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CATHOLIC SCHOOLS, URBAN NEIGHBORHOODS, AND EDUCATION REFORM

Margaret F. Brinig* & Nicole Stelle Garnett†

This Article explores the implications of a dramatic shift in the American educational landscape—the rapid disappearance of Catholic schools from urban neighborhoods. Primarily because of their strong track record of educating disadvantaged children, these school closures are a source of significant concern in education policy circles. While we are inclined to agree that Catholic school closures contribute to a broader educational crisis, this Article does not address well-rehearsed debates about educational outcomes. Rather than focusing on the work done inside the schools, we focus on what goes on outside them. Specifically, using three decades of data from the Project on Human Development in Chicago Neighborhoods, we seek to understand what a Catholic school means to an urban neighborhood. Our study suggests Catholic elementary schools are important generators of neighborhood social capital: We find that neighborhood social cohesion decreases and disorder increases following an ele-

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mentary school closure, even after we control for numerous demographic variables that would tend to predict neighborhood decline and disaggregate the school closure decision from those variables as well. Our study—the first of its kind—contributes in a unique and important way to ongoing debates about both land use and education policy for reasons that we explore in detail in the Article.

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INTRODUCTION

More than 1600 Catholic elementary and secondary schools, most of them located in urban neighborhoods, have closed during the last two decades.¹ The Archdiocese of Chicago alone (the subject of our study) has closed 148 schools since 1984.² The steadily increasing number of school closures has prompted talk of “crisis” in some education policy circles,³ even leading to a “White House Summit” on the subject in 2008.⁴ The reasons for sounding the alarm primarily concern the work done inside the schools that are closing—that is, the education of disadvantaged children who do not generally fare well in public schools. It is this work that prompted former Secretary of Education Margaret Spellings to call Catholic schools a “national treasure” not long ago.⁵ Beginning with the groundbreaking research of James Coleman and Andrew Greeley, numerous scholars have found that Catholic school students—especially poor minority students—tend to outperform their public school counterparts. Greeley found, for example, that the achievement of minority students in Catholic schools not only surpassed that of those in public schools but, moreover, that the differences were the greatest for the poorest, most disadvantaged students.⁶ More recently, Derek Neal confirmed Greeley’s “Catholic school effect” in research demonstrating that Catholic school attendance increased the likelihood that a minority student would graduate from high school from sixty-two percent to eighty-

1 Richard W. Garnett, *Treasure A.C.E.*, NAT’L REV. ONLINE, Sept. 10, 2008, <http://article.nationalreview.com/?q=OWJhOTM5MmRhMGM5OWZjMTc3MzYxM2NhMmVmZWVjMjI>.

2 PAUL SIMONS, CLOSED SCHOOL HISTORY: 1984–2004, at 2, http://www.illinoisloop.org/cath_closed_school_84_04.pdf (last visited Jan. 15, 2010).

3 See, e.g., Peter Meyer, *Can Catholic Schools be Saved?*, EDUC. NEXT, Spring 2007, at 12, 14–18 (describing the “crisis” in Boston and elsewhere); Sol Stern, *Save the Catholic Schools!*, CITY J., Spring 2007, at 74, 74–78 (outlining the near financial collapse of Rice High School, an African American Catholic high school in Harlem); Mary Ann Zehr, *Catholic Schools’ Mission to Serve Needy Children Jeopardized by Closings*, EDUC. WK., Mar. 8, 2005, at 9 (detailing the closures of Catholic schools in Chicago and Brooklyn).

4 See, e.g., Chester E. Finn, Jr. & Andy Smarick, *Our Endangered Catholic Schools*, WASH. POST, Apr. 21, 2009, at A23 (calling for efforts by the Obama administration to help save urban Catholic schools).

5 See Garnett, *supra* note 1 (quoting Margaret Spellings, former U.S. Sec’y of Educ.).

6 See ANDREW M. GREELEY, CATHOLIC HIGH SCHOOLS AND MINORITY STUDENTS 107–08 (1982); see also JAMES S. COLEMAN ET AL., HIGH SCHOOL ACHIEVEMENT 143–46 (1982) (discussing the success of students from “different backgrounds” in urban Catholic schools). For a very thoroughly researched historical view, see generally TIMOTHY WALCH, PARISH SCHOOL (1996).

eight percent and more than doubled the likelihood that a similar student would graduate from college.⁷ Especially given the continued underperformance of many urban public schools, anyone concerned about the long-term prospects of the urban poor should shudder when Catholic dioceses release their inevitable lists of school closures each spring.

We are inclined to agree that Catholic school closures contribute to what few dispute is a broader educational crisis—especially for poor children living in urban centers. This Article, however, does not address well-rehearsed debates about educational outcomes. Rather than focusing on the work done *inside* the schools, we focus on what goes on *outside* them, seeking to understand how urban Catholic schools affect the lives of residents in the neighborhoods surrounding them.⁸ Specifically, using three decades of data drawn from the census and from the Project on Human Development in Chicago Neighborhoods, we conduct novel empirical research that helps us begin to understand what a Catholic school means to an urban neighborhood. We do so primarily by measuring various effects of elementary school closures in the Chicago neighborhoods where they operated for decades.⁹ We find strong evidence that Catholic elementary schools are important generators of social capital in urban neighborhoods: Our study suggests that neighborhood social cohesion and collective efficacy decrease and disorder increases following an elementary school closure. These results hold true even after we control for numerous demographic variables that would tend to predict neighborhood decline and disaggregate the school closure decision from those variables as well.¹⁰

Our study—the first of its kind—contributes in a unique way to two critical public policy debates. The first is the question of how different kinds of land uses affect urban neighborhood life. The predominant form of land use regulation in the United States—Euclidean zoning—segregates residential and nonresidential uses.

7 Derek Neal, *The Effects of Catholic Secondary Schooling on Educational Achievement*, 15 J. LAB. ECON. 98, 100 (1997). For a recent examination of one such school and its success, see generally PATRICK J. McCLOSKEY, *THE STREET STOPS HERE* (2008).

8 For an anecdotal example, see Al Heet, Letter to the Editor, *Neighborhood Needs Our Lady to Stay*, S. BEND TRIB., Apr. 23, 2009, at A6 (objecting to the decision of the Diocese of Fort Wayne-South Bend to close Our Lady of Hungary School in South Bend, Indiana).

9 Ideally, we would measure these effects for school openings as well, but the Archdiocese of Chicago opened only seven schools during the relevant time period, and all but four of them were located in suburban communities and outside the PHDCN area.

10 See *infra* Parts III.C.1–2.

This segregation has, since the inception of zoning in the early twentieth century, flowed from a conviction that exclusively residential neighborhoods are healthier and more conducive to community life than mixed-land-use neighborhoods and that nonresidential land uses increase disorder and crime. In her classic work, *The Death and Life of Great American Cities*, Jane Jacobs sharply challenged this view, arguing that nonresidential land uses, in fact, foster social capital and suppress disorder in urban neighborhoods.¹¹ Although Jacobs's views have been ascendant in recent years, the available empirical evidence runs counter to her hypothesis: Numerous studies find that nonresidential land uses increase crime and disorder and decrease neighborhood social cohesion. In contrast to these earlier studies—including some studies of public schools—our study suggests that some nonresidential land uses are good for neighborhoods, and we offer a few thoughts on why urban Catholic schools run counter to the general trend.¹²

These land use conclusions bear directly on a second important policy debate, namely, how law should structure and finance elementary and secondary education. A primary scholarly goal of this paper is to bring new information to bear on this critical and highly contested question. At least since *Brown v. Board of Education*,¹³ public education in the United States has evolved away from the traditional, geographically assigned neighborhood public school and toward more parental choice—first through busing, then through magnet schools and other public-school-choice devices, and, more recently, through charter schools and a handful of private-school-choice programs. A great deal has been written about these developments. Here, we are particularly interested in what might be called their “communitarian” impacts. Scholars from a number of disciplines have raised concerns about the evolution away from traditional public schools on communitarian grounds. For example, William Fischel, an economist, has argued both that neighborhood public schools generate local social capital and that the traditional model of locally operated and financed public schools incentivizes parent homeowners to organize and to demand educational excellence. He therefore worries that private school choice may undermine both “community-specific social capital” and educational quality.¹⁴ Other scholars,

11 JANE JACOBS, *THE DEATH AND LIFE OF GREAT AMERICAN CITIES* 398–401 (2d ed. 1992).

12 See *infra* Part IV.B.

13 347 U.S. 483 (1954).

14 See WILLIAM A. FISCHEL, *THE HOMEVOTER HYPOTHESIS* 142–43, 154–55 (2001); William A. Fischel, *Why Voters Veto Vouchers: Public Schools and Community-Specific Social Capital*, 7 *ECON. GOVERNANCE* 109, 112–17 (2006).

including philosophers Amy Gutmann and Stephen Macedo, assert that public schools should be privileged in the distribution of public educational funds because they are needed to inculcate the democratic values that form the building blocks of civil society.¹⁵ These arguments have been empirically challenged by studies suggesting that private schools—especially Catholic schools—actually do a better job at inculcating democratic values.¹⁶ We believe that our study provides a new and important counterpoint in this debate—one which strongly favors expanded school choice. If nontraditional schools—and we begin here with inner-city Catholic schools¹⁷—generate significant positive externalities, then these effects should be considered in educational finance debates. This is especially true in light of the very real possibility that these schools, and their beneficial community effects, will continue to disappear unless new sources of tuition assistance become available to the students they serve.

We also hope that this project will contribute to a debate within the Catholic Church in the United States about the future of inner-city parochial education. While there are many reasons why schools close, including some that we explore in this paper, changes within the Catholic Church over the past half century undoubtedly have forced church leaders to question the continuing viability of inner-city parochial education. At the same time that religious vocations plummeted—leaving the schools without a dedicated cohort of priests, brothers, and nuns who worked in the schools for next to nothing—the Catholic families who built and supported the schools we study suburbanized. The result was a spatial mismatch between Catholic schools, which were densely concentrated in urban neighborhoods, and Catholic children, who are now largely scattered in suburban ones. Gradually, urban Catholic schools have ceased to serve their original purpose (educating working-class Catholic children) and assumed a new one (educating poor, primarily non-Catholic children). Over time, despite the heroic efforts of many dedicated pastors, administrators, and teachers, economic realities have necessitated difficult decisions about resource allocation.¹⁸ While we recognize these realities, we want school closure decisions to be fully informed by an understanding of the importance of Catholic schools, not just to their students but also to their communities.

15 See *infra* notes 219–26.

16 See *infra* notes 227–31.

17 In future work, we hope to expand our study to measure the effects of the charter schools and perhaps also public schools.

18 See *infra* Part I.C.

The Article proceeds in five parts: Part I situates the schools that we study in historical perspective, in order to shed light on the roots of the school closure crisis and to begin to understand Catholic schools as important neighborhood institutions. Part II introduces the data that we use to test the effects of Catholic school closures and explains the importance of the variables we measure—disorder, social cohesion, and collective efficacy—to urban neighborhood life. Part III contains our empirical analysis of the effects of Catholic school closures on Chicago neighborhoods. This analysis demonstrates, as discussed above, that school closures are strongly correlated with increasing levels of disorder and decreasing levels of social cohesion and collective efficacy in the surrounding neighborhoods. Parts IV and V discuss the importance of our findings to, respectively, debates about land use regulation and education reform.

I. THE DISAPPEARING URBAN PARISH SCHOOL

This Part situates the Chicago schools that we study in historical perspective. We provide this brief historical overview in order to explain what urban Catholic schools are (and were), to shed light on the reasons why they are threatened, and to begin to understand why they may be important social anchors in urban neighborhoods.

A. *A World Set Apart*

For Roman Catholics living in northern cities prior to the Second Vatican Council,¹⁹ parishes were more than church buildings. They were the geographic building blocks of community life.²⁰ In Canon Law, the term “parish” refers not simply to a particular church, but rather to geographic boundaries of social and religious communities *bound to* a particular church. And, as John McGreevy has observed, these bounded communities were all important to parish members: “Catholics used the parish to map out—both physically and culturally—space within all of the northern cities.”²¹ Identity with a parish

19 The Council, which met from 1962 to 1965, promulgated significant changes for the Catholic Church. For proceedings of the Second Vatican Council, see Christus Rex, Second Vatican Ecumenical Council, <http://www.christusrex.org/www1/CDHN/v1.html> (last visited Jan. 15, 2010). For a discussion of the connection between the Council and Catholics’ increasingly attenuated attachments to their parishes, see John T. McGreevy, *Religious Roots*, 28 REV. AM. HIST. 416, 419–21 (2000).

20 See GERALD GAMM, *URBAN EXODUS* 139 (1999) (“Parishes are places on maps. . . . They are geographic areas, neighborhoods . . .”).

21 JOHN T. MCGREEVY, *PARISH BOUNDARIES* 15 (1996); see also JAY DOLAN, *IN SEARCH OF AN AMERICAN CATHOLICISM* 130 (2002) (observing that “the local parish became the center of people’s lives, it ordered their universe”).

was so complete that, in many cities, most Catholics would respond to the question "Where are you from?" with their parish name rather than their street address or the name of their neighborhood.²²

In Chicago, the attachment to parish life was particularly strong.²³ "The 'City of Neighborhoods' was in certain areas more a 'City of Parishes.'"²⁴ Ideally, "territorial" parish churches (which, in Chicago, tended to be de facto Irish American) were placed no more than one mile apart, so as to guarantee that a church was within walking distance of every home in the city.²⁵ Other, "national" parishes, which served non-English speaking ethnic communities, frequently were located within the boundaries of "territorial" parishes.²⁶ For example, in Chicago's Back of the Yards neighborhood—which gained international notoriety in Upton Sinclair's 1920 classic, *The Jungle*—"residents could choose between *eleven* Catholic churches in the space of little more than one square mile"—two "territorial"/Irish parishes, two Polish, one Lithuanian, one Italian, two German, one Slovak, one Croatian, and one Bohemian.²⁷

Parish life was "disciplined and local."²⁸ Parishes were massive operations: Almost all included a church, a parochial school (and often a convent to house the nuns who taught in the school), and dozens of formal social organizations. Parishioners were expected to attend Mass each week, to send their children to the parish school, and to contribute socially and financially to life of the parish.²⁹ Priests encouraged—even commanded—parishioners to purchase homes within the parish boundaries, reasoning that homeownership would intensify commitment and rootedness to the parish community.³⁰ The presence of a national parish in a neighborhood tended to lead

22 MCGREEVY, *supra* note 21, at 21; see also STEVEN M. AVELLA, THIS CONFIDENT CHURCH 187 (1992) ("Chicagoans more so than other urban dwellers associated themselves with their neighborhoods as a kind of 'social skin' and often identified their home turf by responding to the question: what parish do you belong to?"); EILEEN M. MCMAHON, WHAT PARISH ARE YOU FROM? 15 (1995) ("Irish identification with their parish was so strong that Philadelphians referred to their parishes rather than their street addresses or city neighborhoods to explain where [sic] they lived."); *id.* at 24 ("Chicago Catholics began to respond to the question 'Where are you from?' with the name of a parish instead of a street address.").

23 See AVELLA, *supra* note 22, at 187.

24 MCMAHON, *supra* note 22, at 114.

25 See MCGREEVY, *supra* note 21, at 17–18, 20.

26 See *id.* at 19–20.

27 *Id.* at 10 (emphasis added).

28 See *id.* at 15.

29 See *id.*

30 *Id.* at 19–22.

to the creation of geographic ethnic enclaves that further reinforced the connection between religious life and community.³¹ But territorial parishes commanded intense loyalty as well. As one Chicago resident observed, “‘There was no reason to stretch out to any other place’ . . . ‘because you had that wide territory of your own people.’”³²

The importance of the parish school within this Catholic world can hardly be overstated. Beginning in the mid-nineteenth century, as the “common school” movement gained steam, bishops began to demand that public officials fund their schools on equality grounds. These church leaders were responding, in part to the fact that early public schools were, for all practical purposes, Protestant schools. For example, public schools regularly required all students, including Catholic students, to engage in Protestant devotional exercises—such as reading the post-Reformation *King James Bible*. Widespread nativism and religious animosity ensured that the demands for public funds fell on deaf ears. Instead, the demands generated “papist” conspiracy theories, prompted violent counter-protests, and, in 1875, led the Senate, in a fit of anti-Catholic fury, to fall just four votes short of ratifying a constitutional amendment that would have explicitly prohibited public funds from flowing to “sectarian” (i.e., Catholic) schools.³³

Thus, as Joseph Viteritti has observed, Catholic schools began “in a spirit of protest”³⁴: church leaders spurned by state legislatures turned to the faithful, demanding that every parish build and support a school and that all of the Catholic faithful enroll their children in a Catholic school. The result was the largest private school system in the world, entirely supported by a largely working-class religious minority.³⁵ Catholic devotion to these schools was nearly complete: in 1958, for example, Chicago’s St. Sabina Parish—discussed below—had 10,400 members (almost all of them Irish American) and 1027

31 *Id.* at 10.

32 McMAHON, *supra* note 22, at 114 (quoting Mildred Joyce).

33 On the nineteenth century “school wars,” see generally LLOYD P. JORGENSEN, *THE STATE AND THE NON-PUBLIC SCHOOL, 1825–1925*, at 69–146 (1987) (relating the history of confrontations between Protestants and Catholics over the “School Question” and the evolution of the Catholic parochial system); JOSEPH P. VITERITTI, *CHOOSING EQUALITY* 145–54 (1999) (detailing the history of public and Catholic education); Richard W. Garnett, *The Theology of the Blaine Amendments*, 2 FIRST AMEND. L. REV. 45, 69–77 (2003) (discussing the historical context of the Blaine Amendments).

34 WHITE HOUSE DOMESTIC POL’Y COUNCIL, *PRESERVING A CRITICAL NATIONAL ASSET* 76 (2008) (presentation of Joseph P. Viteritti).

35 See, e.g., Meyer, *supra* note 3, at 17 (describing the “vastness” of the Catholic school system during the first half of the twentieth century (internal quotation marks omitted)).

children enrolled in the parish school.³⁶ Only sixty-two parish children attended a public school.³⁷

B. Race, Suburbanization, and a Changing Church

Political scientist Gerald Gamm has argued that urban Catholics' attachments to their parishes and schools fostered a strong geographic "rootedness" that caused them to suburbanize later and to resist racial integration more strenuously than other white urban residents.³⁸ Both phenomena were observable in postwar Chicago. During most of the twentieth century, the white residents of Chicago, like those in most northern cities, sought to "contain" African Americans by preventing them—economically, legally, and even violently—from moving into white neighborhoods. In Chicago, most African Americans lived in narrow strip of neighborhoods on the city's South Side. Housing shortages were a perennial problem, as continued migration north increased the number of residents vying for the limited supply of residential units within the "Black Belt" and pervasive discrimination prevented exit from it.³⁹

By the end of the Second World War, however, Chicago was changing. Importantly, African Americans' economic situation began to improve at a time that increasing numbers of whites suburbanized, creating housing vacancies in neighborhoods surrounding the Black Belt. As a result, African Americans began to seek housing in areas previously closed off to them. White residents, especially the white residents of ethnic Catholic neighborhoods, responded to the threatened "invasion" in various ways. Some organized "neighborhood preservation" committees that sought to use legal means—such as the enforcement of racially restrictive covenants and housing codes—to drive away new black neighbors; others turned to violence—including arson and physical assault.⁴⁰

36 See McMAHON, *supra* note 22, at 79 tbl.11, 167 tbl.18.

37 See *id.* at 79 tbl.11.

38 GAMM, *supra* note 20, at 237–47.

39 See generally ARNOLD R. HIRSCH, MAKING THE SECOND GHETTO 18–35 (1983) (detailing the progression from pre-World War II housing shortages to the increased post-war housing supply due to white flight).

40 See ADAM COHEN & ELIZABETH TAYLOR, AMERICAN PHARAOH 67–68, 77, 78 (2000); HIRSCH, *supra* note 39, at 18–35; ALEXANDER POLIKOFF, WAITING FOR GAUTREUX 27–29 (2006). It is widely accepted that Chicago Mayor Richard Daley—a Chicago Irish Catholic, born and raised in a neighborhood that was facing integration pressures by the mid-1950s—gerrymandered the path of the Dan Ryan Expressway to protect South Side Catholic neighborhoods from the city's expanding Black Belt. See COHEN & TAYLOR, *supra*, at 184–89. And, as one of us has written previously, at least

Scholars dispute the extent to which race provided the catalyst for the destabilization and decline of previously healthy urban residential enclaves. John McGreevy, Arnold Hirsch, and Thomas Sugrue provide the conventional account—that the ultimate nail in the urban coffin was postwar white flight from integration in city neighborhoods.⁴¹ Others, including Gamm and, more recently, Robert Bruegmann, argue that postwar exiters were really the last strands of a well-frayed urban fabric.⁴² Gamm, for example, argues that “flight” from American cities was well underway by the 1920s, and that the last massive wave of postwar suburbanization occurred when the urban Catholics’ attachments to their neighborhoods and, importantly, parishes, finally gave way.⁴³ Whatever the cause, however, most white Catholics eventually suburbanized.⁴⁴ And while race was not the only factor—or even the dominant factor—that pushed them to the suburbs, it was certainly a significant one.⁴⁵

Moreover, the demographic shifts experienced in urban neighborhoods during the second half of the twentieth century had profound implications for the Catholic Church in the United States. Consider, for example, the story of St. Sabina on Chicago’s South Side. When founded to serve Chicago Irish Catholics in 1916, it was

three Chicago Catholic priests also succeeded in having expressway routes altered to preserve the geographic integrity of parish boundaries. Tellingly, all three of these men served on the Archdiocese’s steering committee for “neighborhood conservation” and were leaders in efforts to preserve neighborhood stability and prevent the mass exodus of white residents in the face of integration. See Nicole Stelle Garnett, *The Neglected Political Economy of Eminent Domain*, 105 MICH. L. REV. 101, 114–15 (2006); see also AVELLA, *supra* note 22, at 211–14 (discussing the founding and work of the Archdiocesan Conservation Committee).

41 See generally HIRSCH, *supra* note 39, at 30–32 (noting the deterioration of properties preceding African-American ownership, and the rise of speculator abuse); MCGREEVY, *supra* note 21, 79–110 (detailing the reaction of Chicago Catholics to racial integration); THOMAS J. SUGRUE, *THE ORIGINS OF THE URBAN CRISIS* 40–51 (1996) (blaming the construction industry and the real estate market for the African American housing shortage in Detroit).

42 See ROBERT BRUEGMANN, *SPRAWL: A COMPACT HISTORY* 43 (2005) (commenting that post–World War II white flight was a continuation of earlier trends); GAMM, *supra* note 20, at 26–30 (linking white flight to “the rise of automobile suburbs”).

43 GAMM, *supra* note 20, at 27.

44 See, e.g., AVELLA, *supra* note 22, at 79 (discussing the suburbanization of Chicago Catholics); GAMM, *supra* note 20, at 276–78.

45 See MCGREEVY, *supra* note 21, at 79–90 (asserting that economic factors, especially the increasing wealth of Catholics, was most significant); *id.* at 94–101 (describing clashes over African American migration to Catholic neighborhoods); see also AVELLA, *supra* note 22, at 81–84 (discussing the suburbanization of Chicago Catholics); GAMM *supra* note 20, at 276–79 (discussing Catholic suburbanization more generally).

essentially a “suburban” parish: the church’s first Mass was celebrated in a storefront on a muddy field; the altar had made its way by horse and wagon along unpaved roads. Soon, however, streetcar line extensions made the surrounding community more attractive to working class Irish residents migrating south from tougher “city” neighborhoods like Back of the Yards.⁴⁶ In 1934, the surrounding Auburn-Gresham neighborhood was home to approximately 60,000 people; about forty-five percent of them attended one of the five parishes in the neighborhood. St. Sabina’s had a membership of 7000, almost exclusively Irish American or native-born Irish. That same year, the Dominican Sisters staffing St. Sabina School taught 1232 children.⁴⁷

In the postwar years, Auburn-Gresham, like all South Side neighborhoods, faced integration pressure. In contrast to those parishes that violently resisted integration in the postwar years, however, the leadership of St. Sabina refused to embrace the fear that the entry of a few black families would immediately lead to the exit of all white families. The pastor of the church made a point of visiting new black neighbors and of welcoming black children into the parish school.⁴⁸ During the 1960s, unfortunately, racial tensions increased, the crime rate in the community crept up, and parishioners moved away (in part thanks to block busting efforts). St. Sabina’s membership aged and declined. The parish school enrollment declined as well. In 1967, the school enrolled 930 students, 100 of them African American. The parish members began to debate whether to admit non-Catholic children to fill the empty seats and, if so, whether conversion to Catholicism should be required as a condition of admission. African American members, who gradually began to assume leadership roles in the parish, objected to these practices as outdated, unrealistic, and unreasonable.⁴⁹ By the end of the 1960s, the racial transformation of Auburn-Gresham in general, and St. Sabina in particular, was nearly complete. Thanks in part to the work of St. Sabina’s priests and sisters, the transition at the parish had been free of violence and, by and large, open racial hostility. These efforts to be welcoming paid off in the long term as well. St. Sabina today remains a vibrant parish—perhaps the preeminent African American parish in Chicago—with a thriving school, albeit one that looks very different from the St. Sabina’s of the 1950s.⁵⁰

46 See McMAHON, *supra* note 22, at 8, 25–26.

47 See *id.* at 46, 47 tbl.5, 69 tbl.9.

48 *Id.* at 160.

49 *Id.* at 174–75.

50 *Id.* at 181–84; see The Faith Community at St. Sabina, <http://www.saintsabina.org> (last visited Jan. 15, 2010); St. Sabina Academy, <http://www.saintsabina.org>

Some Chicago neighborhoods have undergone multiple demographic shifts over the course of the past century. St. Stanislaus Kostka, a Polish parish, was the largest Catholic parish in the world by the turn of the twentieth century.⁵¹ The parish website claims that St. Stanislaus was, during the 1950s, “the largest parish in the United States, if not the world, with 8000 families, totaling 40,000 people” and that it remains “the mother Catholic Church of Polish parishes.”⁵² The neighborhood surrounding the church, known as Stanislaswowo (later Kostkaville), was first settled by Polish immigrants in the nineteenth century and played a large role in the cultural life of Chicago’s Polish community. The parish’s influence in Chicago was also substantial. As one of us has previously described, during the 1950s St. Stanislaus church and school were slated for demolition to make way for the Dan Ryan Expressway (Interstate 90/94). A political maelstrom ensued, which culminated in the governor of Illinois demanding that the expressway be rerouted to save the church, at significant expense. As a result, drivers now round a pronounced bend in the expressway (visible on any car navigation system), where the massive church building hangs precipitously on the edge of a giant retaining wall.⁵³ In the decades that followed the church’s salvation, however, the parish demographics shifted—along with the surrounding community—from almost exclusively Polish to predominantly Mexican American. More recently, the community surrounding the church, now known as “Bucktown”—apparently because the area’s first Polish residents kept goats in their yards—has been gentrifying, as first artists and later young professionals moved into neighborhoods.⁵⁴ Tellingly,

www.stsabinaacademy.org (last visited Jan. 15, 2010). St. Sabina is perhaps best known for its controversial pastor, Fr. Michael Pfleger, who has drawn attention for, among other things, publically defying the local bishop by adopting a child, defacing billboards advertising alcohol and cigarettes, and, most recently, rallying to the defense of Rev. Jeremiah Wright by preaching a sermon in Wright’s church that ridiculed Hillary Clinton. See, e.g., Cathleen Falsani, *Priest Promised to Obey, but Has Long Habit of Rebellion*, CHI. SUN-TIMES, Feb. 13, 2002, at 3; Margaret Ramirez & Manya A. Brachear, *Trinity’s Life Renewed: Caught in a Storm of Unwanted Attention, Worshipers Look to Thrive Once Again*, CHI. TRIB., Jan. 4, 2009, § 2, at 2; Jill Stanek Blog, http://www.jillstaneck.com/archives/2008/05/pflegers_trinit.html (May 30, 2008 15:02 EST).

51 2 JAY P. DOLAN, *THE AMERICAN CATHOLIC PARISH* 340 (1987).

52 St. Stanislaus Kostka, *Who We Are*, <http://www.ststansk.com/whoweare.html> (last visited Jan. 15, 2010).

53 See Garnett, *supra* note 40, at 114–15; see also JAY P. DOLAN, *THE AMERICAN CATHOLIC EXPERIENCE* 198 (1992) (discussing how St. Stanislaus dominates the city’s skyline).

54 See Dream Town Realty, *Bucktown Real Estate and Neighborhood Information*, <http://www.dreamtown.com/neighborhoods/bucktown.html> (last visited Feb. 4, 2010).

of the seven weekend masses at St. Stanislaus, four are now celebrated in English, two in Spanish, and one in Polish.⁵⁵

C. *The Roots of the School Closure Crisis*

These demographic shifts go a long way toward explaining the origins of the school closure “crisis.” Traditionally, almost all Catholic elementary schools (the subject of our empirical study) were operated and funded by parishes. Parish schools were essentially tuition free for parish members,⁵⁶ thanks to the generosity of parishioners and the labor of religious sisters who staffed the schools as teachers and principals and charged only a “token wage.”⁵⁷ Most parishes also were served by multiple priests, with a senior pastor having final authority in all matters of parish administration—including school administration. Unfortunately, vocations to the priesthood and religious life began to decline at approximately the same time that Catholics suburbanized en masse. As a result, parish schools experienced dramatic increases in labor costs just as revenues declined precipitously.⁵⁸ In 1950, ninety percent of the teachers in Catholic schools were religious sisters, compared to less than five percent today.⁵⁹ The result was devastating for a church that was as institutionally thick as the Catholic Church in Chicago, where it was not unusual to have several parishes—each complete with a church, rectory, convent, and school—in a single neighborhood or even on a single block. In these neighborhoods, when the parishioners gradually disappeared, the parishes did not disappear with them. As Gamm observes, unlike Protestant and Jewish congregations, Catholic parishes could not move: “Rules dictated that a territorial parish could not relinquish responsibility for its

55 See St. Stanislaus Kostka, Worship and Sacraments, <http://www.ststansk.com/worshipsacraments.html> (last visited Jan. 15, 2010).

56 MCGREEVY, *supra* note 21, at 236 (observing that, well into the 1960s, “most Catholic schools continued to request only nominal fees”).

57 *Id.*

58 The transformation of the Catholic school labor base is illustrated by the Archdiocese of Chicago, Office of Catholic Schools “Fact Sheet,” which indicates that only three percent of Catholic school teachers, and twenty percent of Catholic school administrators are “religious” (a term encompassing priests and nuns). The administration numbers are inflated by the fact that many of the Catholic high schools in the Archdiocese are operated by religious orders; they also likely mask the reality that many religious administrators are approaching retirement age. See Archdiocese of Chi., Catholic Schools Fact Sheet, <http://schools.archchicago.org/public/fact-sheet.shm> (last visited Feb. 5, 2010).

59 Overall enrollment in Catholic schools also plummeted during this time, from more than 5.2 million students in 1960 to 2.3 million students in 2006. See Meyer, *supra* note 3, at 14.

geographical area, and no church could close except on the authority of the [bishop].”⁶⁰ Parishes depend upon their parishioners for support, and “parishioners who moved to the suburbs were lost to the parish.”⁶¹

These realities strained the traditional parish school fiscal model to a breaking point. Dioceses were forced to take on more of the financial burden of operating urban parish schools at the same time that they were obligated to build new schools to serve suburbanizing Catholics. Moreover, progressive voices in the Catholic Church began to argue that the parochial education was anachronistic, interfered with public school desegregation efforts, and propped up segregated housing patterns. These Catholic activists, including some Bishops and even nuns who formerly staffed Catholic schools, asserted that the Church should prioritize social services for the poor and depend upon religious education classes to serve the schools’ traditional catechetical function. At a more retail level, some pastors—many of whom now labored without the help of younger priests—began to view their schools as an unnecessary burden, especially as enrollments declined and non-Catholic population increased.⁶²

Despite these obstacles, many urban schools adapted to a new role of educating poor, predominantly minority students. Over the past five decades, many hundreds of inner-city Catholic schools have—in our view heroically—provided a high quality education for the most vulnerable students. Parents (including non-Catholic parents) cite a number of reasons for choosing these schools for their children, including a desire for systematic religious instruction, for the inculcation of “values,” for a “traditional” curriculum, and for a more structured, disciplined learning environment.⁶³ These schools remained open thanks to the “sweat equity” of pastors, administrators, teachers and parents and financial support from dioceses and, increasingly, private philanthropy.⁶⁴ It was these schools that were

60 GAMM, *supra* note 20, at 237–38.

61 *Id.* at 239.

62 MCGREEVY, *supra* note 21, at 236–40.

63 See generally GREELEY, *supra* note 6, 68–69 (stating that non-Catholic African Americans are just as successful academically as their Catholic counterparts); WALCH, *supra* note 6, at 2, 44–45 (noting shared values, code of conduct, and emphasis on academics); WHITE HOUSE DOMESTIC POL’Y COUNCIL, *supra* note 34, at 102–04 (presentation of Virginia Walden-Ford).

64 For example, since 1997, the “Big Shoulders Fund” has funded scholarships, special education programs, equipment and facilities improvements, faculty support and operating grants for struggling urban Chicago schools. In 2007, Big Shoulders supported ninety-three Chicago schools. See BIG SHOULDERS FUND, 2007 YEAR-END REVIEW 15 (2008), available at http://www.bigshouldersfund.org/bsf_annual_report_

backdrop of Andrew Greeley's and James Coleman's important studies of the effects of Catholic education on minority students. Both of these studies—and many others—demonstrate the critical role that urban Catholic schools play in educating disadvantaged children. Despite their educational benefits, and commendable efforts to save them, the future of many thousands of urban Catholic schools remains precarious.⁶⁵

II. DISORDER, SOCIAL CAPITAL, AND URBAN NEIGHBORHOOD LIFE

The remainder of this Article examines implications of Catholic school closures that have not been previously explored. In contrast to previous studies focusing on what urban Catholic schools mean for their *students*, we seek to understand what they mean for their *neighborhoods*. We do so in order to contribute new and important information to debates about land use regulation and education reform. In this Part, we begin this undertaking by situating our primary source of data—the Project on Human Development in Chicago Neighborhoods (PHDCN), which sought to quantify the extent of disorder in Chicago neighborhoods and to measure the effects of that disorder on both crime and social capital in those neighborhoods—within broader debates about the costs of disorder on urban neighborhood life generally.

At least since the publication of James Q. Wilson and George Kelling's enormously influential essay, *Broken Windows: The Police and Neighborhood Safety*,⁶⁶ urban policy has become intensely focused on curbing disorder and strengthening neighborhood social networks. In the essay, Wilson and Kelling articulated what has come to be known as the “broken windows hypothesis,” which posits a causal connection between disorder and serious crime. “[D]isorder and crime,”

spreads.pdf. On archdiocesan support in Chicago, see Dep't of Stewardship & Dev., Archdiocese of Chi., Supporting Catholic Schools, http://www.archchicago.org/stewardship/supporting_CS/Default.aspx (last visited Feb. 5, 2010) (describing various philanthropic initiatives targeting Catholic schools); see also, e.g., McCLOSKEY, *supra* note 7, at 251–52 (describing the “Patrons’ Program” at Rice High School, a predominantly African American Catholic high school in Harlem); Mary Ann Zehr, *Outside Donations Keep Five Catholic Schools off Closure List*, EDUC. WK., May 25, 2005, at 9 (mentioning a Chicago school receiving about twenty-five percent of its budget from the archdiocese and the Big Shoulders Fund).

65 Chester E. Finn, Jr. & Michael J. Petrilli, *Foreword to WHO WILL SAVE AMERICA'S URBAN CATHOLIC SCHOOLS?* 7, 7 (Scott W. Hamilton ed., 2008). Between 1960 and 2006, the number of Catholic schools in the United States fell from 13,000 to 7500. Meyer, *supra* note 3, at 14.

66 James Q. Wilson & George L. Kelling, *Broken Windows: The Police and Neighborhood Safety*, ATL. MONTHLY, Mar. 1982, at 29.

they argued, “are usually inextricably linked, in a kind of developmental sequence.”⁶⁷ Wilson and Kelling reasoned that “one unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing.”⁶⁸ In other words, a single broken window has a multiplier effect: “If a window in a building is broken *and is left unrepaired*, all the rest of the windows will soon be broken.”⁶⁹ Similarly, according to Wilson and Kelling, “untended behavior” or social disorder, also undermines informal community controls.⁷⁰

Wilson and Kelling argued that communities that fail to curb physical and social disorder become vulnerable to serious crime for at least two related reasons. First, unchecked disorder frightens law-abiding citizens, causing them to avoid public places and eventually leads those with the financial means to move away from the disorderly community. The law-abiders’ departure, first from parks and sidewalks and eventually from struggling communities to more stable ones, effectively turns the management of the community commons over to social deviants, which, in turn, further weakens social controls.⁷¹ Second, disorder sends signals to would-be offenders that a community is a “safe” place to commit crime: A community’s failure to check disorder suggests that residents cannot—or choose not to—control socially detrimental behaviors and conditions. In Wilson and Kelling’s words, “[i]f the neighborhood cannot keep a bothersome panhandler from annoying passersby, the thief may reason, it is even less likely to call the police to identify a potential mugger or to interfere if the mugging actually takes place.”⁷²

A. *Disorder, Social Capital, and Collective Efficacy*

The broken windows hypothesis has generated an enormous empirical literature, most of which seeks to test, in various ways, whether disorder and serious crime are causally linked. The question is a hotly contested one, with some scholars purporting to demonstrate both that disorder causes crime and that policing practices focusing on curbing disorder reduce crime, and others vigorously challenging their findings.⁷³ In place of a full review of this important

67 *Id.* at 31.

68 *Id.*

69 *Id.*

70 *Id.* at 31–32.

71 *Id.* at 32.

72 *Id.* at 34.

73 *See, e.g.*, GEORGE L. KELLING & WILLIAM H. SOUSA, JR., CTR. FOR CIVIC INNOVATION, DO POLICE MATTER? 10 (finding that misdemeanor arrests in New York City prevented over 60,000 violent crimes between 1989 and 1998); WESLEY G. SKOGAN,

scholarly debate—a review beyond the scope of this Article—we instead focus on Robert Sampson and Stephen Raudenbush's exhaustive study of the effects of disorder in Chicago neighborhoods.⁷⁴ This important study is of particular relevance here, as it generated much of the data that we rely upon to measure the neighborhood effects of Catholic school closings.

In order to test the broken windows hypothesis, Sampson and Raudenbush undertook an intensive effort to systematically record observable disorder in Chicago neighborhoods.⁷⁵ They enlisted trained observers, driving sport utility vehicles, to videotape and catalogue visible disorder along nearly 25,000 face blocks in Chicago.⁷⁶ They then observed the videotapes and coded the presence of ten manifestations of physical disorder—cigarettes in the street, garbage/litter in the street, empty beer bottles, tagging graffiti, graffiti painted over, gang graffiti, abandoned cars, condoms on sidewalks, needles/syringes on sidewalks, and political message graffiti—and seven manifestations of social disorder—adults loitering or congregating, drinking alcohol in public, peer group with gang indicators present, public intoxication, adults fighting or arguing in a hostile manner, selling drugs, and prostitutes on the street.⁷⁷ Sampson and Raudenbush compared these observations both to official crime data and to surveys of nearly 4000 Chicago residents designed to elicit information about

DISORDER AND DECLINE 65–84 (1990) (purporting to demonstrate a connection between disorder and robbery rates); Hope Corman & Naci Mocan, *Carrots, Sticks, and Broken Windows*, 48 J.L. & ECON. 235, 251–63 (2005) (finding that New York City's order maintenance policy of aggressive misdemeanor arrests reduced incidents of motor vehicle theft, robbery, and grand larceny). *But see* BERNARD E. HARCOURT, *ILLUSION OF ORDER* 67–75 (2002) (replicating Skogan's study and challenging the results); Bernard E. Harcourt & Jens Ludwig, *Broken Windows: New Evidence from New York City and a Five-City Social Experiment*, 73 U. CHI. L. REV. 271, 281–316 (2006) (challenging Kelling and Sousa's findings, analyzing nationwide data from the Moving to Opportunity housing voucher program, and finding that youth who moved from high-disorder urban neighborhoods to low-disorder suburban neighborhoods did not commit fewer crimes than those remaining in high-disorder communities); Steven D. Levitt, *Understanding Why Crime Fell in the 1990s: Four Factors that Explain the Decline and Six that Do Not*, 18 J. ECON. PERSP. 163, 176–83 (2004) (arguing that declining crime rates were attributable to four factors—increases in police force size, waning of the crack epidemic, rising incarceration rates, and legalized abortion—and rejecting the argument that changing police tactics contributed).

74 See Robert J. Sampson & Stephen W. Raudenbush, *Systematic Social Observation of Public Spaces: A New Look at Disorder in Urban Neighborhoods*, 105 AM. J. SOC. 603 (1999).

75 *Id.* at 605–06.

76 *Id.* at 615–17.

77 *Id.* at 617–18.

neighborhood crime, social control, and social cohesion.⁷⁸ To measure “social control,” in these surveys, the researchers asked residents whether they counted on neighbors to “do something” about the following: children skipping school, children spray-painting graffiti on a local building, children showing disrespect to an adult, a fight breaking out in front of their house, and threatened budget cuts to the local fire house.⁷⁹ To measure “social cohesion,” residents were asked to indicate their level of agreement and disagreement with the following statements: (a) “People around here are willing to help their neighbors;” (b) “This is a close-knit neighborhood;” (c) “People in this neighborhood can be trusted;” (d) “People in this neighborhood generally don’t get along with each other;” and (e) “People in this neighborhood do not share the same values.”⁸⁰

Sampson and Raudenbush then combined the two measures for social control and social cohesion, using a methodology developed in their previous work with Felton Earls, to create a measure of “collective efficacy.”⁸¹ Collective efficacy is a term that sociologists and social psychologists use to describe the “ability of neighborhoods to realize the common values of residents and maintain effective social controls.”⁸² For purposes of this paper, we assume that high levels of collective efficacy (as measured by Sampson and Raudenbush) correlate with high levels of social capital, which Robert Putnam elegantly defines as “social networks and the norms of reciprocity and trustworthiness that arise from them.”⁸³ Since collective efficacy is perhaps best understood as one way in which members of a community can successfully harness social capital,⁸⁴ it is entirely reasonable to assume that social capital is a foundation of collective efficacy. After all, social

78 See *id.* at 619–22.

79 *Id.* at 620.

80 *Id.*

81 *Id.* at 620–21.

82 See Robert J. Sampson et al., *Neighborhoods and Violent Crime: A Multilevel Study of Collective Efficacy*, 277 SCIENCE 918, 918 (1997).

83 ROBERT PUTNAM, *BOWLING ALONE* 19 (2000). We recognize that social capital is the subject of a voluminous, and somewhat contentious, literature, and that Putnam’s formulation is itself contested by other social scientists. The “lean and mean” formulation, however, suffices here. See, e.g., DAVID HALPERN, *SOCIAL CAPITAL* 1–40 (2004) (reviewing the literature).

84 See Tracey L. Meares, *Praying for Community Policing*, 90 CAL. L. REV. 1593, 1604–08 (2002) (discussing literature on both collective efficacy and social capital).

networks and trust between neighbors are almost certainly needed to catalyze effective informal collective action.⁸⁵

Sampson and Raudenbush initially found a strong correlation between disorder and both crime and collective efficacy—that is, more disorder correlated strongly with higher crime rates and lower levels of collective efficacy.⁸⁶ The direct correlation between disorder and crime largely disappeared, however, when they controlled for neighborhood structural factors such as race, income, and residential stability.⁸⁷ The direct nexus between disorder and crime held true only for robbery rates.⁸⁸ Sampson and Raudenbush also found, however, that disorder *did* reduce collective efficacy and, moreover, that low levels of collective efficacy were strongly predictive of higher crime rates.⁸⁹ Thus, they concluded that even if disorder and crime are not directly causally linked, disorder may indirectly affect crime rates by undermining collective efficacy.⁹⁰ Sampson and Raudenbush suggested that perceptions of disorder may color residents' judgments about the level of cohesion and control in their community⁹¹—a hypothesis that is consistent with other research suggesting that perceptions of disorder strongly influence individual perceptions of collective efficacy.⁹² Sampson and Raudenbush's findings led them to reject the strong version of the broken windows hypothesis, which posits a causal link between disorder and serious crime.⁹³ But they took care not to dismiss disorder as irrelevant.⁹⁴ Disorder, they suggest, might "turn out to be important for understanding migration patterns, investment by businesses, and overall neighborhood viability," especially if it "operates in a cascading fashion—encouraging people to move (increasing residential instability) or discouraging efforts at building collective responses."⁹⁵

85 See, e.g., Fischel, *supra* note 14, at 113 ("When bottom-up collective action is necessary, having established a network of personal relationships makes it much easier to organize and get the job done.").

86 See Sampson & Raudenbush, *supra* note 74, at 626.

87 *Id.* at 627 & tbl.4.

88 *Id.* at 637–38. This finding is consistent with Skogan's findings. See SKOGAN, *supra* note 73, at 65–84.

89 Sampson & Raudenbush, *supra* note 74, at 637.

90 *Id.* at 637–38.

91 *Id.* at 625.

92 See Jeffrey D. Morenoff et al., *Neighborhood Inequality, Collective Efficacy, and the Spatial Dynamics of Urban Violence*, 39 CRIMINOLOGY 517, 548–50 & fig.4 (2001).

93 Sampson & Raudenbush, *supra* note 74 at 637.

94 *Id.*

95 *Id.*; see also Chris L. Gibson et al., *Social Integration, Individual Perceptions of Collective Efficacy, and Fear of Crime in Three Cities*, 19 JUST. Q. 537, 559 (2002) (finding that

Sampson and Raudenbush's findings about the effect of disorder on collective efficacy is tremendously important (both for our study and for the larger debate about broken windows policing generally) because there is little question that collective efficacy forms the foundation of healthy urban neighborhood health.⁹⁶ Numerous empirical studies have demonstrated that neighborhoods with low levels of collective efficacy are more dangerous, more disorderly, and have lower levels of residential stability (a factor which in turn mediates the demographic variables associated with low levels of collective efficacy).⁹⁷ Not surprisingly, a resident who counts on her neighbors to address community problems has less cause to seek to move to a new community; a resident who does not know her neighbors—or worse, does not trust them—tends not to enlist their assistance in efforts to address neighborhood problems.⁹⁸

B. Disorder and Fear

Disorder apparently suppresses collective efficacy for another reason: it causes people to be afraid. While the causal connection between disorder and crime is hotly contested, the connection between disorder and the *fear of crime* is not. Nearly all efforts to measure the connection between disorder and fear find a strong positive correlation. People intuitively associate disorder and crime. Apparently, the average observer agrees with the broken windows hypothesis; when she sees physical disorder or experiences social incivilities in a neighborhood, she assumes that more serious crimes are prevalent there as well. Indeed, disorder may generate more fear of crime than actual personal experience with crime itself, perhaps because residents who live in disorder-plagued neighborhoods

“social integration ha[s] the most important effect on individual perceptions of collective efficiency”).

96 Sampson & Raudenbush, *supra* note 74, at 610.

97 See Julie Berry Cullen & Steven D. Levitt, *Crime, Urban Flight, and the Consequences for Cities*, 81 REV. ECON. & STAT. 159, 159 (1999) (relating crime statistics and their connection to depopulation); Gibson et al., *supra* note 95, at 559; Edmund F. McGarrell et al., *Neighborhood Disorder, Integration, and the Fear of Crime*, 14 JUST. Q. 479, 494–95 (1997); Sampson & Raudenbush, *supra* note 74, at 627; Sampson et al., *supra* note 82, at 923.

98 See Gibson et al., *supra* note 95, at 542, 552; Albert Hunter & Terry L. Baumer, *Street Traffic, Social Integration, and Fear of Crime*, 52 SOC. INQUIRY 122, 123–31 (1982); Pamela Wilcox Rountree & Kenneth C. Land, *Burglary Victimization, Perceptions of Crime Risk, and Routine Activities: A Multilevel Analysis Across Seattle Neighborhoods and Census Tracts*, 33 J. RES. CRIME & DELINQ. 147, 149 (1996); Sampson & Raudenbush, *supra* note 74, at 612.

encounter disorder on a daily basis, even if they are rarely, if ever, victimized.

Disorder apparently generates fear at both the neighborhood and individual levels. At the neighborhood level, disorder is not only positively correlated with fear of crime, but higher levels of disorder correspond to higher levels of fear. At the individual level, residents within the same neighborhoods experience different levels of fear depending upon their individual perceptions of the amount of disorder in their communities. That is, the more disorder a person sees, the more fearful she is. For example, Jeanette Covington and Ralph Taylor interviewed over 1500 residents about the levels of disorder in sixty-six Baltimore neighborhoods and then compared these responses to physical assessments of neighborhood conditions conducted by trained observers.⁹⁹ They found that fear was most strongly influenced by the disorder levels within a respondent's neighborhood.¹⁰⁰ Residents of neighborhoods with higher levels of observed physical and social disorder had higher fear levels. They also found that individual perceptions of disorder were strongly linked to individualized, within-neighborhood, differences in fear.¹⁰¹ Residents who saw more disorder than their neighbors or expressed greater concern about disorder, were more fearful.¹⁰² Moreover, there is evidence that police efforts to reduce disorder cause people to be less fearful of crime, even when crime itself does not decrease.¹⁰³

The relationship between disorder and fear of crime is important for present purposes because fear, like disorder, is negatively correlated with collective efficacy and therefore, in our view, neighbor-

99 Jeannette Covington & Ralph B. Taylor, *Fear of Crime in Urban Residential Neighborhoods: Implications of Between- and Within-Neighborhood Sources for Current Models*, 32 Soc. Q. 231, 233 (1991).

100 *Id.* at 243.

101 *Id.* at 241.

102 *Id.* at 241-43; Gibson et al., *supra* note 95, at 541; Randy L. LaGrange et al., *Perceived Risk and Fear of Crime: Role of Social and Physical Incivilities*, 29 J. RES. CRIME & DELINQ. 311, 312-13 (1992); McGarrell et al., *supra* note 97, at 493.

103 See ROBERT C. TROJANOWICZ & ROBERT BALDWIN, AN EVALUATION OF THE NEIGHBORHOOD FOOT PATROL PROGRAM IN FLINT, MICHIGAN 15, 31-33 (1982); Gary W. Cordner, *Fear of Crime and the Police: An Evaluation of a Fear-Reduction Strategy*, 14 J. POLICE SCI. & ADMIN. 223, 232-33 (1986); Brian C. Renauer, *Reducing Fear of Crime: Citizen, Police, or Government Responsibility?*, 10 POLICE Q. 41, 47 (2007); Mary Utne et al., *Effects of Experiment on Attitudes and Victimization*, in THE NEWARK FOOT PATROL EXPERIMENT 51, 60-73 (Police Found. ed., 1981); David Weisburd & John E. Eck, *What Can Police Do to Reduce Crime, Disorder, and Fear?*, 593 ANNALS AM. ACAD. OF POL. & SOC. SCI. 42, 59-60 (2004); Jihong "Solomon" Zhao et al., *The Effect of Police Presence on Public Fear Reduction and Satisfaction: A Review of the Literature*, 15 JUST. PROF. 273, 295-96 (2002).

hood-level social capital. It is easy to hypothesize why: When individuals are fearful, they tend to take steps to minimize the risk of victimization. (In fact, the level of precaution-taking in a community is a common measure of fearfulness.¹⁰⁴) These precautions are costly, in both economic and social terms. Economically, Americans spend more on these private precautions—in 2006, estimates ranged from \$160 billion to \$300 billion—than on the total U.S. law enforcement budget.¹⁰⁵ In other words, private individuals spend more to avoid being victimized than U.S. governments at all levels (federal, state, and local) spend on police, prosecutors, judges, and prisons. And these figures do not reflect the total cost of crime avoidance, such as the opportunity costs of remaining behind locked doors to avoid victimization.¹⁰⁶

The *social* costs imposed by precaution taking likely are more substantial. Social influence theory predicts that people will be law-abiding when they perceive that their neighbors are obeying the law.¹⁰⁷

104 Wesley G. Skogan, *Measuring What Matters: Crime, Disorder, and Fear*, in U.S. DEP'T OF JUSTICE, *MEASURING WHAT MATTERS* 37, 47–48 (Robert H. Langworthy ed., 1999).

105 Robert A. Mikos, “Eggshell” Victims, Private Precautions, and the Societal Benefits of Shifting Crime, 105 MICH. L. REV. 307, 308 (2006).

106 Many economists condemn private crime prevention measures as socially wasteful, reasoning that private precautions do not reduce the total amount of crime, but rather simply displace it. That is, precautions only deter criminals from victimizing protected individuals, not from committing crimes. Instead, criminals will choose to victimize those who have not taken steps to protect themselves. ROBERT COOTER & THOMAS ULEN, *LAW & ECONOMICS* 516 (4th ed. 2004) (“Redistributing crime has no net social benefit.”); see also Omri Ben-Shahar & Alon Harel, *The Economics of the Law of Criminal Attempts: A Victim-Centered Perspective*, 145 U. PA. L. REV. 299, 301 (1996) (“[R]ationally calculating criminals will have an added incentive to target victims who have taken inefficient levels of precaution.”); Steven Shavell, *Individual Precautions to Prevent Theft: Private v. Socially Optimal Behavior*, 11 INT’L REV. L. & ECON. 123, 124 (1991) (arguing “observable precautions” shift crime); cf. Ian Ayers & Steven D. Levitt, *Measuring Positive Externalities from Unobservable Victim Precaution: An Empirical Analysis of Lojack*, 113 Q.J. ECON. 43, 74–76 (1998) (concluding that Lojack technology successfully lowers theft without raising other crime); Mikos, *supra* note 105, at 339–49 (arguing that when precautions displace crime, they are likely to reduce the cost of crime).

107 See, e.g., Dan M. Kahan, *Social Influence, Social Meaning, and Deterrence*, 83 VA. L. REV. 349, 350 (1997) (“Individuals don’t decide to commit crimes in isolation; rather . . . individuals are much more likely to commit crimes when they perceive that criminal activity is widespread.”). On social influence theory, see generally ELLIOT ARONSON, *THE SOCIAL ANIMAL* 6 (7th ed. 1995) (defining “social influence”). See also Lawrence Lessig, *The Regulation of Social Meaning*, 62 U. CHI. L. REV. 943 (1995) (discussing social meanings); Cass R. Sunstein, *Social Norms and Social Roles*, 96 COLUM. L. REV. 903 (1996) (concluding behavior is a function of social norms).

But private actions taken to avoid victimization cannot, by definition, support such a perception. Not only should residents take fewer steps to protect themselves from victimization if their neighbors are law-abiding, but the private deterrence measures that individuals fearful of crime are most likely to take—including neighborhood watch groups, alarm systems, extra locks, bars on windows, etc.—tend to signal that crime is prevalent in a community.¹⁰⁸ In other words, when a resident takes steps to prevent victimization, especially visible steps such as installing bars on her windows, she may signal to her neighbors that she does not trust them. Even if neighbors do not interpret precautionary measures as evincing a lack of trust—perhaps because the community is plagued by criminals from other neighborhoods—precautionary measures likely still undermine collective efficacy and suppress social capital. Consider, for example, the likely effects of one of the simplest and most common crime-avoidance strategy—remaining indoors. Not only does this “prisoner-in-my-own-home” phenomenon effectively turn the public spaces in a community over to residents’ would-be victimizers, but it also reduces opportunities for the informal, inter-neighbor socialization needed to build social capital.¹⁰⁹

III. CHICAGO’S CATHOLIC SCHOOLS AND THEIR NEIGHBORHOODS: AN EMPIRICAL TEST

This Part contains our empirical analysis of the effects of school closures on Chicago neighborhoods. We begin with a brief description of the Archdiocese of Chicago’s school system, and then analyze *first*, what factors influence school closure decisions, and *second*, how school closures impact neighborhood disorder, social cohesion, and collective efficacy. As elaborated in detail below, we find evidence that a school closing in a neighborhood is strongly predictive of increased levels of disorder and suppressed levels of social cohesion and collective efficacy. For the reasons just discussed, these findings

108 See, e.g., Nicole Stelle Garnett, *Ordering (and Order in) the City*, 57 STAN. L. REV. 1, 51 (2004); Kahan, *supra* note 107, at 387.

109 Not surprisingly, therefore, many “community policing” efforts seek to help neighbors overcome their fears by catalyzing new forms of collective efficacy. In Chicago, for example, police officers work with community leaders to organize marches in high crime areas, prayer vigils at the site of gang- or drug-related shootings, “smoke-outs”—barbecue picnics—in drug-market areas, and “positive loitering” campaigns to harass prostitutes and their customers. See CHI. CMTY. POLICING EVALUATION CONSORTIUM, COMMUNITY POLICING IN CHICAGO, YEAR TEN 91 (2004), available at http://www.northwestern.edu/ipr/publications/policing_papers/Yr10-CAPSeval.pdf.

are serious and disturbing. They suggest that residents' quality of life diminishes after a school closes in a neighborhood: Residents will be more fearful of victimization (in many cases not unreasonably) and will find it harder to organize and address neighborhood problems.

A. *Catholic Schools in Chicago*

During the 2008–2009 school year, the Archdiocese of Chicago's Catholic school system included 258 schools—218 elementary schools and 40 high schools—in Illinois's Cook and Lake Counties.¹¹⁰ Over 96,000 students were enrolled in these schools.¹¹¹ Of these students, twenty-two percent were non-Catholic and nearly thirty percent were minority.¹¹² The Archdiocese reports that the per pupil cost of education is \$4283 for elementary students and just over \$10,565 for high school students.¹¹³ Tuition and fees cover just over sixty percent of these costs, with the remainder covered through various sources, including local fundraising efforts, subsidies by parishes and the Archdiocese, and debt.¹¹⁴ Additionally, a private philanthropic organization known as the Big Shoulders Fund provides substantial support for ninety-three schools serving poor children, and a number of high schools depend partially on income from endowments and other investments.¹¹⁵ With a handful of exceptions, the elementary schools operating in the Archdiocese are traditional parochial schools—that is, the schools are a part of a Catholic parish. Except in extraordinary circumstances, this means that the pastor of the parish, who must be a Catholic priest, is the chief administrative officer of both the church and school. (Each school also has a principal who reports to the pastor.) Tellingly, in sharp contrast to the parish school model described above, during the 2008–2009 school year, parish financial support comprised less than ten percent of elementary school operating funds.¹¹⁶

Between 1984 and 2004, 130 Catholic elementary schools in the Archdiocese of Chicago closed completely or merged with other schools; 110 of these schools were located within the Chicago city lim-

110 See Archdiocese of Chi., *supra* note 58.

111 *Id.*

112 *Id.*

113 See OFFICE OF CATHOLIC SCH. OF COOK & LAKE COUNTIES, ARCHDIOCESE OF CHI., REPORT 2009, at 6 (2009), available at http://schools.archchicago.org/pdf/annual_reports/annual_report.pdf.

114 *Id.*

115 See BIG SHOULDERS FUND, *supra* note 64, at 3.

116 OFFICE OF CATHOLIC SCH. OF COOK & LAKE COUNTIES, *supra* note 113, at 6.

its.¹¹⁷ The schools that remain open (Figure 1) heavily blanket downtown Chicago and are scattered through the suburbs to the north and southwest of the city. The schools that have closed (Figure 2) were concentrated in poor central-city neighborhoods,¹¹⁸ many of which experienced the significant demographic shifts during the second half of the twentieth century described above.¹¹⁹ In some cases, the Archdiocese closed several schools in the same neighborhood, which is not surprising given the density of parishes in some neighborhoods.

FIGURE 1. OPEN CATHOLIC SCHOOLS, ARCHDIOCESE OF CHICAGO, C. 2009



B. *Explaining School Closures: Beyond Demographics*

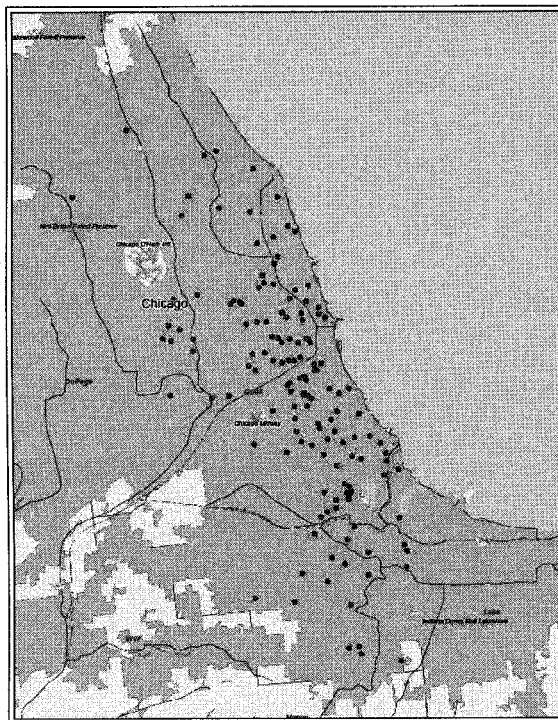
A key component of our empirical study was an effort to identify factors influencing school closure decisions that were exogenous to the demographic variables that might predict neighborhood decline. We recognized that we needed to do this in order to establish a causal link between school closures and subsequent neighborhood changes.

117 Eighteen Catholic high schools also closed during this time. An additional fifty-eight of the elementary schools in the City of Chicago closed before 1984. All told, thirty-five percent of the Archdiocese schools closed before 1994. See SIMONS, *supra* note 2, at 2.

118 The median family income in neighborhoods with closed schools was \$27,779.69 in 1994, while for the city as a whole it was about \$32,973.50.

119 See *supra* notes 44–55 and accompanying text.

FIGURE 2. CATHOLIC SCHOOLS CLOSED BETWEEN 1984–2004,
ARCHDIOCESE OF CHICAGO



The fact that a neighborhood declined after a school closed is suggestive of a connection between urban Catholic schools and social capital, but without disaggregating the school closure decisions from demographic variables that would also predict neighborhood decline, we would be unable to demonstrate a cause-and-effect relationship. It might be simply that the Archdiocese closed schools in struggling neighborhoods (undoubtedly the case for many of our observations), and that these neighborhoods continued to decline afterward for reasons unrelated to the closures. If so, the fact that neighborhoods with viable schools were healthier than those where schools had closed might simply reflect the fact that the schools remaining open tended to be located in healthier neighborhoods (again, undoubtedly true in many cases).

We thus began by seeking to understand what factors influence Archdiocesan school closure decisions. Our conversations with Archdiocesan school officials confirmed our initial assumption that school finances play a huge role: schools that are self-supporting, or attached to parishes that provide substantial financial support, are unlikely to

be targeted for closure.¹²⁰ Other financial factors—including the level of debt, dependence on Archdiocesan support, and the ability to harness private philanthropy—also influence closure decisions.¹²¹ We learned that elementary school enrollments below two hundred are considered unstable and that schools with consistently low scores on standardized tests raise concerns as well. Our conversations with Archdiocesan school officials also confirmed our suspicion that school closure decisions are far from scientific. While the factors identified above do influence school closure decisions, they are not determinative. While Archdiocesan practices varied over the time of our study, generally, before a school is closed, it is placed on a “threatened” list by the Archdiocesan schools office. At this point, a school’s fate is largely determined by intangible factors. Archdiocesan politics undoubtedly plays some role,¹²² but it is clear that a school’s chances of remaining open increases exponentially if the parish rallies to its support. Parish-school relationships are complicated and highly political, especially because a school represents a significant financial investment and many inner-city parishes are financially strapped.¹²³ Some parishioners may resist the suggestion that their church should

120 For example, the Archdiocesan *Catholic Schools Viability Assessment* provides: Assistant Superintendent identifies schools, based on an analysis of the school’s fiscal status and enrollment in consultation with the Office of Catholic Schools Planners, Vicariate Administrative Consultant [], and Office of Catholic Schools Director of Resource Development. The Assistant Superintendent will inform Office of Catholic Schools staff of the schools identified for a Viability Assessment.

OFFICE OF CATHOLIC SCH., ARCHDIOCESE OF CHI., CATHOLIC SCHOOLS VIABILITY ASSESSMENT 3 (2003) (internal document, on file with authors); accord Archdiocese of Chi., A Catholic Elementary School Viability Assessment, Revision 3, at 2 (2002) (internal document, on file with authors).

121 See Archdiocese of Chi., *supra* note 120, at 10 (listing, among signs of healthy schools, “[d]iverse sources of revenue,” “[v]iable development program,” and “[e]ndowment fund with local plan to grow the endowment”).

122 Here decisions might be influenced by wealth of local parishioners (seen in contributions to Bishop’s fund) and/or favorite clergy (those who might have attended higher-ranked seminaries or a Pontifical college or who are close to the bishop). Some schools might be advantaged if they have good sports teams or if they are highly ranked (*vis à vis* the national hierarchy of Blue Ribbon Schools for high schools that maintain a record of prestigious college admissions or even relatively high graduation rates). See, e.g., Brother Rice High School, <http://www.brrice.chi.il.us> (last visited Nov. 12, 2009); Our Lady of Tepayac, <http://www.ourladyoftepayac.org/home.html> (last visited Nov. 12, 2009). These pulls are well described by McCLOSKEY, *supra* note 7, at 29, 50.

123 WALCH, *supra* note 6, at 198 (noting the “disinclination of bishops and school administrators to replace inner-city parochial schools from which Catholic families have moved to new suburban schools” (quoting Andrew M. Greeley)).

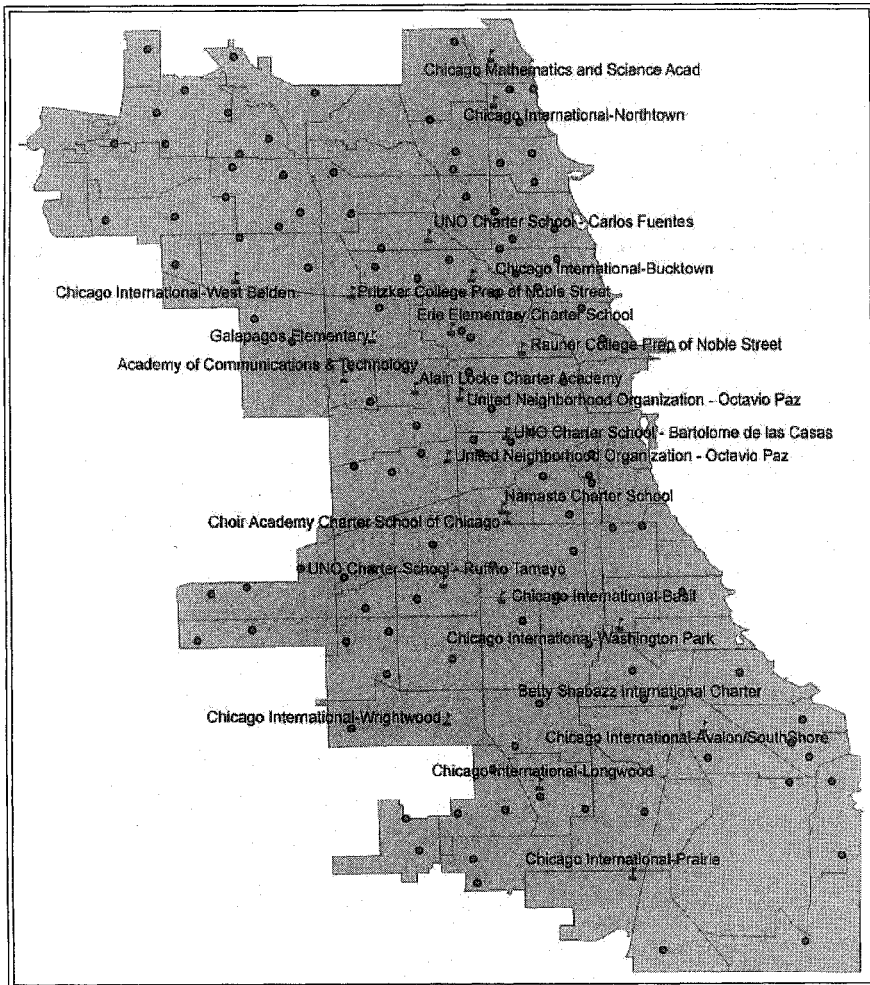
financially support the education of non-Catholic children, and parishioners with children in public schools may want their parish to focus on religious educational programs (traditionally referred to as CCD for “Confraternity of Christian Doctrine”).

Within individual school closure debates, Archdiocesan school officials repeatedly emphasized the critical importance of the support and leadership provided by the priest who is the pastor of the parish affiliated with the targeted school. Sr. M. Paul McCaughey, the Superintendent of Catholic Schools in the Archdiocese, suggested to us that the most important factor in distinguishing whether schools of similar socioeconomic composition closed was the pastor-school relationship. Harried, financially strapped priests who wish to “unload” a school often get their way. Pastors may see the school as an unnecessary drain on scarce resources, which must also go toward paying salaries for the parish staff as well as, among other things, utilities and upkeep on aging church buildings, which may hold architectural and historic value but frequently have experienced decades of delayed maintenance.¹²⁴ Sr. McCaughey offered several recent anecdotal accounts of extern priests (that is, priests serving Chicago parishes who are from other dioceses or foreign countries) who lacked a strong commitment to Catholic education generally and their associated schools in particular. In several of these cases, the students in the school were not, by and large, members of the parish, and the parish members did not, by and large, live in the neighborhood. These priests tended to see the schools as unnecessary burdens and the school buildings a potential source of revenue. If the school is closed, the pastor has the option of selling or leasing the building—often for use as a charter school.¹²⁵ Archdiocesan officials explained that the incentives created by school closures were a source of concern, because the parish (rather than the Archdiocese) keeps any revenue from the lease or sale of the school building. Figure 3 depicts the location of Chicago charter schools. The small flags indicate the location of former Catholic schools now leased to charter school providers, suggesting that, as of 2006, more than twenty-five pastors had taken advantage of this financial opportunity.

124 See generally RONALD J. NUZZI ET AL., FAITH, FINANCES, AND THE FUTURE 45 (2008) (noting importance of school finances in nationwide survey of pastors serving parishes with schools).

125 During the 2007–2008 school year, there were sixty-four charter schools operating in Chicago. See CHI. PUB. SCH., 2007–08 CHARTER SCHOOL PERFORMANCE REPORT 5 (2008), available at http://ren2010.cps.k12.il.us/docs/ONS%20perf%20report%202-25_FINAL.pdf.

FIGURE 3. CHARTER SCHOOLS IN CHICAGO, 2006–2007



As an aside, we suspect that these internal factors partially explain what initially appears to be a curiosity: our analysis of data from the last three censuses revealed that schools in neighborhoods with higher Latino populations were slightly more likely to close than those in white or African American neighborhoods. We do not suggest that these demographic factors are causal, although we strongly suspect that they relate to the “intangibles” influencing school closure decisions discussed above. Although Latinos will soon comprise a majority of Catholics in the United States, only three percent of Latino chil-

dren in the United States attend Catholic schools.¹²⁶ Moreover, while less than five percent of U.S. Catholics are African American, African Americans account for approximately twelve percent of urban Catholic school students. The Latino share of Catholic school students has steadily increased over the past two decades, and now exceeds the African American share by approximately five percent.¹²⁷ In many cases, however, African American families have a longer history of turning to inner-city Catholic schools to educate their children. From a public choice perspective, therefore, black families may be better positioned to mount more successful “save our school” campaigns.¹²⁸

After our conversation with Sr. McCaughey, we sought to understand whether variations in school leadership, especially characteristics of the priests assigned to a school, might independently explain some of the variance in school closures. We examined information about the leadership of the parishes with schools in the Archdiocese. We learned who led the parishes associated with a closed school at the time of their closing.¹²⁹ If, as was usually the case, the parish was led

126 See NOTRE DAME TASK FORCE ON THE PARTICIPATION OF LATINO CHILDREN & FAMILIES IN CATHOLIC SCH., UNIV. OF NOTRE DAME, TO NURTURE THE SOUL OF A NATION 11 (2009), available at http://catholicschooladvantage.nd.edu/assets/19176/nd_ltf_report_final_english_12.2.pdf. Nationwide, fifteen percent of Catholic children were enrolled in Catholic schools in 2007, compared to fifty percent in 1964. See Stern, *supra* note 3, at 78–79.

127 NAT’L CTR. FOR EDUC. STATISTICS, U.S. DEP’T OF EDUC., NUMBER AND PERCENTAGE DISTRIBUTION OF STUDENTS IN PRIVATE SCHOOLS, BY RELIGIOUS ORIENTATION, COMMUNITY TYPE, AND RACE/ETHNICITY THROUGH 2005–06 (2008), available at http://nces.ed.gov/surveys/pss/xls/table_whs_05.xls.

128 Still, we were disheartened to learn that school closure decisions correlate positively with increases in the Latino population, as we suspect that the school closures in Latino neighborhoods reflect a failure by Church leaders to adapt to the changing demographics of our Church—including language, cultural, and financial barriers faced by Latino Catholics. See generally NOTRE DAME TASK FORCE ON CATHOLIC EDUC., UNIV. OF NOTRE DAME, MAKING GOD KNOWN, LOVED AND SERVED: THE FUTURE OF CATHOLIC PRIMARY AND SECONDARY SCHOOLS IN THE UNITED STATES 11 (2006), available at http://ace.nd.edu/assets/2296/tf_cover.pdf (recognizing the need to increase Latino involvement in Catholic schools).

129 Much of the publicly available data came from *The Official Catholic Directory* (for years 1984–2004), an annual publication that lists each school in each diocese and archdiocese, with parish information and the name of the pastor, and lists all the members of religious orders with their year of ordination. *The Official Catholic Directory* enabled us to know when each pastor arrived in, and left, a parish. It also provided information on parishes led by “administrators” who were not priests. See *supra* note 58. For 2008, Sr. Paul gave us a copy of the *Archdiocese of Chicago 2008 Directory*. This also listed the religious sisters as well as phone numbers of the various convents and religious houses, which we called for people who we couldn’t identify. Other people, such as some of the lay principals, were tracked by using internet searches or

by a priest,¹³⁰ we explored his age, how long he had been in the parish, whether he was ordained in the Archdiocese or, alternatively, belonged to a religious order. We also checked whether the parish had been associated with the clergy abuse that troubled the Archdiocese. We performed a statistical analysis envisioning a pool of open schools beginning in 1984, with some schools closing and remaining closed during each year that followed. This method, called a binomial regression, allowed us to predict whether a school would close or would remain open past 1994 as well as to show how each of our variables affected the likelihood that a school would close. Table 1, below, contains the results of this initial analysis. Column B shows the coefficient for each characteristic that will form the best predicting ability from the data in the sample, as well as the standard deviation (in parentheses) and the statistical significance (at less than 0.01 probability of error in each case, denoted by **). The whole equation predicted 21.2% of the variance from the mean. This is called an R^2 . In this equation, guesses made based upon the equation would be right 72.8% of the time. The final column, Exp(B), explains the economic significance of each coefficient.

As we anticipated, increasing poverty in a neighborhood was positively related to school closings. As the percentage of African Americans and Hispanics increased, again as we expected, the likelihood of a school closing also increased. Interestingly, the probability that a school would close also increased when a neighborhood began to improve economically (as indicated in rising incomes and, in Sampson and Raudenbush's observations, the presence of "upscale restaurants and lounges"¹³¹). We surmise that gentrification decreases demand, at least in the short run, for elementary schools generally, and perhaps Catholic schools in particular.¹³²

the encyclopedic memory of Sr. Farley. Information on clergy abuse comes from: JIMMY M. LAGO, ARCHDIOCESE OF CHI., TEN YEAR REPORT ON CLERICAL SEXUAL ABUSE OF MINORS IN THE ARCHDIOCESE OF CHICAGO: JANUARY 1, 1993–JANUARY 16, 2003 (2003), available at http://www.archchicago.org/pdf/ten_year_report.pdf; Archdiocese of Chi., Archdiocesan Priests with Substantial Allegations of Sexual Misconduct with Minors, available at http://www.archchicago.org/c_s_abuse/report_032006/list.pdf (last visited Nov. 13, 2009); see also Bishop-Accountability.org, Accused Priests Who Worked in the Archdiocese of Chicago, http://www.bishop-accountability.org/il_chicago (last visited Dec. 15, 2009) (providing a larger collection including some unsubstantiated reports).

130 In a few cases, a lay person or religious sister had been appointed as a parish "administrator."

131 Sampson & Raudenbush, *supra* note 74, at 68.

132 We surmise that this is because gentrifying neighborhoods experience "yuppification," as families are replaced with residents who have no or few children and who

TABLE 1. VARIABLES PREDICTING SCHOOL CLOSURES

Variable	B	Exp(B)
Irregularity in the parish	2.304 (0.160)**	10.010
Years priest has been ordained	0.012 (0.004)**	1.012
Share Black in census tract, 1990	2.189 (0.149)**	8.923
Share Hispanic in census tract, 1990	2.266 (0.182)**	9.645
Poverty rate in census tract, 1990	1.629 (0.342)**	5.099
(Constant)	-2.758 (0.163)**	.063

But, importantly, factors other than these demographic variables also predicted closures. Our analysis confirmed Sr. McCaughey's observation that there are several "pastor" variables that predict school closures as much or more than neighborhood demographics. While we did not find the number of "externs" that Sr. McCaughey led us to expect,¹³³ we did find patterns of pastor-school relationships that differentiate schools that closed from those that did not. First, we found a slight, but not statistically significant distinction between the two kinds of priests in the Roman Catholic Church—"diocesan" (or "secular") and "religious." Diocesan priests commit themselves to working in the geographic diocese where they are ordained; they take a vow of obedience to the local bishop, who assigns the priests to a ministry, almost always within the diocese. Religious priests belong to religious orders—such as the Jesuits or Franciscans—which is not tied to any specific geographic location. Religious priests take a vow of obedience to the superior of their order. The superior, rather than the bishop, determines a religious priest's ministerial assignment, which may be anywhere in the world. It is reasonable to assume, therefore, that diocesan priests will be more vested in the work of the diocese where they are ordained. And, indeed, we found that schools led by a religious priest closed slightly more frequently than those led

might not be interested in Catholic schools. For the relationships described in the text between upscale restaurants and lounges and subsequent school closing, the correlation coefficient was 0.108, with significance at $p < 0.01$.

133 There were three during the period 1984–2004; two were from outside the United States.

by a priest ordained in the Archdiocese of Chicago (twenty-six percent for the closed schools compared to twenty-three percent for the open schools). Second, again confirming Sr. McCaughey's emphasis on the importance of a priest's commitment to a school in closure debates, many schools closed when a longstanding pastor reached retirement age and a new priest, who did not share his predecessor's long history with the school, became pastor at the parish and school (about twenty-two percent had pastors in their first year of service to the parish). Third, schools were more likely to close as the pastor aged: the likelihood that a school would close increased by one percent *per year* elapsing since a pastor's ordination.¹³⁴

Finally, the factor that we found most predictive of school closures—significantly more so than income or race—was whether there was something “irregular” about the leadership at the affiliated parish. Some of the schools tragically were associated with parishes in which a priest was alleged to have abused children. Several of the church leaders were interim “administrators”—lay men and women or religious sisters. According to Sr. McCaughey, a priest in the Archdiocese of Chicago is usually appointed as pastor in a parish for a six-year term. Pastors are frequently renewed for another six years, although after two terms, renewal occurs only if a priest would otherwise retire during his next term. If a pastor is unable to complete his term, the Archdiocese typically appoints an “administrator” to complete the term. This might occur if a priest dies, becomes seriously ill, or develops substance abuse or mental-health problems. In some cases, we learned that a pastor left the priesthood to marry or otherwise assume life as a layperson. In several cases, a pastor was removed because of child abuse allegations. In any of these cases, the parish and its parishioners likely would be severely distressed (and perhaps less likely to rally to the cause of saving a school). The outsider appointed to administer the parish for a short time also likely would be less committed to keeping the school open in cases of doubt. Schools affiliated with these troubled parishes, captured in the “irregularity” variable in Table 1, were ten times more likely to close as healthy parishes led by pastors.¹³⁵

134 The equation of “years since ordination” and “age” is imperfect, since men may be ordained to the priesthood at any time in their lives. We do not, however, have data on the age of the pastor, only the year of ordination.

135 In Table 1, above, irregularity in the parish was significant at $p < .000$, meaning that it is nearly completely certain that this was not obtained by chance (that is, there is less than a 1/1000 chance that it would occur randomly).

C. *Neighborhood Effects of Catholic School Closings*

Having satisfied ourselves that the demographic predictors of neighborhood decline could be disaggregated from other factors influencing school closure decisions, we were able to turn to the question at the heart of this Article: what does a Catholic school mean to an urban neighborhood? In this section, we review our findings, which strongly suggest that Catholic schools mean a great deal: they are apparently important generators of neighborhood social capital. School closures have significant negative impacts in the surrounding neighborhoods, as measured by increased social disorder and decreased social cohesion and collective efficacy—variables which, as described previously, are strongly predictive of neighborhood health.

Our analysis involves three primary sources of data. The first source is data obtained from the Archdiocese of Chicago's Office of Catholic Schools on school closings (and the small number of openings),¹³⁶ including the addresses of the schools and occasionally information about the reassignment of students (in case of a merger) or the school buildings (in case of rental to a charter school or demolition).¹³⁷ The second source is census data by census tract from the decennial census of 1980 and 1990.¹³⁸ The third comes from the PHDCN, described above, which is now housed at the University of Michigan's Inter-University Consortium for Political and Social Research (ICPSR).¹³⁹ Three types of PHDCN data were made available to us. The first type, which is publicly available on the ICPSR's website,¹⁴⁰ consists of systemic and very detailed observations made of every block in approximately eighty Chicago neighborhoods, which were videotaped by trained investigators, as described above, and coded for the presence of physical and social disorder.¹⁴¹ In an ideal world, we would have been able to use these systematic observations to measure the connections between school closures and disorder in Chicago neighborhoods. Unfortunately, we could not use these data

136 See SIMONS, note 2, at 3–13.

137 *Id.*

138 For this we used software provided by Geolytics.

139 These 80 neighborhoods were randomly selected from 343 Chicago neighborhoods of the same size, as described by the PHDCN. For a description of the project, see FELTON J. EARLS & CHRISTY A. VISHER, NAT'L INST. OF JUST., PROJECT ON HUMAN DEVELOPMENT IN CHICAGO NEIGHBORHOODS 1 (1997), *available at* <http://www.ncjrs.gov/pdffiles/163603.pdf>; Sampson & Raudenbush, *supra* note 74, at 615–16.

140 ICPSR: Inter-University Consortium for Political and Social Research, <http://www.icpsr.umich.edu> (last visited Nov. 13, 2009).

141 See *supra* notes 75–80 and accompanying text.

because many neighborhoods that included closed schools were not selected for systematic observation. Instead we relied on a second source of PHDCN data, a "community survey" of 4000 residents who answered questions about their neighborhood, including the levels of perceived disorder, social cohesion, and collective efficacy.¹⁴² These results are described below.¹⁴³

We plotted the geographic location of the closed schools using a mapping program (ArcGIS), which enabled us to associate each closing in its particular year to the census tract data preceding and following it. Personnel at the ICPSR then matched the school closing and neighborhood tract data so that we knew whether, and in what year, a Catholic elementary school (or more than one) had closed in any of the PHDCN neighborhoods. ICPSR personnel also told us whether or not a Catholic elementary school had been open between 1984 and 2004 in each of the eighty PHDCN neighborhoods. Only four neighborhoods within the PHDCN data set did not contain at least one Catholic elementary school in 1984. These were excluded from the sample analyzed.¹⁴⁴

Our dependent variables sought to measure whether the closing of one or more Catholic schools is associated with positive or negative neighborhood effects.¹⁴⁵ As discussed in Part VI, the available empiri-

142 We recognize that these perceived disorder variables are not precise measures of *actual* disorder in Chicago neighborhoods and that the resident perceptions that they measure may be skewed by a number of factors, including demographics. See Robert J. Sampson & Stephen W. Raudenbush, *Seeing Disorder: Neighborhood Stigma and the Social Construction of "Broken Windows,"* 67 SOC. PSYCH. Q. 319 (2004) (comparing PHDCN systematic and perceived disorder variables and finding that residents, regardless of race, perceived more disorder in African American neighborhoods).

143 See *supra* notes 74–82 and accompanying text. Additionally, a total of 8782 Chicago residents have completed three waves of longitudinal studies measuring all kinds of demographic, educational, psychological, labor and other variables. While the longitudinal studies might seem the most useful, in fact we were disappointed to find they were not: not all people from each neighborhood answered all the questions. For example, in one case, only one person from a neighborhood in which a school closed answered the cohesion questions, while in another neighborhood there were more than thirty respondents.

144 We also excluded information on Catholic high schools, although preliminary estimates suggested that they exhibit similar results. We excluded these data for two reasons. First, because high schools draw students from a larger geographic area than most elementary schools, we thought that they were less likely to be neighborhood institutions. Second, because very few Catholic high schools are associated with parishes, we were unable to employ the pastor variables that enabled us to disentangle school closure decisions from the demographic variables predictive of neighborhood decline.

145 All of our descriptive variables are contained in the Appendix.

cal evidence suggests that *public* schools are associated with low levels of collective efficacy and increased levels of disorder and crime.¹⁴⁶ Because of what we knew about Catholic schools and the parents who sought them for their children, we anticipated that they might produce quite different external effects. That is, we surmised that they might create and maintain social capital, especially in poor neighborhoods where there are frequently few other viable community institutions. We therefore set about modeling causation directly using both the variables predicting school closing before 1994 and, with other demographic variables, the closing variable's effect on the neighborhoods.

Using the PHDCN data, we then estimated the effect of a closed Catholic school on neighborhood social cohesion and disorder through a Two-Stage Least Squares (2SLS) regression.¹⁴⁷ This method is appropriate for our study because there are possible feedback loops in the variables that we are seeking to measure. That is, the school closure may cause neighborhood change, but closing also may be caused by neighborhood change. The 2SLS model allows us to simultaneously predict both whether or not a school would close (the endogenous variable, which might both affect neighborhood changes and/or generate them) and the effect of the closure on the PHDCN neighborhood where a closed school was located. In other words, the 2SLS model estimated the best predictors for whether a school closed and then fed those predicted values for previous school closing into an equation predicting, for example, neighborhood social disorder. In each step of the process, demographic variables are included, but for the school closing step, variables related directly only to its closing and not disorder are included. The basic idea is that by including not only the socioeconomic factors that might explain both neighborhood decline and school closings, but also variables that should not directly affect the neighborhoods (in our case, the pastor variables described above), we can show the effect of a school closing, independent of the demographic variables. In other words, we can move from correlation toward causation.

146 See *infra* notes 182–84 and accompanying text.

147 This is appropriate even where there are dummy (binomial) endogenous variables like whether or not the school closed. See Joshua D. Angrist, *Estimation of Limited-Dependent Variable Models with Dummy Endogenous Regressors: Simple Strategies for Empirical Practice*, 19 J. BUS. & ECON. STAT. 2, 2 (2001).

1. School Closures and Perceived Social Disorder

Using the 2SLS method and the variables described above, as well as whether a school closed in the relevant time period, we first sought to measure how a school closure affects perceived social disorder in a neighborhood. The community survey conducted by PHDCN asked residents “how much of a problem” they considered three manifestations of social disorder—drinking in public, selling or using drugs, and teenagers causing disturbances.¹⁴⁸ Respondents were offered three possible responses—“big problem,” “somewhat of a problem,” “not a problem”—which were scored from 3 to 1, totaled and averaged to obtain the scaled result. The R^2 for our model is 0.458,¹⁴⁹ meaning that our model explains nearly half the variance in social disorder in a neighborhood and the likelihood that a school previously closed.¹⁵⁰ In fact, a Catholic school closure is more predictive of an increase in perceived social disorder in a neighborhood than the share of African-American population and is roughly as statistically significant as the percentage of Latino residents in the census tract. The median family income in the census tract has the opposite sign (in other words, as income increases, social disorder decreases), is also statistically significant, and has more than three times the effect of the increased Hispanic population or whether the Catholic school closed.¹⁵¹ Once income is taken into account, the share of African Americans in the census tract does not appear to have a statistically significant effect on perceived social disorder.¹⁵²

2. School Closures and Perceived Physical Disorder

As with social disorder, we relied on the community survey to measure the effects of Catholic school closures on perceived physical disorder. The survey instrument asked three questions pertaining to physical disorder: “how much of a problem is litter, broken glass or trash on sidewalks and streets” in your neighborhood, “how much of a problem is graffiti on buildings and walls,” and “how much of a problem are vacant or deserted houses or storefronts.” Possible responses ranged from “not a problem” to “a very big problem;” the responses, scored from 1 to 3, were totaled and averaged over the survey respon-

148 See Sampson & Raudenbush, *supra* note 142, at 324 n.4.

149 For the new equation predicting social disorder that takes into account whether or not the school closed, the adjusted R^2 is 0.209, $F=197.757$.

150 See *infra* Table 2.

151 *Id.*

152 This is evidenced by the lack of asterisks following the coefficient and standard error.

TABLE 2. VARIABLES PREDICTING NEIGHBORHOOD SOCIAL DISORDER

	Unstandardized Coefficients	Standardized Coefficients
(Constant)	2.170 (0.080)**	
Catholic school in neighborhood closed before 1995	0.157 (0.023)**	0.121
Share Black in census tract, 1990	0.034 (0.050)	0.021
Share Hispanic in census tract, 1990	0.261 (0.067)**	0.123
Median family income in census tract, 1990	0.000 (0.000)**	-0.410

dents to obtain the scaled result. As above, we conducted a 2SLS regression using the same demographic variables and pastor-related variables as well as whether a school closed in the relevant time period to measure the effects of a Catholic school closure on perceived disorder. Our model had an R^2 of .775, or slightly more than three quarters of the variance in perceived physical disorder in a neighborhood and the likelihood that a school previously closed.¹⁵³ Table 3 indicates that an increase in perceived physical disorder predicted by a Catholic school closing in a neighborhood is roughly the same size as the increase predicted by an increase in the percentage of Latino residents in the census tract, and about a third the size of a decrease in median family income. Once income is taken into account, again the share of African Americans in the census tract does not appear to have a statistically significant effect on social disorder.

3. School Closures and Social Cohesion

For our measure of social cohesion, we rely on the PHDCN survey data, described above, which asked residents to indicate their level of agreement and disagreement with the following statements: (a) "People around here are willing to help their neighbors;" (b) "This is a close-knit neighborhood;" (c) "People in this neighborhood can be trusted;" (d) "People in this neighborhood do not generally get along with each other;" and (e) "People in this neighborhood do not share the same values." Although these data were compiled separately for

153 For the new equation predicting perceived physical disorder that takes into account whether or not the school closed, the adjusted R^2 is .569; $F = 1133.889$.

TABLE 3. VARIABLES PREDICTING PERCEIVED NEIGHBORHOOD PHYSICAL DISORDER

Variables	Unstandardized Coefficients	Standardized Coefficients
(Constant)	2.057 (0.029)**	
Catholic school closed in neighborhood before 1995	0.135 (0.008)**	0.204
Share Black in census tract, 1990	-0.016 (0.018)	-0.019
Share Hispanic in census tract, 1990	0.199 (0.025)**	0.18
Median family income in census tract, 1990	-1.57E-05 (-1.57E-05)**	-0.73

each of the 3382 respondents included in the 2SLS regression (Table 4), the scale of five items was also compiled on a neighborhood level.¹⁵⁴ The R^2 for the entire model is 0.701.¹⁵⁵ Again, this means that the model explains more than seventy percent of the variance in the scaled cohesion reported at the neighborhood level. Whether or not the Catholic school closed and the share Hispanic in the census tract are both statistically significant, but unlike the results in the disorder equation, the Catholic school impact is more than four times as great as the share Hispanic. As was the case with social disorder, median family income in the census tract has the opposite sign (in other words, as income increases, social cohesion increases). Income has a statistically significant effect on social disorder, but, interestingly, this effect is only slightly greater than the effect of a Catholic school closure. As above, once income is taken into account, the share of African Americans in the census tract is again not statistically significant.

154 In the study itself, this variable was called *ebcohesion* (while the individual scaled observation was *cohesion*). Similar regressions can be performed using the individual data, as was done in the disorder regression above, but it is less reliable statistically because sometimes only one person answered the cohesion questions and sometimes more than twenty answered within a neighborhood. Because the school and demographic variables are the same for each person in a neighborhood, the neighborhood level aggregate 2SLS is actually more reflective of what was really going on.

155 For the new equation predicting neighborhood level social cohesion and including whether or not the school closed, the adjusted R^2 is 0.492, $F = 816.890$.

TABLE 4. VARIABLES PREDICTING NEIGHBORHOOD SOCIAL COHESION

	Unstandardized Coefficients	Standardized Coefficients
(Constant)	3.070 (0.070)**	
Catholic school in neighborhood closed before 1995	-0.152 (0.008)**	-0.264
Share Black in census tract, 1990	0.014 (0.017)	0.019
Share Hispanic in census tract, 1990	-0.108 (0.023)**	-0.113
Median family income in census tract, 1990	0.000 (0.000)**	0.672

4. School Closures and Collective Efficacy

Finally, we sought to measure the effect of a school closure on collective efficacy, which, as described previously, powerfully predicts crime, fear of crime, and many other neighborhood characteristics.¹⁵⁶ Our measure for collective efficacy draws upon the formulation developed by Robert Sampson, Steven Raudenbush, and Felton Earls,¹⁵⁷ which measures collective efficacy by adding the scales for social cohesion and social control. Like social cohesion, this measure is aggregated on a neighborhood-level basis. Table 5 depicts the 2SLS results for the equation. The entire model R^2 is 0.334,¹⁵⁸ meaning that our model explains more than thirty percent of the variance in collective efficacy and whether or not the school previously closed in a neighborhood. Although this effect is not as large as the effects on social disorder and social cohesion, we include it because collective efficacy is a standard social science measure of community health. We also find it interesting that the significance of both racial characteristics (percent Latino and African American) to neighborhood collective efficacy disappears once income and school closures are taken into account.

¹⁵⁶ See *supra* Part II.

¹⁵⁷ Sampson et al., *supra* note 82, at 919–20.

¹⁵⁸ For the new equation predicting neighborhood level social efficacy and including whether or not the school closed, the adjusted R^2 is 0.110, $F = 93.156$. This means that largely two variables, whether or not the neighborhood Catholic school had closed and median income in the census tract, explain slightly more than eleven percent of the variance in social efficacy.

TABLE 5. VARIABLES PREDICTING COLLECTIVE EFFICACY

	Unstandardized Coefficients	Standardized Coefficients
(Constant)	5.883 (0.198)**	
Catholic school in neighborhood closed before 1994	-0.388 (0.057)**	-0.130
Share Black in census tract, 1990	0.185 (0.124)	0.050
Share Hispanic in census tract, 1990	-0.014 (0.166)	-0.003
Median family income in census tract, 1990	0.000 (0.000)**	0.368

IV. SCHOOL CLOSURES, LAND USES, AND SOCIAL CAPITAL

These results lead us to conclude that Catholic schools are important, stabilizing forces in urban neighborhoods: school closures lead to less socially cohesive, more disorderly neighborhoods. The remaining sections of the Article discuss the possible implication of this conclusion to important legal policy debates about land use regulation and education reform.

First, as indicated in the Introduction, one of the goals of this project is to contribute to the ongoing debate about the connection between different kinds of land uses and social capital. The dominant form of land use regulation in the United States—zoning—flows in part from an assumption that the “protection” of single-family homes from nonresidential land uses would foster social capital. As Richard Chused has persuasively argued, the Progressive-era proponents of zoning were “positive environmentalis[ts]”¹⁵⁹ who firmly believed that “changing surroundings would change behavior.”¹⁶⁰ They believed that single-land-use patterns were not only superior to the mixed-land-use patterns characterizing urban communities, but that they would foster a physically and morally healthier citizenry.¹⁶¹

This longstanding view received its sharpest, and most influential, challenge in Jane Jacobs’s classic work, *Death and Life of Great American*

159 Richard H. Chused, *Euclid’s Historical Imagery*, 51 CASE W. RES. L. REV. 597, 601 (2001) (quoting PAUL BOYER, *URBAN MASSES AND MORAL ORDER IN AMERICA, 1820–1920*, at 221–23 (1978)).

160 *Id.*

161 *Id.* at 601–03.

Cities.¹⁶² Jacobs vehemently disputed the prevailing wisdom that mixing residential and nonresidential land uses suppresses social capital and increases disorder. American land use practices, Jacobs countered, have it exactly backwards: Jacobs reasoned that while busy city neighborhoods may appear disorderly and uncoordinated, the vitality generated by mixing land uses is critical to urban health.¹⁶³ A diversity of land uses, she argued, gives people a diversity of reasons to be present in a community throughout the day and night.¹⁶⁴ Therefore, mixing residential and commercial uses helps guarantee private “eyes upon the street” to monitor and suppress disorder and crime.¹⁶⁵ Moreover, she predicted that nonresidential land uses—parks, corner shops, neighborhood taverns—provide opportunities for informal social interaction among relative strangers in a neighborhood.¹⁶⁶ These kinds of establishments can help build social capital by, to borrow from Putnam again, “bridging” diverse groups of people who would not otherwise encounter one another.¹⁶⁷

Today, nearly a half century after the publication of her important book, Jacobs’s ideas may be at the peak of their influence. In particular, her views about the value of nonresidential land uses in urban communities, now popularized by the self-styled “new urbanists,” is shaping both suburban design and the design of urban “infill” and redevelopment projects, including the federal HOPE VI program, which funds the demolition and redevelopment of distressed public housing projects. Furthermore, and importantly, Jacobs’s influence—or at least the version of it promoted by the new urbanists—is beginning to be reflected in incremental changes to longstanding land use regulations, including in a gradual trend toward the adoption of mixed-use zoning. All of these efforts implicitly endorse Jacobs’s argument that mixed-land-use environments are, at least under some circumstances, socially beneficial.¹⁶⁸

162 See *supra* note 11 and accompanying text.

163 JACOBS, *supra* note 11, at 177.

164 *Id.* at 163–64.

165 *Id.* at 35.

166 *Id.* at 152–54.

167 PUTNAM, *supra* note 83, at 22–24.

168 See, e.g., BRUEGMANN, *supra* note 42, at 151–53 (describing new urbanism’s influence on suburban design); Garnett, *supra* note 108, at 58; *Hope VI Funds New Urban Neighborhoods*, NEW URB. NEWS, Jan./Feb. 2002, at 9 (asserting that the Congress for the New Urbanism shaped many HOPE VI projects and trains participating developers).

A. *The Empirical Evidence*

The popular and academic commentary on Jacobs's arguments, however, frequently overlooks the empirical literature testing her hypothesis that nonresidential land uses foster social capital and suppresses disorder and crime. In a number of studies, criminologists, sociologists and environmental psychologists have sought to examine the connection between different land use patterns (that is, exclusively residential versus mixed-use) and disorder and crime. The relative neglect of this work in the literature on land use policy is unfortunate. Most of the researchers conducting these studies reject Jacobs's hypothesis as intuitively appealing but empirically unsustainable. They find instead that nonresidential land uses suppress collective efficacy. A common method for testing the effects of commercial land uses on neighborhood stability is the comparison of neighborhood pairs.¹⁶⁹ Researchers compare the crime rates (and, in some studies, the presence of observable physical disorder) in two neighborhoods with similar demographic profiles, but different land use patterns. These studies generally find that exclusively residential neighborhoods have lower crime rates, less disorder, and higher levels of collective efficacy than mixed-residential-and-commercial neighborhoods.¹⁷⁰ For example, a study of one hundred neighborhoods in Seattle, Washington, found that the introduction of a single commercial enterprise was correlated with a thirty-one percent increase in crime.¹⁷¹

Researchers conducting these studies link their findings to the "routine activities" theory of crime. Routine activities theory builds on the insight that most predatory crime is opportunistic. That is, as Sampson and Raudenbush summarize, crime "involves the intersection in time and space of motivated offenders, suitable targets, and the absence of capable guardians."¹⁷² Land use patterns are relevant to this thesis for two reasons: First, nonresidential land uses (such as

169 See Sampson & Raudenbush, *supra* note 74, at 624 ("Neighborhoods with mixed residential and commercial development exhibit higher levels of both physical and social disorder, regardless of sociodemographic characteristics.").

170 See, e.g., Stephanie W. Greenberg et al., *Safety in Urban Neighborhoods: A Comparison of Physical Characteristics and Informal Control in High and Low Crime Neighborhoods*, 5 POPULATION & ENV'T 141, 144 (1982); Ralph Taylor et al., *Street Blocks with More Non-residential Land Use Have More Physical Deterioration: Evidence from Baltimore and Philadelphia*, 31 URB. AFF. REV. 120, 130-32 (1995).

171 Pamela Wilcox et al., *Busy Places and Broken Windows?: Toward Defining the Role of Physical Structure and Process in Community Crime Models*, 45 SOC. Q. 185, 191-93, 200 (2004).

172 Sampson & Raudenbush, *supra* note 74, at 610.

schools, stores, parks, etc.) may serve to invite strangers—including would-be offenders—into a neighborhood. By providing places for neighbors to congregate, these land uses may also generate a larger pool of potential victims than residential ones. Thus, while Jacobs may have been right that nonresidential land uses increase the number of individuals present in an urban neighborhood, the routine activities theory suggests that higher numbers of “eyes upon the street” actually may increase the number of potential offenders, rather than opportunities for informal surveillance.¹⁷³

Second, contrary to Jacobs’s intuition, commercial uses may decrease private surveillance efforts. This argument flows from Oscar Newman’s important work on “defensible space.”¹⁷⁴ Newman argued that architectural and urban design can decrease crime by increasing opportunities for residents to exercise “ownership” over public spaces.¹⁷⁵ Proponents of routine activities theory suggest that the desire to exercise control over our environment is strongest closer to our homes. Events occurring in one’s yard are more important than those occurring on the sidewalk, sidewalk events are more important than neighborhood events, etc. According to this theory, by introducing strangers into a community, nonresidential land uses create “‘hole[s]’ in the resident-based fabric”¹⁷⁶ or “‘valleys’ in the topography of territorial control.”¹⁷⁷ Resident surveys conducted for these studies suggest that nonresidential land uses reduce informal monitoring by residents, in large part because increased traffic makes it more difficult to discern who “belong[s]” in a community.¹⁷⁸ In one study, for example, residents on blocks with nonresidential land uses reported that they recognized other block residents less well, felt that they had less control over events in the neighborhood, and were less

173 See Greenberg et al., *supra* note 170, at 162; Sampson & Raudenbush, *supra* note 74, at 610; Taylor et al., *supra* note 170, at 122; Wilcox et al., *supra* note 171, at 200.

174 OSCAR NEWMAN, *DEFENSIBLE SPACE* 3 (1972).

175 See *id.* (suggesting that a defensible space model creates “an environment in which latent territoriality and sense of community in the inhabitants can be translated into responsibility for ensuring a safe, productive, and well-maintained living space”); Neal Kumar Katyal, *Architecture as Crime Control*, 111 YALE L.J. 1039, 1058–62 (2002) (noting that promotion of territoriality increases sense of ownership and decreases crime).

176 Taylor et al., *supra* note 170, at 122.

177 Ralph Taylor, *Toward an Environmental Psychology of Disorder: Delinquency, Crime, and Fear of Crime*, in 2 HANDBOOK OF ENVIRONMENTAL PSYCHOLOGY 951, 955 (Daniel Stokols & Irwin Altman eds., 1987).

178 Taylor et al., *supra* note 170, at 131.

likely to count on a neighbor to monitor suspicious activity than residents of exclusively residential blocks.¹⁷⁹

Of particular relevance to our study is literature focusing on the effect of specific land use “hot spots”—that is, land uses associated with high levels of crime and disorder and low levels of collective efficacy. For example, Jacobs argued—somewhat counterintuitively—that a neighborhood tavern might reduce crime.¹⁸⁰ She reasoned that a tavern is the kind of informal meeting place that fosters the informal social interactions needed to generate social capital in a community. Moreover, she hypothesized that a bar could ensure the presence of people in neighborhood public spaces during the evening hours, thereby guaranteeing a near round-the-clock presence of “eyes upon the street.”¹⁸¹

It is fair to say, however, that the empirical literature on land use hot spots does not bear out Jacobs’s hunch about taverns: There is ample evidence that bars increase crime and disorder and suppress informal social controls within a neighborhood.¹⁸² Other “hot spots” studies have found similar effects for a variety of nonresidential land uses, including, importantly for our purposes, public schools. For example, a number of studies document that residential blocks with public high schools and immediately adjacent blocks experience a statistically significant higher incidence of crime. At least one study found that public *elementary* schools also appeared to generate crime as well—perhaps *more crime* than public high schools.¹⁸³ In contrast, there is little indication in these studies that *private* schools generate crime and disorder. Although one study of Cleveland found a slight, but not statistically significant, increase in crime in neighborhoods

179 See Ellen M. Kurtz et al., *Land Use, Physical Deterioration, Resident-Based Control, and Calls for Service on Urban Streetblocks*, 15 JUST. Q. 121, 135 (1998).

180 JACOBS, *supra* note 11, at 36–42.

181 *Id.* at 35.

182 See, e.g., Dennis W. Roncek & Ralph Bell, *Bars, Blocks, and Crime*, 11 J. ENV’L SYS. 35, 40–44 (1981); Dennis W. Roncek & Mitchell A. Pravatiner, *Additional Evidence that Taverns Enhance Nearby Crime*, 73 SOC. & SOCIAL RES. 185, 186 (1989).

183 See Caterina Gouvis Roman, *Schools as Generators of Crime: Routine Activities and the Sociology of Place* 30 (July 15, 2003) (unpublished dissertation, American University), available at <http://www.ncjrs.gov/pdffiles1/nij/grants/201946.pdf>; see also Dennis W. Roncek & Donald Faggiani, *High Schools and Crime: A Replication*, 26 SOC. Q. 491, 495–501 (1985) (studying crime rates in Cleveland); Dennis W. Roncek & Antoinette LoBosco, *The Effect of High Schools on Crime in Their Neighborhoods*, 64 SOC. SCI. Q. 598, 602–09 (1983) (examining the effects of high schools on crime in San Diego).

with private high schools, other studies have generally found no effect.¹⁸⁴

B. *A Catholic School Effect?*

Our evidence suggests, however, that urban Catholic elementary schools have the opposite effect: they increase social capital and collective efficacy and suppress disorder in the neighborhoods where they are located. Had we conducted this study fifty years ago, this finding would have been unremarkable. It would be surprising if the traditional parish schools described above failed to foster social capital. According to James Coleman's classic formulation, "social capital inheres in the structure of relations between actors and among actors," and institutions that foster these relationships are incubators of social capital.¹⁸⁵ Coleman used schools to illustrate this conception of social capital, arguing that successful schools tended to be distinguished by parents' connections to their children's school and to the parents of their children's peers.¹⁸⁶ These connections, he reasoned, "closed the loop" between school, teachers, and parents, thus guaranteeing the enforcement of appropriate norms.¹⁸⁷ Coleman further argued that these kinds of connections—and the norm-enforcement authority that they enabled—helped explain Catholic high schools' low drop-out rates.¹⁸⁸ The kinds of multiple, overlapping social circles that Coleman used to define social capital undoubtedly were present when parishes were geographically situated, religiously focused, dense social networks centered, in important ways, around a parish church and its school—when, as John McGreevy colorfully describes, "[e]ach parish was a small planet whirling through its orbit, oblivious to the rest of the ecclesiastical solar system."¹⁸⁹

The parish schools that form the backdrop of this study, however, are very different from these "planets." To begin, parish boundaries are no longer enforced in most dioceses—that is, Catholics are not usually obligated to attend the parish closest to their home. While Catholic parents have a financial incentive to join the parish where their children attend school—tuition is deeply discounted in most cases for parish members—that parish is not necessarily the one clos-

184 Roncek & Faggiani, *supra* note 183, at 491; Roncek & LoBosco, *supra* note 183, at 598. No study has shown an increase for private elementary schools.

185 James S. Coleman, *Social Capital in the Creation of Human Capital*, 94 AM. J. SOC. 95, 98 (Supp. 1998).

186 *Id.* at S106–07.

187 *Id.*

188 *Id.* at S114–15.

189 MCGREEVY, *supra* note 21, at 10.

est to their home. Catholics have become church shoppers. And, of course, non-Catholic parents, whose children comprised twenty-two percent of the students attending Catholic schools in the Archdiocese of Chicago last year, will lack the religious and social connections provided by parish membership altogether. Moreover, Mass attendance has decreased dramatically since the mid-1960s, suggesting that, even for Catholics, the “closed networks” of the parish/school championed by Coleman are substantially weaker for many Catholic parents today than in the past.¹⁹⁰

Still, our data suggest that Catholic schools continue to foster neighborhood social capital. We can only speculate about why this might be: Perhaps it remains the case that many children attending a Catholic school live nearby, in which case the school provides a social connection between neighbors that might not otherwise exist. While we would expect a similar connection to be provided by public schools, the empirical evidence on this point is mixed at best.¹⁹¹ It may be the case, however, that—thanks to the educational reforms described below—public schools are, at least in some cases, *less likely* to be neighborhood institutions than Catholic schools. Moreover, Catholic schools frequently place demands on parents that public schools do not or even cannot: Many require parents to volunteer in the school and/or provide parents with the option of volunteering in order to reduce tuition burdens. These requirements may bring together neighbors who would not otherwise connect, again generating social capital by closing the network between parent, school, child, and neighborhood.

The connection between the parents’ responsibilities to the schools and social capital also is suggestive of another possibility—namely that what goes on *inside* a school does in fact have important implications for what happens *outside* of it. For example, researchers have suggested that schools may be magnets for crime. High schools, for example, draw together large numbers of teenagers, a group fre-

190 See McGreevy, *supra* note 19, at 416.

191 See *supra* note 183 and accompanying text. One study of Seattle neighborhoods found that junior high and high schools were positively correlated with “neighboring” among residents, although the researchers did not distinguish between public and private schools. See Wilcox et al., *supra* note 171, at 185. It is also possible that, in some cases, our study results in an “apples to oranges” problem—some of the disorder studies focus on *block-level* effects of nonresidential land uses and we are measuring *neighborhood* effects. See Robert C. Ellickson, *New Institutions for Old Neighborhoods*, 48 DUKE L.J. 75, 80 (1998) (distinguishing “blocks” and “neighborhoods”). Unfortunately, we are unable to control for this important distinction, given the data available to us.

quently associated with increased crime and disorder. Even elementary schools may draw unwanted individuals into a neighborhood—for example, at night unsupervised playgrounds may serve as recreational hang outs for teenagers or staging areas for illicit activities. Catholic schools may function differently. Perhaps their emphasis on discipline *inside* the school affects the behavior of teenage students *outside* the school, in the surrounding neighborhood. A greater concern for safety and discipline may mean that playgrounds are more likely to be fenced and inaccessible. The pastor and/or nuns living on the premises may also deter crime. Perhaps Catholic schools sponsor more community activities, or even different activities, in after-school hours, thus ensuring that responsible adults are present in the neighborhood well into the evening. Or, perhaps it matters, as Fr. Charles Dahm's study of St. Pius Parish in Chicago shows, that these activities are closely connected with social justice and helping others.¹⁹² Finally, our results might simply reflect the unfortunate reality that, in some neighborhoods, a Catholic school was one of the last remaining functional community institutions. As a bishop who was ordained as a priest in the Archdiocese of Chicago (and who attended one of the closed schools in our study) told one of us privately, in some neighborhoods, a school represented the last vestige of social capital. It is hardly surprising, he remarked, that when that vestige disappeared, the neighborhood declined even faster.

V. CATHOLIC SCHOOL CLOSURES AND EDUCATION FINANCE DEBATES

As discussed in the Introduction, a second goal of this study is to contribute to important debates about education reform generally, and especially about the decline of geographically based, locally controlled public schools and the rise of school choice. This Part seeks to situate our findings within these debates.

A. *The Geography of Education Reform*

The traditional system of geographically based, neighborhood public schools has been eroding, especially in major urban centers, at least since the Supreme Court decided *Brown v. Board of Education*.¹⁹³ That *Brown* would presage the unraveling of neighborhood schools was not immediately apparent. As Jim Ryan and Michael Heise have noted, "School desegregation did not always threaten the neighborhood school; in districts that were residentially integrated, school

192 CHARLES DAHM, PARISH MINISTRY IN A HISPANIC COMMUNITY 238–51 (2004).

193 347 U.S. 483 (1954).

desegregation, if anything, was more consistent with the neighborhood school concept than was school segregation.”¹⁹⁴ This was more likely to be the case in the South, where residential housing patterns have always been—and remain—less racially segregated than in northern cities. A decade after *Brown*, in fact, the Supreme Court invalidated a “freedom of choice” plan for student assignment that was quite obviously designed to get around this reality.¹⁹⁵

In cities with segregated housing patterns, however, merely eliminating de jure segregation could not, standing alone, ensure integration. Moreover, school officials could (and did) avoid desegregation mandates by shifting school attendance boundaries.¹⁹⁶ Thus, by the early 1970s, federal courts had grown weary of state and local officials’ efforts to avoid the *Brown* mandate and frustrated with the slow pace of integration efforts. The resulting policy innovations designed to promote integration—especially judicially mandated busing¹⁹⁷ and, after the Supreme Court’s refusal to sanction a multidistrict desegregation remedy in *Milliken v. Bradley*,¹⁹⁸ magnet schools¹⁹⁹—have pulled many thousands of students away from their neighborhood schools. In fact, the Supreme Court arguably encouraged the rise of magnet schools by authorizing federal courts to order state governments to help fund remedial and compensatory education programs in majority-minority districts in *Milliken v. Bradley (Milliken II)*.²⁰⁰ The extent of mandatory desegregation efforts has declined dramatically

194 James E. Ryan & Michael Heise, *The Political Economy of School Choice*, 111 YALE L.J. 2043, 2051 n.21 (2002).

195 *Green v. County Sch. Bd.*, 391 U.S. 430, 441 (1968).

196 See *Keyes v. Sch. Dist. No. 1*, 413 U.S. 189, 191 (1969) (finding that the Denver public school district “by use of various techniques such as the manipulation of student attendance zones, schoolsite selection and a neighborhood school policy, created . . . segregated schools”).

197 See *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 29–30 (1971) (approving court-ordered busing of students).

198 418 U.S. 717, 752–53 (1971) (invalidating a desegregation plan in that would have required the integration of the predominantly black Detroit public schools with the predominantly white surrounding suburban public schools).

199 Generally speaking, magnet schools are specialized, often competitive, public schools. Magnet schools seek to aid desegregation efforts by attracting families to urban public schools who would otherwise attend private schools or suburban public schools. They respond to the reality that, without attracting white students back to urban districts, integration is impossible because, as Jim Ryan observes, in many districts “there [are] not enough white students to go around.” James E. Ryan, *Schools, Race, and Money*, 109 YALE L.J. 249, 261 (1999). On magnet schools, see, for example, Ryan & Heise, *supra* note 194, at 2064–65 (describing magnet schools as a mostly “intradistrict” school choice).

200 433 U.S. 267, 277 (1977).

over the past few decades, as increasing numbers of school districts have been found to have achieved “unitary status”—that is, to have remedied, to the greatest extent possible, the effects of past intentional discrimination—and released from federal court supervision.²⁰¹ The trend toward intradistrict public school choice prompted by desegregation decrees has only intensified, however, especially in urban districts. For example, forty percent of central city school districts operate magnet schools, compared to less than ten percent of districts nationwide.²⁰² Competition for entry into magnet schools is frequently fierce, and local school officials’ efforts to achieve racial diversity have prompted successful Equal Protection challenges.²⁰³ In addition to magnet schools, seventy-one percent of central-city school districts offer intra-district school choice, permitting students to attend a public school outside of their assigned attendance area.²⁰⁴ A number of districts (again, especially large urban ones), have implemented “school-within-a-school” reforms, which feature multiple, specialized, autonomous public schools operating in a single building.²⁰⁵

While these reforms began to take hold, efforts to attack on state-law grounds the traditional property-tax-dependent system of funding public education also began to succeed. To date, over half of state supreme courts have invalidated their states’ systems of funding public education. Some courts have found that the traditional property-tax-based system results in unconstitutional interdistrict fiscal inequalities. Others have found unconstitutional disparities in educational quality

201 See, e.g., GARY ORFIELD & SUSAN E. EATON, *DISMANTLING DESEGREGATION* 341, 346–47 (1996); Wendy Parker, *The Future of School Desegregation*, 94 NW. U. L. REV. 1157, 1175–76, 1189 (2000); Ryan, *supra* note 199, at 265.

202 See Jack Buckley & Mark Schneider, *School Choices, Parental Information, and Tiebout Sorting: Evidence from Washington, D.C.*, in *THE TIEBOUT MODEL AT FIFTY* 101, 104 (William A. Fischel ed., 2006).

203 See, e.g., *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist.*, 127 S. Ct. 2738, 2765–66 (2007); *Wessmann v. Gittens*, 160 F.3d 790, 799–800 (1st Cir. 1998). For information about competition for magnet schools on Chicago, see generally Julie Berry Cullen & Brian A. Jacob, *Is Gaining Access to Selective Elementary Schools Gaining Ground? Evidence from Randomized Lotteries*, in *THE PROBLEMS OF DISADVANTAGED YOUTH* 43 (Jonathan Gruber ed., 2009).

204 Between 1993 and 2003, the percentage of students attending a “chosen” public school increased from eleven percent to fifteen percent. Nat’l Ctr. for Educ. Statistics, *Fast Facts*, <http://nces.ed.gov/FastFacts/display.asp?id=6> (last visited Nov. 5, 2009).

205 See, e.g., Sarah Dewees, *The School-within-a-School Model*, ERIC DIG. (Educ. Res. Info. Ctr., Charlestown, N.C.), Dec. 1999, at 2. For a moving account of one successful school-within-a-school effort, see generally SEYMOUR FLIEGEL, *MIRACLE IN EAST HARLEM* (1990).

between districts.²⁰⁶ These school-finance-reform decisions do not require districts to dismantle neighborhood schools, nor do they require wealthier districts to accept students from poorer ones.²⁰⁷ By causing districts to rely more heavily on centralized (i.e., state-level) funding, these decisions do, however, arguably undermine local control over public education policy.²⁰⁸ And, by making more money available to poorer districts, they may also catalyze greater experimentation with educational choice and diversity—for the same reasons that the influx of state money in the post-*Milliken II* era did.

Over the course of the last few decades, other choice-based reforms, motivated primarily by a desire to improve educational outcomes (rather than to desegregate public schools), have also taken hold. Forty states now authorize “charter schools,” which are publicly funded, tuition-free, nonreligious schools that operate pursuant to a contract between chartering agency (usually the state government, local school board, or other state-designated chartering institution) and a private entity. The schools themselves are usually operated by private entities (nonprofit or, in some states, for-profit), which apply for authorization to operate (the “charter”) from the chartering agency. Generally—although there is tremendous variation across states—charter schools are freed from complying with regulations relating to teacher hiring, curriculum, calendar, the length of the school day, etc. During the 2008–2009 school year, 1.5 million children were enrolled in more than 4500 charter schools.²⁰⁹ The number and diversity of charter schools is likely to increase in the near future, as President Obama has made charter schools a centerpiece of his educational agenda, and has urged states to lift caps on the number of available charters.²¹⁰

During the same period marking the rise of charter schools, momentum for private school choice—an idea first proposed by

206 See, e.g., New Am. Found., Federal Education Budget Project, <http://febp.newamerica.net/k12/rankings/schofiineq06> (last visited Nov. 12, 2009); see also Peter Enrich, *Leaving Equality Behind: New Directions in School Finance Reform*, 48 VAND. L. REV. 100, 121–40 (1995) (finding similar trends); Ryan & Heise, *supra* note 194, at 2058–59 (describing trends in school finance reform litigation).

207 Ryan & Heise, *supra* note 194, at 2059–62.

208 See FISCHEL, *supra* note 14, at 145–61.

209 On charter schools, see Ryan & Heise, *supra* note 194, at 2073–75; Ctr. for Educ. Reform, All About Charter Schools, http://www.edreform.com/Issues/Charter_Connection/?All_About_Charter_Schools (last visited Nov. 13, 2009).

210 See David Stout, *Obama Outlines Plan for Education Overhaul*, N.Y. TIMES, Mar. 11, 2009, at A14.

Nobel Laureate Milton Friedman in 1955—also gained steam.²¹¹ Friedman argued that the states should permit students to allocate their public education funds as their parents see fit, including by spending them in a private school.²¹² Friedman's ideas have since been championed by free market economists, who argue that school choice will subject public schools to much needed competition, thereby incentivizing needed reforms and improving educational attainment.²¹³ Other commentators have urged support for private school choice on equality and religious-liberty grounds.²¹⁴ In 1989, Wisconsin enacted the nation's first school "voucher" program, which entitled poor public school children in the city of Milwaukee to spend a portion of their public education funds at a nonsectarian private school; the program was expanded to include religious schools in 1995.²¹⁵ Ohio followed suit in 1995, enacting a similar voucher program, the Pilot Scholarship Program, which subsequently sustained an Establishment Clause challenge in the U.S. Supreme Court, clearing the constitutional path for the expansion of private school choice.²¹⁶ Today, seven states and the District of Columbia have scholarship or "voucher" programs that enable targeted groups of students to spend public funds to attend a private school. For example, the Milwaukee, Cleveland, and D.C. programs are available only to low-income children; the Arizona, Florida, Georgia, Ohio, and Utah programs assist children with disabilities; and Louisiana's program targets students in low-performing schools. In addition, six states grant tax credits for charitable donations to nonprofit organizations that provide scholarships to attend private schools. During the 2008–2009 school year,

211 Milton Friedman, *The Role of Government in Education*, in *ECONOMICS AND THE PUBLIC INTEREST* 123, 129–31 (Robert A. Solo ed., 1955); cf. James Forman, Jr., *The Secret History of School Choice: How Progressives Got There First*, 93 *Geo. L.J.* 1287, 1291–95 (2005) (situating the roots of the school choice movement in the post-emancipation period).

212 See Found. for Educational Choice, School Choice, <http://www.edchoice.org/schoolchoice> (last visited Feb. 5, 2010) ("In 1955, Dr. Milton Friedman proposed the idea of school vouchers, which would separate the financing and administration of schools, effectively jumpstarting the modern day school choice movement.").

213 See, e.g., JOHN E. CHUBB & TERRY M. MOE, *POLITICS, MARKETS, AND AMERICA'S SCHOOLS* 101–40 (1990).

214 See, e.g., JOHN E. COONS & STEPHEN D. SUGARMAN, *EDUCATION BY CHOICE* 115–25 (1978); JOSEPH P. VITERITTI, *CHOOSING EQUALITY* 11–16 (1999); Richard W. Garnett, *The Right Questions About School Choice: Education, Religious Freedom, and the Common Good*, 23 *CARDOZO L. REV.* 1281, 1312–13 (2002).

215 See *Jackson v. Benson*, 578 N.W.2d 602, 607–10 (Wis. 1998) (summarizing history of Milwaukee Parental Choice Program).

216 See *Zelman v. Simmons-Harris*, 536 U.S. 639, 652–54 (2002).

over 170,000 students attended a private school through one of these programs.²¹⁷ School choice proponents expect this number to grow significantly in the near future because Georgia's scholarship tax credit program, adopted in 2008, is in its infancy and students are utilizing only a tiny fraction of fifty million dollars of available scholarship dollars.²¹⁸ Funding from Indiana's much smaller scholarship tax credit program, which was enacted in June 2009, will not be available until the upcoming school year.

The gradual evolution toward a greater parental choice in elementary and secondary education, especially the partial privatization of education delivery characterized by school choice programs and charter schools, has catalyzed what is perhaps best characterized as "communitarian" defenses of public education generally, and of locally controlled public schools in particular. The remainder of this Part canvasses the two different versions of these "communitarian" arguments. First, some scholars argue that government operated or controlled schools are needed to inculcate the civic values that represent the building blocks of our diverse, democratic society. Second, other commentators, especially William Fischel, worry that the erosion of the geographic based system of locally controlled public schools will both undermine educational quality and erode local social capital. After discussing each of these arguments, and their rejoinders, we conclude by situating our empirical findings within these important education-reform debates.

B. *Private Schools and Public Values*

The view that public education is needed to inculcate democratic values, and that, therefore, the rise of parental choice threatens to undermine those values, is most closely associated with philosophers Amy Gutmann and Stephen Macedo.²¹⁹ In her influential book, *Democratic Education*, Gutmann argues that public schools serve the purpose of "conscious social reproduction" of the "core value of

217 See ALLIANCE FOR SCH. CHOICE, SCHOOL CHOICE YEARBOOK 2008–09, at 2, 18–20 (2009). Indiana became the seventh state to enact a scholarship tax credit bill on June 30, 2009. See Editorial, *They Got it Right on These Issues*, IND. STAR, July 10, 2009, at 10A.

218 ALLIANCE FOR SCH. CHOICE, *supra* note 217, at 14, 45.

219 See AMY GUTMANN, DEMOCRATIC EDUCATION 16–21 (1999); STEPHEN MACEDO, DIVERSITY AND DISTRUST 1–7, 231–33 (2000); see also William A. Galston, *Political Knowledge, Political Engagement, and Civic Education*, 4 ANN. REV. POL. SCI. 217, 231 (2001) ("[P]ublic schools have been regarded as the most appropriate sites for forming citizens, while private schools have been regarded with suspicion as sources of separatism, elitism, and antidemocratic principles.").

democracy” and the “cultural orientations of our country.”²²⁰ Although she eschews articulating exactly which values and principles public schools should inculcate—reasoning that these decisions should be democratic ones²²¹—Gutmann worries in particular that school choice programs and the parental-autonomy arguments undergirding them “attempt to avoid rather than settle our disagreements over how to develop democratic character through schooling.”²²² School choice is dangerous, Gutmann asserts, because most parents are “unlikely (and unwilling) to resist a strong human impulse: the desire to pass some of their particular prejudices onto their children.”²²³ Macedo has similarly expressed concern that private schools generally, and school choice programs in particular, may undermine democratic values.²²⁴ As Macedo asserts: “Because [public schools] are democratically controlled and generally locally controlled, they are unlikely to be at radical loggerheads with the views of most parents. In addition, they are public, common institutions, and so are suited to representing our broadest and most inclusive educative ambitions.”²²⁵ Unlike Gutmann, Macedo expresses a willingness to be open to school choice, provided that appropriate government controls over participating private schools are in place.²²⁶

In response to these arguments, a number of social scientists have sought to measure how well private schools in general, and private schools participating in school choice programs in particular, perform as civic educators. Most of these studies find, contra Gutmann and Macedo, that private schools appear to do a better job at preparing students to be engaged members of a diverse, democratic society.²²⁷

220 GUTMANN, *supra* note 219, at 39–42.

221 *Id.* at 42 (articulating a theory of education, involving the sharing of educational authority among parents, citizens, and professional educators with no set guiding principles).

222 *Id.* at 68.

223 *Id.* at 34.

224 *See* MACEDO, *supra* note 219, at 231–33.

225 *Id.* at 238.

226 *See id.* at 270–72, 274. He also praises Catholic schools for inculcating civic values, although he expresses concern about other kinds of religious schools and criticizes pre-Vatican II Catholics (and their schools) as illiberal. *Id.* at 61–62.

227 *See, e.g.*, TERRY M. MOE, SCHOOLS, VOUCHERS, AND THE AMERICAN PUBLIC 31–32 (2001) (arguing that private schools are, because of their independence from bureaucracy, better suited to serve as models for democratic education than public schools); Kenneth Godwin et al., *Teaching Tolerance in Public and Private Schools*, 82 PHI DELTA KAPPAN 542, 545 (2001) (finding that private schools do a slightly better job than public schools of encouraging interethnic friendships and developing support for democratic norms); Jay P. Greene, *Civic Values in Public and Private Schools*, in *LEARNING FROM SCHOOL CHOICE* 83, 83–84, 104–05 (Paul E. Peterson & Bryan C. Hassel eds.,

For example, using data from the 1996 National Household Education Survey, which conducted a large nationwide survey of parents and adolescent children enrolled in five types of schools (assigned public, magnet, Catholic, religious but not Catholic, and private secular), David Campbell compared student enrolled in each educational setting along four variables—community service, “civic skills” or the ability of students to engage in political activities, political knowledge, and political tolerance. Campbell found that private school students were significantly more likely to engage in community service than public school students, were more likely to learn civic skills in school, were better informed about the political process, and were, on average, more politically tolerant than students in public schools. Interestingly, however, Campbell also found that the distinction between public and private schools disappeared when Catholic schools were excluded from the analysis, leading him to conclude that “students in Catholic schools drive the private school effect.”²²⁸

These results mirror other studies comparing public and private school students. In 2007, Patrick Wolf examined twenty-one quantitative studies regarding the effects of school choice on seven civic values—political tolerance, volunteerism, political knowledge, political participation, social capital, civic skills, and patriotism—and found that the effect of private schooling and school choice was almost always neutral or positive. Wolf noted that these studies found even more positive effects of school choice (that is, a move from public to private schools enabled by school choice): twenty-one found a “school choice advantage” in promoting citizenship, thirteen found no effect, and two showed benefits from traditional public schools.²²⁹ While not all of these studies, as Wolf acknowledges, take account of selection bias—that is, the fact that civic-minded, well-educated parents might be opting into private schools—selection bias alone does not appear

1998) (finding that students in private schools are more likely to participate in public service than public school students); Richard G. Niemi et al., *Community Service by High School Students: A Cure for Civic Ills?*, 22 POL. BEHAV. 45, 52 (2000) (finding that religiously affiliated schools do a better job than public schools in encouraging democratic norms); Patrick J. Wolf et al., *Private Schooling and Political Tolerance*, in CHARTERS, VOUCHERS, AND PUBLIC EDUCATION 268, 281–85 (Paul E. Peterson & David E. Campbell eds., 2001) (finding that college students who attended private schools score more highly on measures of political tolerance).

228 See David E. Campbell, *The Civic Side of School Choice: An Empirical Analysis of Civic Education in Public and Private Schools*, 2008 BYU L. REV. 487, 501–10; see also David E. Campbell, *Bowling Together: Private Schools, Serving Public Ends*, EDUC. NEXT, Fall 2001, at 55, 57–59 (discussing differences in civic engagement and political knowledge between students in public and Catholic schools).

229 Patrick J. Wolf, *Civics Exam*, EDUC. NEXT, Summer 2007, at 67–68.

to drive the results. In a more recent unpublished paper, for example, Campbell found a strong school choice effect even after controlling for selection bias. Campbell used data from the Children's Scholarship Fund, a private voucher program that awards scholarships to enable poor children to attend private schools, to control for selection bias. In 1999, 1.25 million children applied for one of 40,000 scholarships awarded by lottery. Because recipients were randomly selected, Campbell was able to measure whether there was a "school choice effect" on political tolerance and political knowledge based upon surveys conducted of both successful and unsuccessful applicants. Campbell found that spending one year in a private school led to a considerable increase in students' political tolerance and political knowledge.²³⁰

The empirical evidence, in other words, runs strongly counter to the communitarian concerns propounded by Gutmann, Macedo, and others. Private schools—especially Catholic schools—do not appear to be privatizing. Indeed, there is strong evidence that these schools actually outperform their public counterparts in inculcating basic democratic values. As Patrick Wolf observes, "The statistical record suggests that private schooling and school choice often enhance the realization of the civic values that are central to a well-functioning democracy. This seems to be the case particularly . . . when Catholic schools are the schools of choice."²³¹

*C. Neighborhood Public Schools, Interdistrict Competition, and
"Community-Specific Social Capital"*²³²

A distinctive communitarian defense of public schools focuses not on the values that they inculcate, but rather on the role of local public schools as community-building institutions. This more populist defense of public schools as community institutions came into sharp focus during the era of forced busing. For example, in *Milliken v. Bradley*, the Supreme Court observed, "No single tradition in public

230 David E. Campbell, *The Civic Side of School Reform: Private Schools, School Vouchers, and Civic Education* 23–25 (unpublished manuscript), available at <http://www.nd.edu/~dcampbe4/CIVICSIDE.pdf>. Although Campbell was not able to differentiate between the kinds of schools any given student attended, most of the CSF scholarship recipients attended a religiously affiliated school (fifty-three percent attended a Catholic school, thirty-nine percent attended a religious non-Catholic school, and eight percent attended a secular private school). *Id.* at 24.

231 Wolf, *supra* note 229, at 72.

232 See Fischel, *supra* note 14, at 113 ("The social capital I am concerned with is what I call 'community-specific social capital.' It is not just all the people you know, but the people you know within a given political community.").

education is more deeply rooted than local control over the operation of schools; local autonomy has long been thought essential both to the maintenance of community concern and support for public schools and to quality of the educational process.”²³³ This argument was also captured in a 1972 televised address by President Richard Nixon, who proclaimed, “The great majority of Americans—white and black—feel strongly that the busing of school children away from their own neighborhoods for the purpose of achieving racial balance is wrong.”²³⁴ Resistance to integration undoubtedly was one motivation for the rallying cry in support of neighborhood schools. On the other hand, as Drew Days has observed, Nixon was right that many African American families also came to support a return to neighborhood schools, even when segregated housing patterns precluded the possibility of integration.²³⁵

Most wealthy families in the United States, regardless of race, express their preferences for neighborhood schools by electing to live in suburban school districts with top-flight public schools, where neighborhood schools remain the norm and where they are beyond the reach of desegregation consent decrees. In 2004, for example, almost one quarter of parents reported having moved to their current neighborhood to enable their children to attend the local public school.²³⁶ Both civil rights advocates championing integration and proponents of choice-based education reform voice frustration with Americans’ devotion to local public schools, albeit for different reasons. Civil rights advocates worry that the persistence of segregated housing patterns means that a return to neighborhood schools represents the abandonment of the decades-old struggle for racial integration in our public schools.²³⁷ They also worry that predominantly minority neighborhood schools will suffer from “benign neglect . . . in terms of resources allocated for facilities, materials, and personnel.”²³⁸ School choice proponents, on the other hand, assert that the one-size-fits-all model of neighborhood public schools, cannot—and does

233 *Milliken v. Bradley (Milliken I)*, 418 U.S. 717, 741–42 (1974).

234 *Transcript of Nixon’s Statement on School Busing*, N.Y. TIMES, Mar. 17, 1972, at 22.

235 Drew S. Days, III, *Brown Blues: Rethinking the Integrative Ideal*, 34 WM. & MARY L. REV. 53, 59 (1992); see also, e.g., Robert L. Woodson, Sr., *Ironically, Busing Denies Quality Education to Black Students*, HEADWAY, Oct. 1996, at 7, 7 (1996) (citing survey evidence suggesting that black parents reject busing and prefer neighborhood schools).

236 Buckley & Schneider, *supra* note 202, at 104.

237 See, e.g., KEVIN BROWN, RACE, LAW AND EDUCATION IN THE POST-DESEGREGATION ERA 1–20 (2005) (summarizing concerns); James E. Ryan, *The Influence of Race in School Finance Reform*, 98 MICH. L. REV. 432, 479–81 (1999) (discussing benefits of integration and arguing against abandoning integration).

238 Days, *supra* note 235, at 58 (internal quotation marks omitted).

not—serve the diverse needs of the young students entrusted to it. According to this view, the neighborhood school system is—for many students and in many districts—broken, yet American attachment to the ideal of local public education remains a significant political impediment to implementing school choice on a broad scale.²³⁹

1. Local Public Schools and Educational Outcomes

In contrast, academic champions of locally controlled, geographically assigned public schools (especially economist William Fischel), argue that local financing, assignment, and control of public education improves outcomes and fosters social capital. Local control over public schools arguably promotes educational excellence for two related reasons. First, as economist Charles Tiebout influentially hypothesized, local governments use a variety of policies and public goods to compete with one another for “consumer voters.”²⁴⁰ The available evidence supports Tiebout’s prediction that this competition for preferred residents tends to promote efficiency and enhance the quality of local public goods and services by subjecting local governments to some approximation of market forces.²⁴¹ And there is little doubt that public school quality is one of the most important drivers of the competition: As discussed previously, most parents with the financial means to do so exercise “school choice” by moving to districts with high-quality public schools. The fact that this competition generated by these moves *works*—that is, improves school quality—is strongly suggested by studies finding that educational outcomes (mea-

239 See, e.g., Fischel, *supra* note 14, at 111 (arguing that support for local public schools leads voters to reject voucher programs); Ryan & Heise, *supra* note 194, at 2085–91 (discussing the political impediments to unconstrained choice).

240 See Charles M. Tiebout, *A Pure Theory of Local Expenditures*, 64 J. POL. ECON. 416, 417 (1956). See generally THE TIEBOUT MODEL AT FIFTY, *supra* note 202 (examining the influence of Tiebout’s model and its application to exclusionary zoning, tax competition, school choice, constitutional federalism, fiscal equalization, and real estate).

241 See, e.g., FISCHEL, *supra* note 14, at 58–59; John D. Donohue, *Tiebout? Or Not Tiebout? The Market Metaphor and America’s Devolution Debate*, 11 J. ECON. PERSP. 73, 74 (1997) (“Diverse policy regimes can cater to heterogeneous preferences . . .”); Robert P. Inman & Daniel L. Rubinfeld, *The Political Economy of Federalism*, in PERSPECTIVES ON PUBLIC CHOICE 73, 83–85 (Dennis C. Mueller ed., 1997) (arguing that interlocal competition will increase efficiency in production of public goods); Richard E. Wagner & Warren E. Weber, *Competition, Monopoly, and the Organization of Government in Metropolitan Areas*, 18 J.L. & ECON. 661, 684 (1975) (“[A]n increase in the number of competing and overlapping governments will lead the public economy more closely to perform as a competitive industry.”); see also, e.g., MARK SCHNEIDER, *THE COMPETITIVE CITY* 63–69 (1991) (purporting to find that tax rates and government expenditures are lower in more fragmented metropolitan areas).

sured by standardized test scores) improve as the number of school districts in a metropolitan area increases.²⁴² Second, because local public school quality is reflected in housing prices,²⁴³ homeowners have strong incentives to take steps to ensure that their local public schools perform well—including monitoring and participating in their children's schools, influencing local expenditure policies, etc. And because local politics, especially in suburbs, are sensitive to majoritarian preferences, homeowners—or, to borrow from Fischel, “homevoters”—frequently exert strong influence in the setting of local priorities.²⁴⁴

2. Local Public Schools and “Community-Specific Social Capital”

Fischel has also defended local public schools as engines of what he calls “community-specific social capital.”²⁴⁵ In a 2006 article, Fischel argues that voters consistently reject statewide school choice proposals because neighborhood schools benefit not only the children who attend them but also, importantly, their parents. Fischel reasons that local public schools enable residents of a neighborhood to network and build relationships with one another. He hypothesizes that school choice would undermine these networks because “[c]ommunity-specific social capital is more difficult to form if members of the community send their children to schools in other communities.” Contra the suggestions of those who argue, as discussed above, that private schools are privatizing, Fischel acknowledges the evidence that the networks acquired by children and parents in private schools are no less extensive than public-school-generated net-

242 See, e.g., FISCHEL, *supra* note 14, at 144–45 (discussing the literature); John P. Blair & Sam Staley, *Quality Competition and Public Schools: Further Evidence*, 14 ECON. EDUC. REV. 193, 196 (1995); Melvin V. Borland & Roy M. Howsen, *On the Determination of the Critical Level of Market Concentration in Education*, 12 ECON. EDUC. REV. 165, 167 (1993); Caroline M. Hoxby, *Does Competition Among Public Schools Benefit Students and Taxpayers?*, 90 AM. ECON. REV. 1209, 1228 (2000); Michael L. Marlow, *Public Education Supply and Student Performance*, 29 APPLIED ECON. 617, 625 (1997); Blair R. Zanzig, *Measuring the Impact of Competition in Local Government Education Markets on the Cognitive Achievement of Students*, 16 ECON. EDUC. REV. 431, 432 (1997).

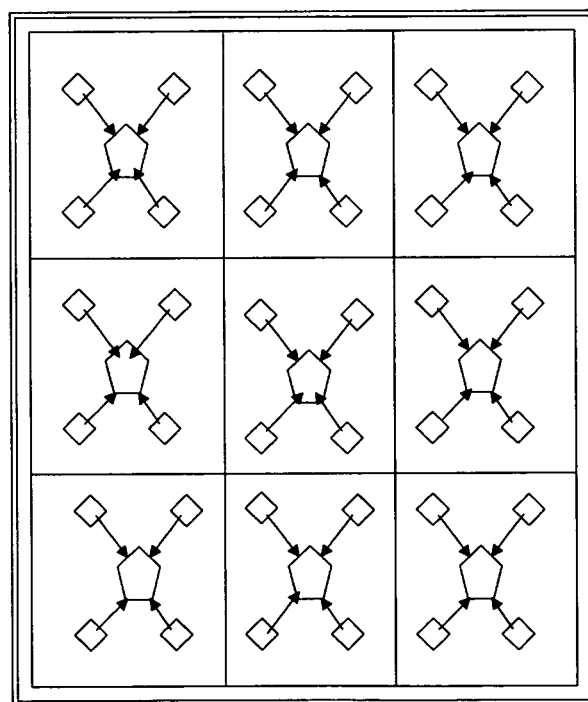
243 See FISCHEL, *supra* note 14, at 87–89, 154–55; cf. Sandra E. Black, *Do Better Schools Matter? Parental Valuation of Elementary Education*, 114 Q. J. ECON. 577, 587, 595 (1999) (noting that parents will pay more for houses associated with schools with higher test scores); Donald R. Haurin & David Brasington, *School Quality and Real Housing Prices: Inter- and Intrametropolitan Effects*, 5 J. HOUSING ECON. 351, 362–63 (1996) (finding that higher test scores are reflected in higher housing prices).

244 See, e.g., Fischel, *supra* note 14, at 72–97; Robert C. Ellickson, *Suburban Growth Controls: An Economic and Legal Analysis*, 86 YALE L.J. 385, 408–10 (1977).

245 See, e.g., Fischel, *supra* note 14, at 113.

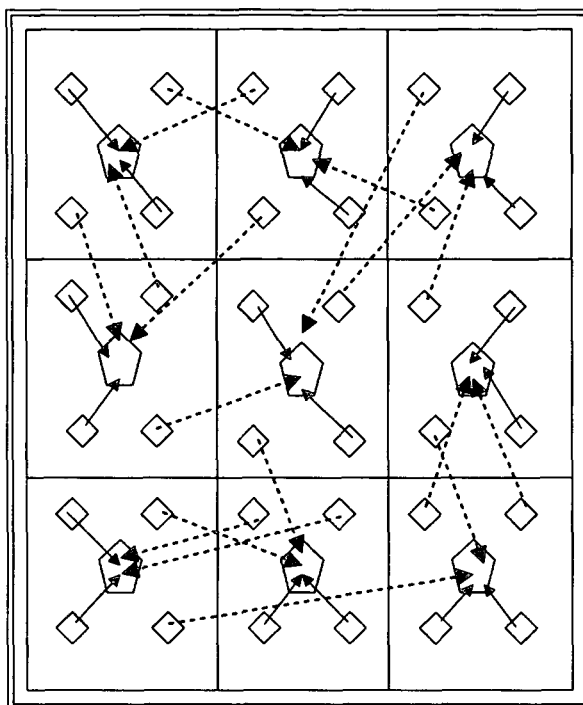
works. This evidence, he admits, suggests that the school choice would not reduce the *aggregate* amount of social capital. The difference is the *location* of the social capital generated by school networks. Figures 4 and 5 represent Fischel's depiction of networks associated with local public schools and with private school choice. As Fischel observes, "My approach to social capital formation simply requires that parents get to know other parents. Investment in community-specific social capital is simply adding local names to your address book, and sending your child to a local school does that more effectively than any other means."²⁴⁶

FIGURE 4. PARENTAL NETWORKS GENERATED BY LOCAL PUBLIC SCHOOLS²⁴⁷



²⁴⁶ *Id.* at 116.

²⁴⁷ *Id.* at 114. This figure is reprinted with permission of author and publisher.

FIGURE 5. PARENTAL NETWORKS GENERATED BY SCHOOL CHOICE²⁴⁸

If the *location* of social capital matters—and the literature connecting collective efficacy with neighborhood stability tends to suggest that, at least in urban communities, it does—then Fischel is correct to emphasize the opportunities for community building generated by neighborhood schools.²⁴⁹ And, Fischel's figures illustrate that, to the extent that the "names in the address book" generated by school choice are less likely to be local names, then the social capital that the

248 *Id.* at 115. This figure is reprinted with permission of author and publisher.

249 Indeed, this community-building function is one reason why black parents may prefer majority black neighborhood schools to the integrated schools theoretically produced by busing. As Justice Clarence Thomas has observed, "[B]lack schools can function as the center and symbol of black communities, and provide examples of independent black leadership, success, and achievement." *Missouri v. Jenkins*, 515 U.S. 70, 122 (1995) (Thomas, J., concurring). Some black parents and educators may believe that majority-black schools do a better job at educating their children *because of their racial identity and history*. See *id.* at 119–21; see also *Parents Involved in Comm. Sch. v. Seattle Sch. Dist. No. 1*, 127 S. Ct. 2738, 2777 (2007) (discussing historical experience with black community schools). Evidence for this proposition is provided by parents who opt—when offered the choice—to send their children to black "academies" and Afrocentric charter and private schools. See, e.g., *id.* at 2778 (describing Seattle's "African American Academy").

names represent is less likely to be community specific. Of course, private schools can also be neighborhood schools. This was certainly true historically for the Catholic schools that are the focus of our study. And it may remain the case in some urban neighborhoods, for reasons discussed in more detail below.

D. Catholic School Closures, Neighborhood Social Capital, and Education Reform

We have no reason to believe that local public schools cannot or do not generate community-specific social capital. On the contrary, the proposition seems perfectly intuitive to us, although the “hot-spots” literature discussed previously is somewhat contrary to this intuition. Still, we resist the suggestion that school choice would necessarily reduce community-specific social capital by drawing students away from their neighborhood schools. In fact, at least in Chicago, our findings suggest the opposite.²⁵⁰ To the extent that participation in school choice programs would stabilize urban Catholic schools and forestall school closures, our findings suggest that expanding school choice likely would increase neighborhood social capital where it is arguably needed most—in poor urban neighborhoods. This may be, as suggested previously, because Catholic schools remain neighborhood institutions in many cases.²⁵¹ Indeed, given the prevalence of public school choice in large urban districts like the Chicago Public Schools, students attending a Catholic school may be more likely to live in the surrounding neighborhood than public school students. In 1980, in a response to a federal desegregation

250 Our instincts about the benefits of school choice outside the urban context run contrary to Fischel’s. For example, we suspect that, all told, the benefits of competition between public and private schools may well outweigh any reduction of interdistrict competition. And we suspect that Fischel may underestimate the extent to which private schools, charter schools, and nontraditional public schools also generate community specific social capital. Since our research does not yield any empirical insights into whether other kinds of schools, in other kinds of neighborhoods, serve the community building and neighborhood stabilizing functions that Chicago’s urban Catholic schools apparently serve, we withhold our final judgment on these questions until further research can be conducted.

251 While Fischel expresses skepticism about statewide voucher programs, he also suggests that school choice makes the most sense—and may actually increase social capital—in large urban districts, where parents find it harder to get to know one another, where the political power of homeowners is diminished vis-à-vis other groups exerting influence on education policy (for example, teachers’ unions), and where the prevalence of intradistrict public school choice diminishes the likelihood that parental networks, even in public schools, will be local ones. Fischel, *supra* note 14, at 117.

decree, the Chicago Public Schools implemented a public school choice/open enrollment program. Each child is guaranteed admission into a geographically assigned public school, but is also entitled to apply for admission to more than 200 magnet programs throughout the city. Selection of students to attend non-neighborhood schools is generally determined by randomized lotteries, although entrance into some competitive schools is determined by test scores on entrance exams. In 2000–2001, more than one third of all elementary school students in the Chicago Public Schools enrolled in a school other than their assigned neighborhood school.²⁵²

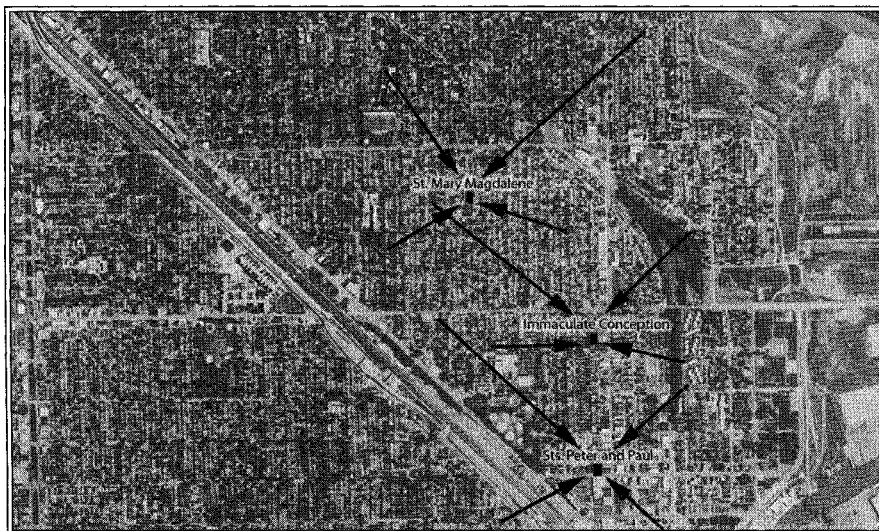
Fischel's depictions of parental networks, reproduced above, also yield insight into why Catholic school closures may reduce neighborhood-level social capital, at least when Catholic schools *are* neighborhood schools. And while factors other than proximity undoubtedly influence parents' decisions about where to send their children to school, we believe that it is reasonable to assume that many Catholic school students attend the school closest to their home.²⁵³ Without question, a school closure disrupts the school's parental networks and community-specific social capital that these networks generate. If many parents live proximately to the closed school, then the closure disrupts neighborhood networks as well.

Building upon Fischel's illustrations, we can depict hypothetical effects of such a disruption for actual school closures in Chicago. In 1984, the Archdiocese of Chicago "merged" three schools on the far south side of the city—Saints Peter and Paul School, Immaculate Conception School, and Saint Mary Magdalene School. The result of the merger was that Sts. Peter and Paul and Immaculate Conception were closed and the students in these schools were transferred to Saint Mary Magdalene, which was renamed "Jesus Our Brother." Figure 6 depicts, following Fischel's lead, the location of the parental networks prior to the merger. We assume that most parents would prefer to send their children to a proximate school, although we account for those who live farther away with the longer lines on the map.

252 See Cullen & Jacob, *supra* note 203, at 51, 52.

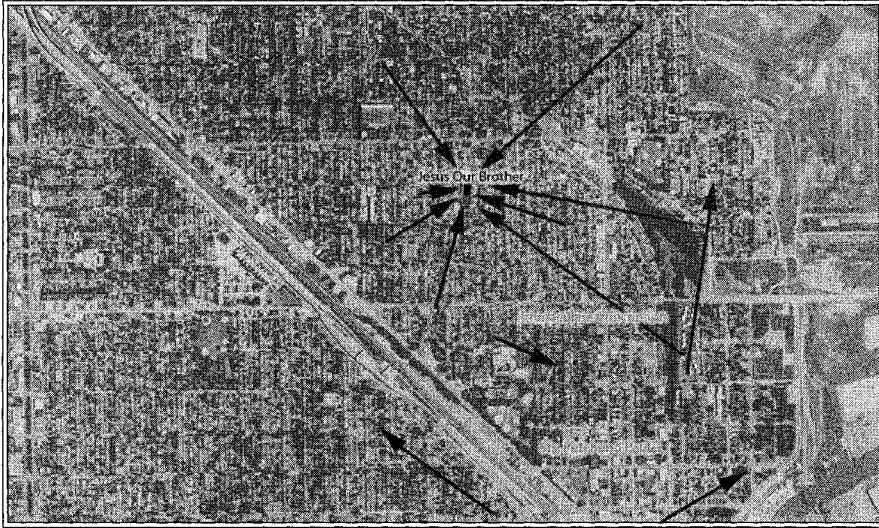
253 While this is a reasonable assumption in many cases, we also recognize that other factors—for example, school quality and reputation, church affiliation, and family and social connections with other students—may draw students to a less proximate school.

FIGURE 6. PARENTAL NETWORKS IN THREE CHICAGO CATHOLIC SCHOOLS



Obviously, the merger disrupted the preexisting networks when the children transferred to Jesus Our Brother. The merger also likely disrupted existing parental networks at Jesus Our Brother (formerly St. Mary Magdalene), as the school absorbed new students and parents. After a period of transition, we can assume that the parental networks at Jesus Our Brother were as strong as the preexisting networks, although, as depicted in Figure 7, these networks are now less localized than premerger. Moreover, some Sts. Peter and Paul and St. Mary Magdalene parents probably chose not to send their children to Jesus Our Brother—perhaps transportation was unavailable to the merged school or the parents were upset with the Archdiocese's decision to close their child's school. These parents may have opted for another Catholic school or a public school instead. If so, some of the parents, as depicted in Figure 7, did not join the reconstituted parent network at Jesus Our Brother at all.

FIGURE 7. PARENTAL NETWORKS FOLLOWING SCHOOL MERGER



In 1994, the Archdiocese closed Jesus Our Brother School, again disrupting parental networks. We do not have information about where children displaced from the closure were assigned by the Archdiocese.

We recognize that our study is not directly relevant to the distinct communitarian question of whether private schools (and school choice) may be privatizing. We are convinced by the empirical evidence strongly suggesting that the answer to that question is *no*, but that evidence concerns what goes on inside schools, and our study focuses on their external effects. While it may well be that the neighborhood effects we find are positive externalities generated by Catholic schools' success as democratic educators, we cannot make this empirical claim based upon our data. In our view, however, our findings that Catholic schools apparently anchor and stabilize struggling urban neighborhoods bolsters the case for school choice, especially when considered together with the empirical evidence suggesting that private schools (and especially Catholic schools) are at least as good (if not better) at democratic education than public schools. Moreover, we think it worth noting the obvious: Not only are a majority of students participating in private school choice programs likely to enroll in Catholic schools (because they are relatively inexpensive and located in urban centers), but an expansion of school choice may help prevent the continued disappearance of these schools, and their positive educational and neighborhood benefits, from our urban centers.

CONCLUSION

For decades, scholars and policymakers have debated the merits of urban Catholic schools. They have asked whether these schools can be trusted to inculcate democratic values, why these schools succeed at educating disadvantaged children when others fail, whether these schools can and/or should be included in school choice programs, and whether, if they were, their educational successes could be replicated. This Article asks a different question: What do urban Catholic schools mean to their neighborhoods? Our study—the first of its kind—suggests that they mean a great deal. We find that Catholic schools are important sources of neighborhood social capital in the poor urban communities that arguably need it the most: They appear to suppress social disorder, increase social cohesion, and bolster collective efficacy in these neighborhoods—all findings strongly suggesting that residents' quality of life decreases when a school closes (regardless of whether they have children enrolled in the closed school). We believe that our study contributes in an important and unique way to debates about both land use policy and education reform, and that our contributions to both debates point in favor of expanding school choice programs to include private schools, including Catholic schools like the ones that we study. Leaving the merits of school choice aside, however, we are also left convinced that now is the time to engage to the question of what measures, private and/or public, can be taken to strengthen and preserve urban Catholic schools. These schools are an endangered species. Unless steps are taken to save them, they will be lost forever to their students and their neighborhoods.

APPENDIX. DESCRIPTIVE VARIABLES

	N	Minimum	Maximum	Mean	Standard Deviation
Catholic school closed before 1994	3383.0000	0.0000	1.0000	0.3506	0.4772
Irregularity in parish	3388.0000	0.0000	1.0000	0.0829	0.2758
Years since ordination of pastor	3388.0000	0.0000	49.0000	24.9835	9.8124
Dummy for Hispanic (=1)	2987.0000	0.0000	1.0000	0.2688	0.4434
Household income (scaled)	2987.0000	1.0000	15.0000	6.0188	3.6394
Social disorder	2987.0000	1.0000	3.0000	1.7475	0.6216
Social cohesion	2987.0000	1.0003	5.0000	3.4350	0.6821
Share Black in census tract, 1990	3388.0000	0.0000	1.0000	0.2830	0.3872
Share Hispanic in census tract, 1990	3388.0000	0.0000	0.9623	0.2400	0.2868
Poverty rate in census tract, 1990	3388.0000	0.0087	0.6888	0.1926	0.1495
Median household income in census tract, 1990	3388.0000	8716.0000	108236.0000	32747.5437	14708.4640
Valid N	2982.0000				