

Zoning Versus Rights

By BETSY BROWN

SHOULD the suburbs have zoning laws that effectively exclude all but one class of resident in many areas — the well-to-do — and all but one form of housing — single-family homes on spacious lots? How much of the suburbs can be preserved for whom, and who may be excluded to preserve that quality for others?

Questions like these have usually drawn straightforward answers from the Suburban Action Institute, a private group that for the last nine years has been involved in efforts to open New York City suburbs to low-cost housing. But now this gadfly about so-called exclusionary zoning has hired its own gadfly, Dr. Joan Hirsch Holtzman, a professional philosopher.

Dr. Holtzman, a 39-year-old Larchmont resident who has been a philosophy professor at Columbia University, Iona College and the College of New Rochelle, was hired by the institute several weeks ago, under a grant from the New York Council for the Humanities, and she is believed to be the first philosopher on the staff of a civil-rights group. She will spend the next year getting the institute's staff to look at the point of view of the opposition, re-examine their own goals and figure how they could be more successful. Assuming that the goals stay the same, as Dr. Holtzman expects, the institute could change its approach.

Dr. Holtzman says she does not view the conflict between the suburbs and the institute as a simple one. The institute has won several court battles, among them cases involving New Castle, in the middle of Westchester, and Mount Laurel and Madison Township in New Jersey, where courts have ordered zoning for multifamily housing that could open the suburbs to more moderate- and low-income families and minorities. It is also involved in a lawsuit against Brookhaven Town, challenging large-lot zoning.

"Is it just what somebody wants or is there a higher principle, like justice or morality?" Dr. Holtzman said in a recent interview. "I'm interested in seeing how much you can get people to see both sides of an issue, and where they can accommodate each other. People in the suburbs have rights and feelings. They have legitimate expectations, and you can't ride roughshod over them."

"I hope to find out what are the 'screen' reasons and what are the real reasons for people's behavior," she continued. "It's a mistake to assume that people are not sincere. For instance, when they say they want to preserve the beauty of the countryside and the quality of life, we shouldn't assume that this is a translation for 'We don't want those people.'"

At the same time, she said, she will try to help people redefine their interest. "They may find it is expensive to maintain ghettos," she said. "They may redefine property rights. We act as if they're written in granite, but they change, sometimes willy-nilly and sometimes openly and publicly, which is the better way.

"Yet some people think that by closing their minds or using monetary power, the problem will go away. It's impossible that the suburbs should stay closed — the question is how they open, the extent, and how people accept it."

The staff of the institute meets in college-like evening seminars. Recently, for example, staff members were assigned to read several chapters of "The Theory of Justice" by John Rawls, a heavy, abstract tome. Then, over salmon mousse and gazpacho served by Dr. Holtzman at her home, they debated such questions as what one generation owes to the next, how government allocates resources, and what society owes to its least privileged members.

The hiring of Dr. Holtzman, who is to be paid \$12,500 for the year and works two and a half days a week at the institute, whose headquarters are in Manhattan, does not mean that the institute is dissatisfied with the progress of past years, said Paul Davidoff, the group's executive director. "The object is to expand our thinking instead of resting on personal viewpoints," he said. "Will it change our work? I hope so — at least our outlook and expression."

The institute would like to achieve its goals, he said, without having to resort in every case to litigation. "But we are much less litigious than we used to be," Mr. Davidoff said. "We don't need it as much now. The courts have ruled in our favor, and we're no longer radical. We used to have three lawyers and now we use one part-time."

Instead, the institute has persuaded Federal and state agencies to withhold funds when minorities have not been housed, has "educated" the Tri-State Planning Commission on affirmative-action obligations and has organized a Coalition for an Equitable Region, made up of fair-housing groups, the Urban League and the National Association for the Advancement of Colored People.

Suppose the institute's self-examination proves that its program is wrong? "Nobody is all wrong," Dr. Holtzman said. "But where there are strong positions that clash, we're looking for accommodation and alternatives."

But what if the opponents' position should be found more reasonable than the institute's position? "The S.A.I. would have to change," she said. "That's what any logical person would do, wouldn't you say?" ■