', who have moved out of poorer, more congested areas and ethnic neighborhoods. For many of the residents I talked to, this is their first house, chosen because it was 'A lot of house for the money', an economical buy in a suburban-appearing neighborhood. However, it is a very dense suburb. Residents complain that they can see into each other's kitchens, and the proximity of houses and lack of fences and shrubs enhances the feeling that they have little privacy from their neighbors' prying eyes. As one woman put it, "Whenever I sneeze, the next house knows".

This is not a neighborhood of intimate relationships. There is little social life between neighbors, although there is considerable speculation about neighbors' purchases and financial troubles, about the risks of unemployment and foreclosure. Residents say that there is not much gossip and that which occurs focuses on lawns, paint, and shrubbery. As one woman put it, "Here we only talk about the outside of houses - yards, the paint, the appearance - not the insides of houses". This statement is true at a deeper level as well: the details of family life are, by and large, not known or shared by neighbors. For example, one resident reported that she did not know that her neighbor had been deserted by her husband until she moved out of her house several months later. Other residents reported feeling uncomfortable as they listened to a family yelling and fighting with each other, but were afraid to intervene or even to discuss their discomfort with each other. When one neighbor finally called the police to stop the fighting, the family who was visited by the police refused to talk to them for years. Privacy is very important.

Hamilton (also a pseudonym) is part of Wellesley, an affluent suburb of 27,200 residents within commuting distance of Boston. It is similar to Riverdale, but more affluent. Lot sizes average between a quarter and a third of an acre, generally double the size of Riverdale lots. Uneven terrain and plantings produce a fair amount of privacy in back yards but the houses are easily visible to each other along the streets. Almost all the houses have garages or off-street parking. It looks much like Riverdale except that it is less dense, has more lush vegetation, and has more varied house styles, ranging from some nineteenth-century frame houses to more elegant brick houses and modern split-level dwellings built in the 1960s.

Wellesley grew rapidly earlier in the century, but is now an established suburb with little room for further development. It has long been known as an elite community, a reputation enhanced by its superior schools and services. It was recently featured as one of the ten most elite suburbs by the metropolitan newspaper. The established reputation and lack of room for future development suggests little uncertainty concerning the future social class status of this town.

Although there is some ethnic, racial, and class mixture in the town, it is considered to be a predominantly WASP, upper-middle class community. There is virtually no industry and only a small commercial center, no liquor stores because the town has voted to remain dry, and until recently, no fluoridation of the drinking water. The town is generally considered to be politically and socially conservative. House prices are high and continue to rise. They are roughly double the prices of houses in the Salem neighborhoods.

The two other neighborhoods present a contrast to Riverdale and Hamilton. Hilltowne (a pseudonym) is a white, working-class neighborhood of small duplexes and an occasional single-family house. Built early in the twentieth century for the more prosperous and upwardly mobile residents of the town, predominantly Irish and French, it still has a mixed ethnic identity. This neighborhood has more family linkages than the others. Families often rent an apartment to children as they marry and establish independent households. For many Hilltowne residents, buying a home is beyond their means, and inheriting the family house is the only way they will be able to own a home. Mobility is relatively low, and many residents have other family members living on the same street.

Oldtowne (a pseudonym), is a working-class neighborhood in transition. Originally an elite neighborhood during the peak of the town's economic importance at the close of the 18th century, it contains beautiful houses built at that period plus multi-family structures built in later years. As might be expected of a neighborhood designed and substantially constructed during the 18th and 19th centuries, the buildings are small and packed together, the streets are narrow, and parks are few. The houses sit directly on the sidewalks and are separated from one another by no more than a few feet. They have back yards of only a few square feet and generally do not have off-street parking spaces. Some of the houses are sufficiently set back to carve out a small parking space in the front. Backyards are generally fenced and fences are common between houses that are a little distance apart. In the early twentieth century, the area was a Polish ethnic community, but by the 1970s, the neighborhood was changing. By the mid-1980s, people of varying lifestyles, class backgrounds, and values found themselves squeezed together around limited parking spaces and tiny yards.

The heterogeneous housing stock in Oldtowne fosters neighborhood diversity. Small 'period' homes, built in the 17th and 18th centuries, are interspersed among larger three-story apartment buildings. These square, unadorned frame buildings were originally built to house the poor mill workers who inhabited the neighborhood in the 19th century and are now divided into several small apartments. They are typically in poor repair. The young professionals moving

into the neighborhood prefer the old period houses, while the old-timer Polish families typically live in small single-family houses or duplexes of more recent date. A transient population of young people, students, and welfare families occupies the three-decker apartment buildings. When old-timers talk about neighborhood problems, their complaints generally focus on the residents of these buildings. And the residents of these buildings know that their neighbors constantly complain about them. In contrast, the two suburban neighborhoods have a highly similar housing stock, consisting largely of single-family detached homes with three or four bedrooms.

Residents of Riverdale and Hamilton reported far fewer neighborhood problems than residents of Hilltowne and Oldtowne. The 128 respondents identified 209 problems as particularly important. These were primarily public order problems concerning noise (18%), dogs making messes (13%), barking dogs (10%), vandalism (7%), faulty goods (7%), children playing in streets (7%) and a host of less frequent difficulties (see Table 1).[12]

The more private neighborhoods reported fewer problems and less concern about problems. Oldtowne residents reported 4.1 problems per respondent, Hilltowne 2.1 per respondent, Riverdale, 1.1 per respondent, and Hamilton 0.7. When respondents were asked if there were serious problems in their neighborhoods, 38% of Oldtowne respondents said yes as did 16% of Hilltowne respondents, but only 6% of both Riverdale and Hamilton respondents felt that way. Thus, residents of the poorer, denser neighborhoods feel more plagued by problems than do residents of more affluent, less dense neighborhoods. Furthermore, private neighborhoods have less overt conflict and fewer reported problems.

Similarly, in her study of court use in American neighborhoods, Mary Pat Baumgartner describes a distinction between a middle class suburb in which the residents rarely used the police, courts, or town offices and a working-class suburb which did more often (1984; 1985). She attributes this difference to the greater atomization and fluidity of middle class social life and a preference for higher status dispute resolvers, so that the middle class residents resisted calling upon the lower status police for assistance as dispute resolvers (1985: 22).

Yet, the comparison of Hilltowne and Oldtowne suggests that the frequency of problems does not depend on poverty and density alone. Oldtowne residents report far more problems than Hilltowne residents. These neighborhoods are

12 I suspect that the respondents were more likely to report neighborhood problems than marital or other family problems, since marital problems are not frequently mentioned.

Table 1. Frequency of important problems***

PROBLEM	Oldtowne	Hilltowne	Riverdale	Hamilton	Total
Dogs	(12) 15%	(11) 24%	(14) 33%	(11) 29%	(48)23%
Noise	(20) 25%	(6) 13%	(5) 12%	(6) 15%	(37)18%
Vandalism	(6) 8%	(6) 13%	(2) 5%	(1) 2%	(15)7%
Faulty goods	(3) 4%	(2) 4%	(3) 7%	(7) 17%	(15)7%
Kids playing	(9) 11%	(4) 9%	(2) 5%	(0)	(15)7%
Parking	(3) 4%	(4) 9%	(0)	(1) 2%	(8) 4%
Landlord/ten	(6) 8%	(2) 4%	(0)	(0)	(8) 4%
Harassment	(3) 4%	(2) 4%	(2) 5%	(0)	(7) 3%
Trespass	(4) 5%	(1) 2%	(0)	(0)	(5) 2%
Adult/kid	(1) 1%	(1) 2%	(2) 5%	(0)	(4) 2%
School prob	(2) 3%	(0)	(1) 2%	(2) 5%	(5) 2%
Kids' fight	(1) 1%	(1) 2%	(2) 5%	(1) 2%	(5) 2%
Other	(37) 18%				
Total 100%	(80)	(45)	(43)	(41)	(209)

* This table is similar to one in Merry 1987: 50.
** Describes the three or fewer problems identified by each respondent as most important, by frequency of problem mentioned in descending order.

similar in their predominantly working-class composition, but Hilltowne is stable, while Oldtowne is experiencing a rapid social transformation. There are numerous political conflicts in Oldtowne between those who wish to upgrade the neighborhood into a historic district and those who wish to preserve it as an area of low-priced housing. The gentrifying young professionals have joined with a few of the old Polish families to push for an identity as an elite historic area, while the more transient residents and the poorer Polish families try to block this process, fearing that they will be priced out of the neighborhood. Neighborhood conflicts are often micro-level political battles concerning these issues. For example, one young professional moved into a period house and carefully

restored it. She was active in trying to upgrade the neighborhood and to increase its historic identity. She said she was willing to put up with the noise and the loud parties of her neighbors who lived in a frame three-decker building, but when she found a bra in the street, that was too much. She was willing to tolerate differences, but felt that the life style of the residents of this building, with their wild parties and underwear left in the street, was beyond what she wanted to endure. She called the police about the noise and hoped the people who made it would move away.

When the social composition of a neighborhood is changing, its residents experience uncertainty (see further Nash 1989). They often feel unsure about who belongs in the neighborhood and what kind of neighborhood it is. Local conflicts escalate because of this uncertainty. Through these conflicts, however, neighborhoods are redefined and new norms created. When residents assume that there are shared standards for neighborhood behavior, they are less likely to have neighborhood problems. Shared standards for neighborhood life facilitate the management of neighborhood problems by providing a clear measure for judging behavior. Oldtowne residents, on the other hand, feel that there are no shared standards for their neighborhood. They often commented that different people have different ways of life. 'How is anyone to decide what is fair? ' Residents of the other neighborhoods did not say this. In contrast, suburban residents, particularly those in Hamilton, felt completely justified in calling the police over a barking dog or a loud teenage party late at night. Their greater willingness to use the police to enforce standards of order was based on their assumption that these standards were clear and widely shared.

Transiency, the turnover of population in a neighborhood, has very different social implications than *transition*, the change in the social class identity of a neighborhood.[13]

In neighborhoods of stable social identity, transiency simply means replacement of one individual with another of similar identity. This kind of replacement does not challenge the existing normative order. The newcomers enter a social world in which the standards are already clear and the mechanisms for enforcing them institutionalized in the form of police and town regulations. Hamilton respondents frequently commented on the number of new people moving in to their neighborhood, but the new people were very much like the people who left. This change was transiency, not transition. Oldtowne, on the other hand, is experiencing transition as well as transiency.

13 See Perin 1977 on the way zoning ordinances are related to this difference.

Thus, under conditions of rapid neighborhood transition, there is a destabilization of pre-existing hierarchies and a struggle for control over the neighborhood. The various groups occupying the neighborhood compete to define whose neighborhood it is and whose rules should apply. In Oldtowne, residents sometimes take these conflicts to court, where it provides a forum within which to continue the struggle. However, it is a forum which contributes its own categories of interpretation and meaning to those of the parties themselves (see Yngvesson 1988; Merry 1990).

Privacy and Avoidance

The paucity of problems reported by Riverdale and Hamilton residents is associated with a form of social ordering premised on privacy, avoidance, and law. Regulation in these neighborhoods proceeds more from the enforcement of authoritative rules than from incidents of conflict and their resolution. People responding to the survey indicated that Hamilton and Riverdale were more private places than Oldtowne. Seventy percent of the respondents in Oldtowne said that people in their neighborhood talk about each other, but only 21% in Hamilton and 19% in Riverdale felt that others talked about each other. Respondents in Riverdale and Hamilton repeatedly emphasized that in their neighborhoods, people keep to themselves and avoid intimacy with their neighbors. One woman in Riverdale said, "This is a neighborhood where people don't bother each other too much, where they mind their own business". Many of the survey respondents commented that all the adults in the families worked full-time so that they had little time to socialize with their neighbors, but that this situation was fine with them. They preferred to have their own private space free from intrusion by other people. They were generally reluctant to talk about their neighbors, both because they did not want to impose their views on others and because they did not want to be 'gossipy'. They typically did not talk much about one another's private lives, although they were very concerned with the exterior appearance of their neighbors' houses and were anxious to keep up the appearance of middle-class suburbia.

Privacy and keeping neighbors at a distance were similarly valued in Hamilton. Individuals in Hamilton who were too open and friendly found that they did not 'fit in'. One Hamilton resident, for example, who had come from another part of the country prided herself on her easy friendliness, saying that her door was always open and she was happy to have people of all kinds come to visit her home. Her neighbors were not friendly to her, however, which puzzled her. They complained about the traffic in and out of her house and her son's car repair work in the driveway. Another newcomer said that it was hard to get to know people, that they do not talk to each other much or pay much attention to

each other. Often, Hamilton residents do not really want to have close ties with their neighbors. Residents often praised their neighborhood by saying it had a 'good feeling', that it was 'not close' but that it was 'a peaceful and quiet neighborhood'. One woman was explicit about the link between social distance and peace:

> We're not really close social friends with our neighbors, so we don't have the chance not to get along. Unless someone is being totally obnoxious, there wouldn't be a problem.

These suburban residents avoid neighborhood problems by keeping to themselves.

Residents of these suburban neighborhoods seek privacy because they desire peace and because they can afford it. To be able to regulate social interaction to those one chooses, - to protect oneself from contact with the unselected,- is one way to express elite status. Privacy is the regulation of contact in desirable, coveted spaces, where competition for space is intense. This kind of privacy is expensive, a measure of power in American society. Wellesley is a town devoted to the enactment of this value as its competitive residents seek to achieve elite status. Riverdale is pursuing the same vision. The price is some degree of isolation from neighbors and neighborly assistance, but the reward is peace and quiet within a chosen rather than an imposed social world.[14]

The private neighborhood is a place of paradoxes. It is a bastion of individualism, in which each person competes to assert his or her own autonomy. Yet, it is also a place of alikeness, in which the houses look alike, the people dress alike, drive similar cars, and live similar lives. It is a neighborhood which values freedom highly: freedom from the prying eyes of neighbors and gossip, freedom from central government regulation and big brother social welfare policies. Yet, it achieves this freedom and peace by permitting extensive regulation of neighborhood life by the town and the police. Freed from the pressures of informal social control, these people are subordinated to the control of the more remote town political authority.

The factors which preserve the social identity of a neighborhood are economic, political, and historical. Wellesley is protected from change by its long and

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14 Baumgartner reports similar social organization in her study of conflict in an affluent American suburb (1988). On a similar social system, see Beer (1986) and Dorst (1989).

consistent history. It has a widely recognized social identity which has been unchanged for over one hundred years. Riverdale has also maintained a stable identity during its fifteen year existence, although its future is less secure than that of Hamilton. Oldtowne, on the other hand, has had shifting fortunes over the years. It is changing in large part because of an extensive urban renewal project on its borders which has renovated old wharves into a complex of trendy shops and a large condominium development. The recent changes are in large part engineered by external forces such as government decisions. Wealth and political power serve to protect a neighborhood from this kind of externally induced change.

In sum, the law regulates social life in different ways in transitional and in private neighborhoods. In general, those who bring their problems to court come from the poorer neighborhoods, where there are fewer regulations and less helpful police. Consequently, when problems become severe, they erupt into a direct confrontation. In the private neighborhood, there is less confrontation because there is more extensive and effective regulation and a more stable, less threatened social hierarchy. Poorer neighborhoods face more external pressures for change and are less effective in insulating themselves from unwanted outsiders.

Conclusions: The Escape from Community

Should we think about the private neighborhood in terms of loss of community and nostalgia for a warmer past? I think not. I argue that contemporary Americans are escaping from close-knit communities into such private neighborhoods. The autonomy and freedom from neighborly surveillance are considered worth the sacrifice in intimacy and neighboring. Despite the rhetoric of community, it is not clear that urban Americans regret the loss of an intimate, consensual community. Proponents of community portray the alienated urbanite forced to sacrifice the close social world of his ancestral village, but it often seems he or she wanted to leave. Life in the small town or village is, by some accounts, oppressive. Those who lived in the small towns of America during the nineteenth and twentieth centuries left the country for the city in droves. Obviously, the pull of jobs and the push of rural poverty are critical to rural-urban migration, but the attraction of a social life more free of gossip and the informal surveillance of neighbors, family, and friends may also have had an appeal. Even eighteenth century New England communities were constantly changing as discontented people and segments of the community moved away in order to deal with their differences (Bender 1978: 73). The United States, unlike Europe and many other parts of the world, lacks a tradition of settled peasant villages in which restrictions on mobility create enormous pressures to

compromise interests and settle. Even American immigrant communities, in which such village-like social structures are recreated, rarely last more than two or three generations unless they are replenished by new immigrants. For much of American history, the frontier provided opportunities for people enmeshed in conflicts to move away. Perhaps the original decision to come to the United States was a similar strike toward freedom. Indeed, historian Robert Wiebe argues that it is a fundamental cultural logic in America to deal with difference by living apart (1975). "What held Americans together", he says," was their ability to live apart. Society depended on segmentation" (1975: 46).

In the postwar period, Americans in large numbers left the urban ethnic villages of the inner city to move to the suburbs. Three quarters of all American housing has been built since 1940 (Hayden 1984: 12). The single-family detached home, produced in vast numbers, became the norm. By 1980, two-thirds of the American housing stock consisted of single-family, detached homes (Hayden 1984: 12). Increased affluence has been translated into more widely spaced homes, reduced dependence on neighbors, smaller networks of kinsmen in which reciprocity prevails, and fewer people living in the same household, whether through elimination of older relatives, divorce, or restriction of the household to the nuclear family. As Americans have moved up, they have moved apart.

The suburbs offer the appeal of a more private, autonomous life, regulated less by convention, by gossip, by local leaders. Such neighborhoods provide more freedom of individual expression, self-fulfilment, and individuality in private life, as long as one does not park an unregistered car in the driveway, make noise after 11 PM, allow a dog to run free, or build a structure too close to the property line. It is to this kind of neighborhood and to this form of order that many working-class people, including many court users, aspire. As a working-class adolescent from an inner-city, close-knit neighborhood put it:

> I want to get out of here, away from the people here. I want to get to a place where you can decide for yourself how you want to live. In Cityville, you have to be what others want. (Steinitz and Solomon 1986: 50).

Other adolescents from this neighborhood want the peace and quiet of the suburbs, their spaciousness, the opportunities they think they provide to be oneself and be free of conventions, although a few fear that it will be lonely and isolated (Steinitz and Solomon 1986).

The role of law in maintaining social control seems to be different in these more private, detached communities. Instead of informal social controls such as gossip, scandal, fear of ostracism, and failure of reciprocity, the practice of

avoidance, tolerance, conciliatory approaches, and secret complaints (Baumgartner 1988) coupled with extensive legal regulation seems more common. In private neighborhoods, conflicts are typically handled through avoidance and non-action justified by an ethic of tolerance and statements about the fact that people all have different life styles, so who is to judge what is wrong. In her study of a neighborhood of this kind, Mary Pat Baumgartner describes an 'avoidance culture': a moral value on avoidance and a reluctance to confront others or even to criticize or rebuke them (1984). Middle class people in suburbs, she finds, favor non-confrontational styles of conflict management and rarely engaged in formal legal contests (1984: 91; see also 1988). Private neighborhoods generally lack any indigenous political leader who performs a dispute management function.

At the same time, the government has expanded its regulatory role in these neighborhoods. As the suburbanite seeks to construct a more independent and private life, he turns increasingly to the government to order this life. Zoning laws, local police departments, ordinances about dogs, quiet laws, laws against domestic and interpersonal violence, all provide new forms of regulation of family and neighborhood life.[15]

In private neighborhoods, government services reduce residents' reliance on their neighbors. The reforms of the welfare state, - social security, welfare legislation, unemployment insurance, workmen's compensation, - all cushion the effects of sickness, death, and unemployment and diminish the responsibility of family members for each other and for their neighbors. The friendly, helpful welfare state relieves residents from obligations to keep their informal networks with neighbors in good order so that they can be called on for help from time to time. Keeping these networks in order means helping others, offering favors, participating in continuing small reciprocal exchanges, giving in. Although obviously such networks do develop in suburban neighborhoods as well as in villages and small towns, they are not asked to do as much. Residents of private

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15 The first comprehensive zoning ordinance was passed in New York City in 1916, for example, and zoning gradually became an almost universal feature of the land-use law of cities (Friedman 1973: 584). Zoning was popular because it strengthened American patterns of income segregation, dealing with problems at the borders of neighborhoods and, during the period of black migration to Northern cities, providing a way for fearful whites to exclude blacks (Friedman 1973: 584). Within mature urban residential communities, zoning serves to conserve the existing character and shape of neighborhoods (Steele 1986).

neighborhoods have the luxury of living lives of self-determination and autonomy. The price may be the loss of the warm, intimate, and enduring ties of community, but there are rewards: the low level of daily conflict, freedom from the need to maintain readily available networks for support, and a diminished demand to compromise one's own interests in the light of others' interests. Insofar as Americans are voting with their feet rather than their rhetoric, it is clear that they are continuing to choose privacy, separation, and dependence on the law for social ordering over the intimacy of community. Appeals to law in situations of conflict are viewed as more civilized than fighting or backbiting and as symbolic of a more autonomous, middle- and upper-class existence. The use of law for personal problems is symptomatic of a new form of social order: an order in which law provides shared standards of behavior and constitutes the closest source of authority. As this system of ordering becomes established, moments of actual conflict decrease, replaced by shared standards and unquestioned systems of regulation: by the stable neighborhood and the unambiguously constituted family.

In understanding neighborhoods in urban America, it is critical to see that they are not local social systems unconnected to a distant state, but intimately tied to central political and legal institutions. The institutions of the court and town government seem to be far more crucial in ordering neighborhoods than local leaders. Cultural traditions of legality and faith in the intervention of the state encourage average Americans to invite the state to help them in their daily lives. This intervention, in turn, strengthens the connections between the individual and state and undermines the existence of a politically distinct and socially separated social order.

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