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# *Stuck or Rooted? The Costs of Mobility and the Value of Place*

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**ABSTRACT.** David Schleicher has written an important article on the relationship between law and mobility, arguing for policymakers to be more concerned with policies that stand in the way of individuals moving to bigger, more productive cities. This Response takes up the costs of mobility for productivity, welfare, and sex equality omitted by Schleicher, and addresses Schleicher's treatment of place as a market. It argues that Schleicher's argument fails to account for how mobility interacts with critical relationships. While Schleicher's view of productivity is premised in agglomeration economics, he ignores how mobility ruptures the very relationships on which the benefits of agglomeration (and broader welfare metrics) depend. He also misses how moves often are not made by individuals, but rather by families, and neglects the fact that such moves often entail losses for women. Finally, Schleicher's treatment of place as a market, where individuals should essentially move to the highest bidder, ignores how our attachments to places run far deeper than the labor market opportunities they afford.

## INTRODUCTION

Place is having a moment. Since the disorienting 2016 presidential election, place has emerged as one of the primary explanations for why Washington elites were so surprised by Trump's victory: they were out of touch with voters in faraway and quite different places.[1] Popular attention to place has been cap-

1. *See, e.g.*, Matt Taibbi, *President Trump: How America Got It So Wrong*, ROLLING STONE (Nov. 10, 2016), http://www.rollingstone.com/politics/features/president-trump-how-america-got-it-so-wrong-w449783 [http://perma.cc/D3CT-GS5Z]; J.D. Vance, *Life Outside the Liberal Bubble*, N.Y. TIMES, http://www.nytimes.com/interactive/projects/cp/opinion/election-night-2016/life-outside-the-liberal-bubble [http://perma.cc/UP5Q-YS2N].

tured by unlikely bestsellers, like J.D. Vance's *Hillbilly Elegy*,[2] which are premised on the difference place makes in America.[3] Legal scholars have increasingly emphasized how distinctions among different places affect legal questions.[4] Relatedly, mobility, and especially mobility to certain types of places, has been presented as the answer to our economic woes.[5] It is not surprising, then, that David Schleicher's *Stuck! The Law and Economics of Residential Stagnation*[6] comes at this moment. *Stuck!* is sure to become a seminal legal treatment of place and mobility—topics at once both timely and timeless.

I take *Stuck!*'s essential argument to be as follows: law distorts the market for moving to high-productivity places, and this is an undesirable outcome. For Schleicher, mobility is important not only for welfare and productivity, but also for macroeconomic goals like the effectiveness of a single American currency.[7] His concerns about stasis lie particularly with those whom he views as "stuck" in less productive areas, who he believes would reap rewards from moving to

2. J.D. VANCE, HILLBILLY ELEGY: A MEMOIR OF A FAMILY AND CULTURE IN CRISIS (2016).

3. Other recent attention-getting books on the importance of place in America include AMY GOLDSTEIN, JANESVILLE: AN AMERICAN STORY (2017); and ARLIE RUSSELL HOCHSCHILD, STRANGERS IN THEIR OWN LAND: ANGER AND MOURNING ON THE AMERICAN RIGHT (2016).

4. *See, e.g.*, Yishai Blank & Issi Rosen-Zvi, *Reviving Federal Regions*, 70 STAN. L. REV. (forthcoming 2018), http://ssrn.com/abstract=2934481 [http://perma.cc/39PL-YYWJ]; Jessica Bulman-Pozen, *Our Regionalism*, 166 U. PA. L. REV. (forthcoming 2017), http://ssrn.com/abstract=2927714 [http://perma.cc/ENL5-SAHP]; David Fontana, *Federal Decentralization*, VA. L. REV. (forthcoming 2018), http://ssrn.com/abstract=3029180 [http://perma.cc/6A7G-B4QW]; David Fontana, *The Geography of Campaign Finance Law*, 90 S. CAL. L. REV. (forthcoming 2017), http://ssrn.com/abstract=3008378 [http://perma.cc/A7V8-SP6L] [hereinafter Fontana, *Geography*].

5. *See*, *e.g.*, Tyler Cowen, *The Unseen Threat to America: We Don't Leave Our Hometowns*, TIME (Feb. 22, 2017), http://time.com/4677919/tyler-cowen-book/?xid=time_socialflow_twitter [http://perma.cc/4VRL-W54L]; Kevin D. Williamson, *Chaos in the Family, Chaos in the State: The White Working Class's Dysfunction*, NAT'L REV. (Mar. 17, 2016, 4:00 AM), http://www.nationalreview.com/article/432876/donald-trump-white-working-class-dysfunction-real-opportunity-needed-not-trump [http://perma.cc/6X7X-XCN5].

6. David Schleicher, *Stuck! The Law and Economics of Residential Stagnation*, 127 YALE L.J. 78 (2017).

7. *Id.* at 83 ("[T]he stickiness of America's internal labor market is a fundamental macroeconomic problem that influences the quality of monetary policy, overall economic output and growth, and the efficacy of federal safety net spending.").

more productive areas.[8] Schleicher argues for policymakers to be more mindful of the ways in which law may distort labor markets by impeding mobility.[9]

With respect to the descriptive portion of his claim, Schleicher is appropriately circumspect about the causal relationship between law and recent declines in mobility,[10] particularly in light of research rebutting legal explanations for the phenomenon and suggesting an alternative explanation.[11] Nonetheless, Schleicher assigns some blame to law for the relative stasis of the American people.[12] Note that the research is currently inconclusive on Schleicher's view of law's causal role in this reduced movement, as Schleicher identifies a broader set of laws that impact mobility—including, for example, public benefits laws and municipal bankruptcy law—than the research has considered to this point.[13] Further, even if the laws that Schleicher faults for our declining mobili-

8. *Id.* at 82 ("More troubling still, Americans are no longer moving from poor regions to rich ones."). As Schleicher acknowledges, the data is disputed as to whether lower-skilled workers make fewer interstate moves or whether they are just less likely to move to rich markets. *See id.* at 116 n.157.

9. *See, e.g.*, *id.* at 126 (expressing concern about policies that could distort incentives to move and thus create a "mismatch between the 'natural' needs of the labor market and the supply of labor").

10. *Id.* at 84 (explaining that "[i]t is not clear whether these legal changes caused declines in mobility, or simply failed to push back against 'natural' changes that reduced mobility," and citing studies that assign causation to reasons other than law). Law's relationship to long-distance mobility is more mixed than Schleicher suggests. Whole areas of law might be seen as pro-mobility. Employment law, for example, greases the wheels for labor-market mobility: the portability of employer-provided health insurance, antidiscrimination laws, unemployment insurance, and even at-will employment all make it easier to move long distances for a better job. *See* Naomi Schoenbaum, *Mobility Measures*, 2012 BYU L. REV. 1169, 1177-87 (2012). Once one recognizes, as Schleicher rightly does, that so many laws and policies impact mobility directly or indirectly, *see, e.g.*, Schleicher, *supra* note 6, at 111 n.143, it is quite hard to identify the net impact of law on mobility.

11. *See, e.g.*, Raven Molloy et al., *Declining Migration Within the U.S.: The Role of the Labor Market* (Nat'l Bureau of Econ. Res., Working Paper No. 20065, 2014), http://www.nber.org/papers/w20065.pdf [http://perma.cc/23AM-4ZCC] [hereinafter Molloy et al., *Declining Migration*] (attributing declining mobility to changes in the labor market itself, specifically to declining labor market fluidity); Raven Molloy et al., *Understanding Declining Fluidity in the U.S. Labor Market*, 2016 BROOKINGS PAPERS ON ECON. ACTIVITY, 221-23, http://www.brookings.edu/wp-content/uploads/2016/03/molloytextspring16bpea.pdf [http://perma.cc/B58Z-XQMX] [hereinafter Molloy et al., *Understanding Declining Fluidity*] (rejecting housing or labor market regulations as explanations for declining labor market fluidity).

12. Schleicher, *supra* note 6, at 84-85 ("[S]tate and local policies in part dictate where people move, particularly by keeping people out of the richest metropolitan areas and best job markets . . . . [S]tate, local, and federal laws therefore bear some responsibility for declining interstate mobility.").

13. *Compare id.* at 78 (noting that "legal barriers to interstate mobility" include "[l]and-use laws and occupational licensing regimes," "[d]ifferent eligibility standards for public benefits,

ty are not to blame, policymakers might be able to better spur mobility by using *different* laws and policies. For these reasons, I set aside Schleicher's descriptive claim and focus this Response on the article's normative stance: how policymakers should approach policies that impact location decisions, assuming that they can effectively do so.

Schleicher and I agree on three main points: first, place and mobility matter; second, policymakers too infrequently consider place and mobility; and third, relationships are critical for productivity. Despite these points of agreement, there is much that I find missing from Schleicher's account. Schleicher's aim of moving people from low-productivity places to high-productivity places relies on mistaken premises about the significance of both mobility and place. As for the significance of mobility,[14] Schleicher fails to appreciate how, because we often move in nuclear family units, mobility ruptures relationships outside these units that prove critical for our productivity[15] and our happiness[16]—and how, due to gendered family dynamics in heterosexual couples, the gains mobility does produce are distributed in sex-unequal ways.[17] As for the significance of place, Schleicher may overstate the value of place for productivity while at the same time ignoring the value of place for general welfare, politics, and a host of other considerations.[18]

This Response proceeds in three Parts. In Part I, I explain Schleicher's view of location decisions as a market for place. In Parts II and III, I argue that this stance leads Schleicher to err with regard to the costs of mobility and the value of place, respectively.

public employee pension policies, homeownership subsidies, state and local tax regimes," "basic property law rules," "building codes, mobile home bans, federal location-based subsidies, legal constraints on knocking down houses, and the problematic structure of Chapter 9 municipal bankruptcy"), *with* Molloy et al., *Understanding Declining Fluidity*, *supra* note 11, at 221-23 (addressing "regulation of land use and business practices," relying on composite ratings of regulation to assess the relationship between regulation and mobility, and separately rejecting occupational licensing as a causal factor).

**14.** For an article-length treatment of the costs of mobility and their relationship to employment law and family law, see Schoenbaum, *supra* note 10.

**15.** *See infra* Section II.A.

**16.** *See infra* Section II.B.

**17.** *See infra* Section II.C.

**18.** *See infra* Section III.

## I. A MARKET FOR PLACE

Schleicher thinks it is a "problem[]" that people are currently "stuck" in relatively unproductive places.[19] He suggests that more of these people should move to more productive places,[20] and he argues that doing so "would substantially increase economic activity and welfare."[21] Given these benefits, he does not think that the people who are stuck (or anyone else) would have any interest in their staying put.[22]

Schleicher's view of the importance of place stems from agglomeration economics. As Schleicher explains, agglomeration economics focuses on proximity's role in productivity.[23] When people and capital come together geographically, they can exchange things and ideas more easily, and this produces wealth and economic growth.[24] Three mechanisms generate these gains: (1) a reduction in shipping costs for goods; (2) the advantages of deep markets; and (3) information spillovers between neighbors.[25] Given that the cost of transporting goods has dropped but the cost of transporting people remains high, the primary benefits of agglomeration are now the benefits of co-locating people: deep labor and consumption markets, and information spillovers inside and between industries.[26] Therefore, according to Schleicher, increasing the ability of people to move to dense boomtowns would increase gains through agglomeration.[27]

Importantly, in describing the benefits of agglomeration, Schleicher relies not only on the fact that people are brought together in the same places, but that these persons develop relationships that allow information to be shared.[28] As he explains:

19. *See* Schleicher, *supra* note 6, at 86.

20. *See, e.g.*, *id.* at 83 (speaking favorably of "[i]ncreasing interstate migration rates, and particularly moves to rich regions"); *id.* at 152-53 (proposing mobility incentive programs).

21. *Id.* at 83.

22. *Id.* at 143 ("It is not clear why the country as a whole or a state in particular should want residents to remain in, say, Atlantic City rather than move to the New York City suburbs, which would give them access to a better labor market.").

23. *Id.* at 96-97.

24. *See id.*

25. *See id.* at 97.

26. *See id.* at 100.

27. *See id.* at 101-02.

28. *See id.* at 103 ("More frequent interactions between people can lead to new ideas, and these ideas drive economic growth.").

> In Silicon Valley, for example, software developers and venture capitalists learn just by having coffee with friends. A tech savant in Jacksonville, Florida would have no such opportunity to learn from peers. Lobbyists in D.C. learn from one another over dinner in Capitol Hill, becoming better at their jobs with each bit of gossip or scrap of insight into legislative procedure. Wall Street types learn about how to structure deals over steaks and cocktails at The 21 Club.[29]

Schleicher views location choice through the lens of a market for matching people with place. To maximize productivity, Schleicher wants to move people to the most productive places. He importantly, and rightly, emphasizes the role of certain market relations for productivity. But he stops short of recognizing the full role of relationships for productivity, general welfare, and the distribution of economic gains and losses, as well as how mobility affects these relationships.

For Schleicher, relationships matter only for the economic gains they bring rather than for the other benefits they might confer or the value they may have even in their own right. He does say a few words about the noneconomic benefits of relationships, but these benefits feature nowhere in his policy prescriptions.[30] Because Schleicher focuses on the economic impact of relationships, only certain relationships—a subset of market relations—end up mattering, while the rest, including the family, are ignored. Even when it comes to market relations, Schleicher fails to appreciate how their disruption through mobility undermines their economic function. Moreover, under his view, place matters only for the proximity it provides to other economic actors. Place, rather than constituting a meaningful community, is fungible.

This circumscribed view of relationships means that Schleicher misses the full costs, economic and otherwise, of his proposal. First, as to the costs of mobility, Schleicher criticizes other agglomerationists for wrongly assuming fric-

**29.** *Id.* at 100. The fact that these examples are all stereotypically masculine might suggest something about whom Schleicher envisions as the prototypical mover. The gendered dimensions of mobility are discussed *infra* Section II.C.

**30.** *See* Schleicher, *supra* note 6, at 109 ("Beyond generating wealth through increased investment, geographic stability may support the development of beneficial social values and relationships. Stable communities can strengthen intergenerational bonds, with grandparents living near grandchildren. Long-term friendships may be more likely to endure in stable communities than in transient ones. In such communities, social capital can more easily develop." (footnotes omitted)); *id.* at 123 ("We make friends, build social networks, and raise our families where we live.").

tionless or near-frictionless labor mobility.[31] But he fails to consider the frictions that arise from relationships. The importance of strong local ties means that mobility can undermine productivity and broader welfare metrics. And the fact that we move in family units means that mobility imposes undesirable gendered distributional consequences.

Second, as to the value of place, Schleicher fails to see how the spillovers celebrated by agglomerationists are not just economic, but also political and ideological.[32] Places, in other words, are particular. This means that moving people from one place to another can have a significant impact on general welfare, as well as for politics. This broader significance of place might mean that we do not want to treat it just like any other market good.

## II. THE COSTS OF MOBILITY

This Part spells out the costs of mobility that Schleicher overlooks due to his inattention to the impact of mobility on our relationships, both inside and outside the family. First, Schleicher fails to appreciate how mobility can reduce productivity by breaking the ties that generate it. Second, Schleicher fails to consider how mobility can undermine other aspects of welfare promoted by place-based relationships. Third, Schleicher fails to account for the disproportionate costs that an emphasis on long-distance mobility imposes on women.

### *A. Productivity*

As Schleicher quite rightly recognizes, relationships between people, and especially geographically proximate relationships, are essential for productivity. But precisely *because of* the importance of these relationships, mobility can undermine productivity by weakening and even breaking these ties. Mobility has productivity costs both for a person's original location, which has lost part of its network, and for that person's new location, as regenerating ties takes time. This Section explains how mobility harms productivity as a result.

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**31.** *See id.* at 101 (noting that agglomeration models assume that "firms and people can cheaply and easily move their base of location," and thus "[w]hen there is local economic growth, people move in").

**32.** Schleicher cites Alfred Marshall as the canonical exponent of agglomeration economics. *Id.* at 97. Marshall's theory of spillovers also explains how places differ across important dimensions, including politically. *See* Fontana, *Geography*, *supra* note 4, at 107 n.24 (explaining that when people are physically proximate "'[t]he mysteries of the trade become no mysteries; but are as it were in the air'") (quoting ALFRED MARSHALL, PRINCIPLES OF ECONOMICS 271 (8th ed. 1920)).

Agglomerationists like Schleicher are insufficiently attentive to the nature of the ties that promote particular types of productivity. Sociologists have distinguished between "weak" and "strong" ties. Weak ties concern those who are essentially acquaintances, while strong ties involve closer friends.[33] Weak ties serve important functions in the market and otherwise, by transmitting simple information (like job opportunities) and linking together networks of similar weak ties.[34] But there are some things that only strong ties can do. Strong ties are based in reciprocity and trust, and thus allow for exchange and reliance in the absence of formal contract.[35] This closer relationship allows strong ties to transmit complex and sensitive information.[36]

As a result, strong ties, both within and outside a worker's firm, are critical for productivity. Schleicher's description of the benefits of agglomeration recognizes this. Recall the "software developers and venture capitalists [who] learn just by having coffee with friends," the "[l]obbyists in D.C. [who] learn from one another over dinner in Capitol Hill," and the "Wall Street types [who] learn about how to structure deals over steaks and cocktails at The 21 Club."[37]

Even beyond agglomeration economics, economic sociology recognizes the role of strong ties in productivity.[38] Inside the workplace, coworkers provide access to information, power, and opportunities, all of which enhance performance.[39] Strong workplace ties promote commitment to the firm, which increases organizational citizenship behavior, loyalty, and willingness to give back

**33.** Mark S. Granovetter, *The Strength of Weak Ties*, 78 AM. J. SOC. 1360, 1361 (1973) (describing the "intuitive notion of the 'strength' of an interpersonal tie" as a function of "the amount of time, the emotional intensity, the intimacy (mutual confiding), and the reciprocal services which characterize the tie").

**34.** *Id.* at 1360.

**35.** *See* Edward Glaeser et al., *An Economic Approach to Social Capital*, 112 ECON. J. F437, F437 (2002).

**36.** See Mark Granovetter, *The Strength of Weak Ties: A Network Theory Revisited*, 1 SOC. THEORY 201, 218-19 (1983).

**37.** Schleicher, *supra* note 6, at 100.

**38.** VIVIANA A. ZELIZER, ECONOMIC LIVES: HOW CULTURE SHAPES THE ECONOMY 242 (2011) (reviewing the literature and concluding that "intimacy within an organization fosters job satisfaction, enhances commitment of workers to the organization, facilitates communication among workers, and supports mutual aid in the performance of essential organizational tasks"). For work bringing this literature into legal scholarship, see Naomi Schoenbaum, *The Law of Intimate Work*, 90 WASH. L. REV. 1167 (2015) [hereinafter Schoenbaum, *Intimate Work*]; Naomi Schoenbaum, *Towards a Law of Coworkers*, 68 ALA. L. REV. 605 (2017) [hereinafter Schoenbaum, *Coworkers*].

**39.** *See* Schoenbaum, *Coworkers*, *supra* note 38, at 612-14.

to the employer.[40] Strong workplace ties also provide emotional support and care that can contribute to performance.[41] Strong ties with coworkers even serve as a bulwark against workplace harassment, and can help workers better cope with harassment or mistreatment if it occurs.[42] From call center workers to security analysts, strongly tied coworkers outperform their peers,[43] and this success accrues to the firm.[44]

Apart from coworkers, close work relationships with customers and even with competitors are also important for productivity.[45] As I have addressed in prior work on intimate relationships between workers and customers, these relationships lead workers and customers alike "to act altruistically," performing additional work to support one another and sharing private information that aids in work success.[46] Strong ties between workers and customers support price premiums, decrease employee training costs, and reduce turnover, all of

**40.** *See id.* (collecting studies); ZELIZER, *supra* note 38, at 242-48 (same).

**41.** *See* Schoenbaum, *Coworkers*, *supra* note 38, at 613; ZELIZER, *supra* note 38, at 246 (concluding, based on a range of research documenting the significance of emotional support exchanged by coworkers, that "[w]ithout such close personal ties, we can infer, many workplaces, far from operating more efficiently, would actually collapse").

**42.** *See* Schoenbaum, *Coworkers*, *supra* note 38, at 621-25 (citing studies).

**43.** *See, e.g.*, ZELIZER, *supra* note 38, at 252 (finding that "a surprising variety of studies document the positive effects of workplace intimate relationships on economic productivity"); Susan Ellingwood, *The Collective Advantage*, GALLUP BUS. J. (Sept. 15, 2001), http://www.gallup.com/businessjournal/787/collective-advantage.aspx [http://perma.cc/E7RZ-LYVU] (citing a large poll finding a strong correlation across firms between the proportion of workers with on-the-job "best friends" and the firm's profitability and productivity); Boris Groysberg et al., *The Risky Business of Hiring Stars*, HARV. BUS. REV. 1 (2004) (finding that standout performance by security analysts relies substantially on collaboration with colleagues such that stars frequently experience declines in productivity after switching firms); Benjamin N. Waber et al., *Productivity Through Coffee Breaks: Changing Social Networks by Changing Break Structure*, MASS. INST. TECH. MEDIA LAB. (2010), http://ssrn.com/abstract=1586375 [http://perma.cc/N8YV-UDJL] (finding, in a study of call center workers, that the strength of a worker's social group was positively related to productivity in the form of average call handle time); Lynn Wu et al., *Mining Face-To-Face Interaction Networks Using Sociometric Badges: Predicting Productivity in an IT Configuration Task*, INT'L CONFERENCE INFO. SYS. (2008), http://ssrn.com/abstract=1130251 [http://perma.cc/XQ48-ZWUJ] (finding that workers at an information technology company who completed tasks within a tight-knit group that communicated face to face were about 30% more productive than those who did not communicate in a face-to-face network).

**44.** ZELIZER, *supra* note 38, at 242 (reviewing literature and concluding that intimacy "promotes organizational performance").

**45.** *See id.* at 243 (collecting citations finding the importance of friendship among contractors and "even putative competitors").

**46.** Schoenbaum, *Intimate Work*, *supra* note 38, at 1180.

which contributes to higher profits.[47] Strong ties can lead to lower interest rates on loans and lower billing rates from corporate lawyers to their clients.[48] And strong ties outside of work matter for productivity, too. Whether through the market or personal relationships, strong ties support caregiving for children, the elderly, or the disabled, which is crucial for workplace productivity, especially for women.[49] Even for someone who is unemployed and thus without strong coworker ties, these other strong work and nonwork ties can provide the connections and care that enable that person to find a new job.

Mobility undermines strong ties because, as Schleicher recognizes, place matters. People bound by stronger ties tend to live nearer to one another.[50] Physical proximity is key to exchanges of support across strong ties.[51] Assistance and frequency of contact increase when people are within close geographic range.[52] Technology has not changed the importance of proximity in realizing the benefits of strong ties. Despite email, Facebook, and even phone calls, distance weakens relationships.[53] While the internet helps to maintain contact with weak ties, relationships' sensitivity to distance has been similar pre- and post-internet, and a person's most active ties are still nearby.[54] Facebook and other "friendships" maintained through technology have little in common with true friendship: they are devoid of the closeness that is the hallmark of a strong tie.[55]

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**47.** *Id.* at 1181.

**48.** *Id.*

**49.** *See* Schoenbaum, *supra* note 10, at 1195-96.

**50.** *Id.* at 1196-97.

**51.** *See id.*; M. Mahdi Roghanizad & Vanessa K. Bohns, *Ask in Person: You're Less Persuasive Than You Think Over Email*, 69 J. EXPERIMENTAL SOC. PSYCHOL. 223, 224 (2017) (finding far higher response rates when soliciting participation when solicitation is face-to-face rather than via email); Wu et al., *supra* note 43, at 16.

**52.** Schoenbaum, *supra* note 10, at 1169; *see also* Alan R. Teo et al., *Does Mode of Contact with Different Types of Social Relationships Predict Depression in Older Adults? Evidence from a Nationally Representative Survey*, 63 J. AM. GERIATRICS SOC'Y 2014, 2019-21 (2015) (finding that in-person contact reduces risk of depression far more than phone or email contact).

**53.** *See* Diana Mok et al., *Does Distance Matter in the Age of the Internet?*, 47 URB. STUD. 2747, 2750, 2778 (2010) (explaining that the telephone and the internet tend to "work synergistically with face-to-face contact" to supplement rather than replace it, and that e-mail frequently serves to arrange visits and calls).

**54.** *Id.* at 2775, 2779-80.

**55.** *See* SHERRY TURKLE, ALONE TOGETHER: WHY WE EXPECT MORE FROM TECHNOLOGY AND LESS FROM EACH OTHER (2011); William Deresiewicz, *Faux Friendship*, CHRON. REV. (Dec. 6, 2009), http://chronicle.com/article/Faux-Friendship/49308 [http://perma.cc/CTA2-9D2K].

Strong times require time to generate.[56] When a worker moves, those in the original location suffer the loss of a strong tie until they develop a new one, and the mover similarly suffers the loss of strong ties until she too develops new ones. The long-distance mover loses not only her coworkers, but also her local professional circle. Upon starting work in the new location, the mover will be considered an "outsider" who does not have the legitimacy to reap the benefits of strong ties.[57] The stress of the move itself and the time spent rebuilding ties also cuts into the mover's productivity.[58] This all makes it harder to perform optimally in the new workplace, at least for some time.[59]

Firms suffer too. Strong ties create a network of coworkers, customers, contractors, and consultants that benefit the firm. These networks form structurally embedded relations—basically, an intricate web of routinized transactions that reduce transaction costs, saving time and money.[60] Moving imposes the loss of a departing employee's relationships and routines, adding to turnover and training costs.[61] While a firm might still benefit from its connections to a former employee through referrals and the like, these benefits wane when an employee is no longer in the firm's local professional community.

### *B. General Welfare*

Mobility's impact on strong ties has broader effects on welfare beyond the economic.[62] Strong ties communicate feelings of value and a sense of "be-

**56.** *See* Granovetter, *The Strength of Weak Ties*, *supra* note 33, at 1361 (explaining that tie strength turns expressly on "the amount of time" the parties have been tied, as well as things that tend to take time to develop, such as "emotional intensity," "intimacy (mutual confiding)," and "reciprocal services").

**57.** Schoenbaum, *supra* note 10, at 1209.

**58.** *Id.* at 1207-08.

**59.** *See* Groysberg et al., *supra* note 43, at 2 (finding declines in productivity in high-performing security analysts after switching firms for this reason).

**60.** Schoenbaum, *supra* note 10, at 1206.

**61.** *Id.* at 1206-07.

**62.** I do not mean to suggest that strong ties bring only benefits. Strong ties bring not just more support, but also more demands. The demands of strong ties are especially concerning for low-income populations, for whom strong ties may crowd out the development of weak ties and their particular benefits, and for women, who are disproportionately burdened by the demands of strong ties. There are features of strong ties, like returns to scale and interconnectivity, that guard against their burdens. For further discussion weighing the costs and benefits of strong ties, see *id.* at 1197-98. My point here is that even with the costs of strong ties, policymakers should consider the damage to strong ties that long-distance mobility imposes.

long[ing] to a network of communication and mutual obligation."[63] They promote self-esteem and happiness, as well as physical and mental health.[64] They also define who we are by helping to maintain a consistent sense of identity throughout one's life course.[65]

Strong ties also play a critical role in supporting caregiving. The majority of children under school age receive care from sources beyond their parents, whether from nonmarket strong ties, such as extended family, or from market strong ties, such as daycare teachers.[66] Strong ties also provide essential care for the elderly and disabled.[67] Beyond the care they provide to dependents, strong ties also provide emotional support to primary caregivers, disproportionately women.[68] A grandmother may not only provide essential care for a grandchild, but also for the grandchild's mother, by serving as a sounding board and providing advice. Mobility most jeopardizes this type of strong-tie support for precisely those low-wage persons Schleicher thinks should be moving more. It is those with the fewest resources who rely the most on nonmarket caregivers (family members and friends), and who would have the hardest time replacing these caregivers in a faraway location.[69]

Schleicher does reference some of the "beneficial social values and relationships" associated with stability.[70] He assigns little value to them because, to him, "[t]he large majority of gains from population stability are captured by the communities in which people stay put and not by the rest of the nation."[71] It is difficult to calculate the positive impact of strong ties, such as decreased healthcare costs, the value of care provided, sheer happiness, and so on. But several points are worth noting. First, some of these gains, like decreased healthcare costs, benefit the nation as a whole. Second, the communities where people stay put—which are all across the country—are *part of* the nation. Final-

**63.** *Id.* at 1195 (quoting Ethan J. Leib, *Friendship & the Law,* 54 UCLA L. REV. 631, 655 (2007)).

**64.** *Id.*

**65.** *Id.*

**66.** *See id.*

**67.** *See* Peggie R. Smith, *Aging and Caring in the Home: Regulating Paid Domesticity in the Twenty-First Century*, 92 IOWA L. REV. 1835, 1837 (2007) (describing households "usher[ing] workers into their homes to help care for aging family members" and disabled family members).

**68.** Schoenbaum, *supra* note 10, at 1195-96.

**69.** *Id*.

**70.** Schleicher, *supra* note 6, at 109 ("[G]eographic stability may support the development of beneficial social values and relationships. Stable communities can strengthen intergenerational bonds, with grandparents living near grandchildren. Long-term friendships may be more likely to endure in stable communities than in transient ones." (footnotes omitted)); *id.* at 123 ("We make friends, build social networks, and raise our families where we live.").

**71.** *Id.* at 111.

ly, to the extent that Schleicher argues that we should or even *can* avoid the fact that the benefits of stasis accrue to the communities where people stay put, he misses the point. The benefits of a community of strong ties come precisely from the fact that it is rooted in place.

Finally, there may be different moving "types"—those who significantly invest in community would stand to lose more after a move than those who do not. These costs may be endogenous: if you are a "moving" type, you will not invest in community, and you will reduce the losses associated with mobility; if you are a "community" type, you will invest, and you will stand to lose more. And it may be that precisely those persons that Schleicher thinks should move more are community types—either by necessity[72] or by choice—for whom moving would be especially costly.

### *C. Distribution*

Schleicher's emphasis on the importance of certain market relationships further means he ignores a crucial aspect of moving: we often do not do it alone. Rather, we frequently move in family units.[73] When dual-income heterosexual couples move long distances for employment purposes, the spouses usually do not both accrue employment advantages. Rather, there is typically a spouse whose work is advantaged by the move (the driving spouse) and a spouse who may have either no job or a worse job in the new location (the trailing spouse).[74]

While moving destroys economically relevant strong ties even for the driving spouse, it also typically provides economic benefits to that person, as well as an opportunity to recreate these ties over time. Because the trailing spouse typically does not enjoy employment benefits from the move and may be unemployed in the new location, her opportunities to regenerate strong ties are hampered.[75] Over time, the relative distribution of moving costs and benefits within the family becomes more lopsided.[76] The benefits the driving spouse

**72.** See *supra* note 69 and accompanying text on the greater negative impact of mobility on those who rely on nonmarket strong-tie support.

**73.** *See* Schoenbaum, *supra* note 10, at 1187-93 (explaining how the law plays a role in this). While my focus here is on other adults within a family, children may also disproportionately bear the costs of mobility. *See* Schleicher, *supra* note 6, at 111 & n.141 (citing a study showing higher adult suicide rates for those who moved as children); Schoenbaum, *supra* note 10, at 1196 (noting that children benefit from stable strong ties that are ruptured by mobility).

**74.** The alternatives of a long-distance marriage or long-distance commuting have their own costs. *See* Schoenbaum, *supra* note 10, at 1214.

**75.** *See id.*

**76.** *See id.* at 1215.

gains and the losses the trailing spouse suffers tend to set up relative investments in work and family (with the driving spouse investing more in work and the trailing spouse investing more in family) that only further compound the impact of the move.[77]

These family mobility dynamics have gendered consequences. In opposite-sex couples, husbands tend to drive, and wives tend to trail.[78] Wives are not only more likely to be the trailing spouse when a family moves, but they themselves are also less likely to relocate for enhanced employment opportunities.[79] This results in dramatic income differentials between husbands and wives in heterosexual couples. Whereas long-distance mobility enhances husbands' careers, mobility brings lower levels of employment and income growth for wives.[80] When these couples move, the income gap between husbands and wives widens substantially, on average to nearly $3,000.[81] Indeed, the impact of a move is similar to the birth of a child on husbands' and wives' relative earnings.[82] Even a small income gap can grow quite wide over time.[83]

Importantly, evidence supports the existence of this trend—that opposite-sex couples give priority to husbands' careers in making relocation decisions—even when controlling for human capital investments.[84] Wives' earning potential has little influence on the effect of mobility on their employment, and, unlike men, mobility decreases women's likelihood of employment.[85] Indeed, women who are most committed to work—both those who work long hours and those who are their family's sole earner—face the *greatest* earnings penalty from family mobility because they have the most to lose.[86] Therefore, sex, apart from purely economic calculations, plays a significant role in relocation decisions. As a result, we should be worried that mobility subsidies of the sort that

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**77.** *See id.*

**78.** *See id.* (finding that husbands' jobs are more likely to determine residential location, and wives are more likely to leave a job to accommodate a partner's job change). Existing research is on heterosexual couples. Gay and lesbian couples may develop the same dynamics of a driving and trailing spouse for the reasons explained above, without the same gendered consequences. *Cf.* Deborah A. Widiss, *Changing the Marriage Equation*, 89 WASH. U. L. REV. 721 (2012) (arguing that the law of marriage continues to encourage role-specialization of spouses, even though it now does so in a sex-neutral way).

**79.** Schoenbaum, *supra* note 10, at 1215-16.

**80.** *Id.* at 1216.

**81.** *Id.*

**82.** *Id.*

**83.** *Id.* at 1217.

**84.** *Id.* at 1216.

**85.** *Id.*

**86.** *Id.* at 1216-17.

Schleicher proposes would compromise not only gender equality, but also efficient location decisions.

Schleicher acknowledges the possibility of mobility's "doleful distributional consequences inside families," but suggests that such consequences would be far more (or perhaps entirely) palatable if the gains that husbands tend to accrue from mobility were shifted to wives to make up for the losses they tend to suffer.[87] While Schleicher does not spell out what form this would take, we might imagine that after a move to a place where a husband gets a better job and a wife ends up unemployed, the husband shifts something of value to the wife, which could be money (e.g., buying her a car), time (e.g., doing the laundry), or authority (e.g., letting her choose their vacation).

Schleicher says that "[t]o know how costs are borne among family members, we would need to know a lot more about the state of negotiating power inside families and how it affects other aspects of interfamilial negotiation."[88] Everything we know about the gendered distribution of resources within the family should make us skeptical that the gains and losses mobility generates are, or will be, redistributed to alleviate their gendered impact.[89] If anything, we should expect that the work benefits that husbands disproportionately gain after a move will make them *more* likely to continue accruing such gains, and that the losses that wives disproportionately suffer after a move will make them *more* likely to continue suffering such losses, only enhancing the lopsidedness of the spouses' bargaining power.[90] And even if a wife's workplace losses were offset by gains inside the family, many marriages end in divorce, where these

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**87.** Schleicher, *supra* note 6, at 110 & n.139 ("It should be noted that these costs do not necessarily match actual 'incidence' inside families, any more than an employer paying a payroll tax rather than an employee means that the employer bears the economic cost of the tax.").

**88.** *Id.* at 110 n.139.

**89.** *See* Amartya K. Sen, *Gender and Cooperative Conflicts*, *in* PERSISTENT INEQUALITIES: WOMEN AND WORLD DEVELOPMENT 123, 124-26 (Irene Tinker ed., 1990) (noting that intrafamily divisions of resources often disfavor women's well-being because, among other reasons, women's contribution to family (non-market) production is often undervalued, and women tend to sacrifice their own well-being for their family's well-being).

**90.** *Id.* at 137 (explaining that in marital bargaining, "the 'winner[]' in one round get[s] a satisfactory outcome that would typically include not only more immediate benefit but also a better placing (and greater bargaining power) in the future"; that "finding more 'productive' employment . . . may . . . contribute not only to immediate well-being but also to acquired skill and a better breakdown position for the future"; and that enhanced human capital that one might get from a better job "improves one's breakdown position, threat advantages, and perceived contributions within the family, even when these may not have been conscious objectives").

losses—such as the wages from a job given up to trail a spouse—typically go uncompensated.[91]

Moreover, redistribution within the family does not remedy the most concerning facet of the employment losses women suffer through mobility: the employment losses themselves matter. Work brings unique benefits, especially for women, that cannot readily be compensated for in the family.[92] Perhaps most importantly, when it comes to the critical social goal of advancing sex equality in the workplace, how resources are distributed within the family is beside the point.

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Note that the consequences of mobility, both inside and outside the family, compound with repeat moves. Perhaps the aim of Schleicher's proposal to move people from low- to high-opportunity places is to situate people in locations with deep labor markets, which may make them less likely to move in the future.[93] But this is a significant empirical assumption. Moving to a high-opportunity place may lead people to become "moving" types who will be more likely to move again.[94] In any event, the costs discussed above must be factored into the welfare and distributional consequences of mobility, even for a single move.

While this Response questions whether the gains from mobility are as great as Schleicher suggests, I stop short of claiming that the net costs of mobility outweigh its benefits. At the very least, the points raised about welfare and distribution suggest that the gains from mobility are distributed asymmetrically (disproportionately to those who move rather than those left behind, and to husbands rather than wives), such that any thinking about mobility policy must pay careful attention to distribution. Moreover, the relative costs and benefits of mobility will vary with the circumstances. Some moves (perhaps to

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**91.** *See* JOAN WILLIAMS, UNBENDING GENDER: WHY FAMILY AND WORK CONFLICT AND WHAT TO DO ABOUT IT 120-23 (2000) (discussing how family law fails to account for gendered market labor and carework dynamics within marriage upon divorce, either through property division or alimony).

**92.** *See* Schoenbaum, *Coworkers*, *supra* note 38, at 612-14 (explaining how work in general and close coworker relationships in particular provide special reprieve from the demands of family life, especially for women); Schoenbaum, *Intimate Work*, *supra* note 38, at 1182-83 (same vis-à-vis close worker-customer relationships); Vicki Schultz, *Life's Work*, 100 COLUM. L. REV. 1881, 1886-92 (2000) (explaining how work is constitutive of citizenship, community, and personal identity, and citing studies linking work with higher self-esteem in women).

**93.** In prior work, I have been inclined towards deep labor markets myself for precisely this reason. *See* Schoenbaum, *supra* note 10, at 1231-35.

**94.** See text accompanying *supra* note 72 for a discussion of different moving types.

escape an abusive partner, or to move to a smaller and happier city[95]) may bring especially great benefits. Some moves (perhaps for a young, single person) may impose fewer costs. I have intended to highlight the costs of mobility so that those crafting policies that will impact location decisions will do so not only considering the benefits of mobility, but also its costs.

## III. THE VALUE OF PLACE

Like his view of the value of relationships, Schleicher also limits his view of the value of place to economic productivity. In this regard, he might be overstating the value of big cities for bringing economic benefits.[96] But Schleicher also ignores the impact of place for general welfare metrics, for politics, and for other less quantifiable considerations. This Part addresses how Schleicher simultaneously over- and under-values place.

As to the economic benefits of place, recent research calls into question the wage gains resulting from moving to the types of big cities Schleicher hails.[97] One key study suggests mobility has decreased due to declining wage returns to job switching.[98] Another study emphasizes the increased flatness of the American economy: "labor markets around the country have become more similar in the returns they offer to particular skills, so workers need not move to a particular place to maximize the return on their idiosyncratic abilities."[99] So while Schleicher is worried that the law is standing in the way of people in Mississippi moving to New York for labor market gains, at least some of the research suggests that people are not making these moves simply because these gains do not exist to be had.[100]

And if the economic gains are uncertain, the costs—especially in terms of higher housing costs—are not. Schleicher would fault restrictive housing and zoning laws, among other policies, for the increased housing costs in certain

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**95.** *See infra* notes 105-110 and accompanying text.

**96.** *See infra* notes 98-99 and accompanying text.

**97.** *See* Schleicher, *supra* note 6, at 83-84 (citing the fact that "lower-skilled workers are not moving to high-wage cities and regions" and positing that law and policy "keep[] people out of the . . . best job markets").

**98.** *See* Molloy et al., *Declining Migration*, *supra* note 11, at 2; Molloy et al., *Job Changing and the Decline in Long-Distance Migration in the United States*, 54 DEMOGRAPHY 631, 643 (2017) (finding that "changes in the labor market are driving the change in migration patterns, rather than vice versa").

**99.** *See* Greg Kaplan & Sam Schulhofer-Wohl, *Understanding the Long-Run Decline in Interstate Migration*, NBER Working Paper No. 18507, at 1 (2013), http://www.nber.org/papers/w18507.pdf [http://perma.cc/Y943-FSWH].

**100.** *See* sources cited *supra* notes 98-99.

areas.[101] But surely these laws alone are not to blame. Simple supply and demand would lead New York or Silicon Valley to be more expensive than Mississippi or Arkansas. There may be some set of persons for whom restrictive housing and zoning laws make the marginal difference between rendering New York or Silicon Valley affordable or not. Schleicher does not suggest how large a group this is, and the research suggests it is small or nonexistent.[102]

Think about these uncertain wage benefits and certain costs for the hypothetical janitor that Schleicher suggests should be moving from Mississippi to New York.[103] The janitor is not likely to make much more money in New York than in Mississippi, but he will have to pay far more in rent.[104] Even as a simple economic matter, the move starts to look far less appealing.

Some research also calls into doubt whether moving to the types of high-opportunity places that Schleicher lauds will make people happier. One study finds that the unhappiest counties in the United States are some of the densest, and that the happiest counties are primarily rural or a mix of suburban and rural.[105] Another study finds that larger cities are much less happy than smaller ones.[106] In general, the sixty cities in the United States with populations larger than 300,000 people are the least happy cities in the country.[107] This may mean that precisely the factors that agglomerationists such as Schleicher celebrate for

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**101.** *See* Schleicher, *supra* note 6, at 114-117.

**102.** *See* Molloy et al., *Understanding Declining Fluidity*, *supra* note 11, at 221-22 (finding that housing and zoning regulations are not causing declines in mobility).

**103.** *See* Schleicher, *supra* note 6, at 83 ("Bankers and technologists continue to move from Mississippi or Arkansas to New York or Silicon Valley, but few janitors make similar moves . . . .").

**104.** It might be that agglomeration brings more benefits for some occupations and industries than others. Low-income workers may work disproportionately in occupations and industries that benefit less from agglomeration.

**105.** Adam Okulicz-Kozaryn & Joan Maya Mazelis, *Urbanism and Happiness: A Test of Wirth's Theory of Urban Life*, 2016 URB. STUD. 1, 10 (analyzing data while controlling for the characteristics of cities themselves, like size and heterogeneity, to find St. Louis, the Bronx, and Kings County (Brooklyn) to be the least happy counties, and Douglas County, Colorado (outside Denver), Shelby County, Tennessee (outside Memphis), and Johnson County, Kansas (outside Kansas City) to be the happiest counties).

**106.** Adam Okulicz-Kozaryn, *Unhappy Metropolis (When American City Is Too Big)*, 61 CITIES 144, 144-45, 148 (2017) (defining happiness in terms of "subjective wellbeing," which includes both life satisfaction and one's mood, and finding that happiness gradually increases as population size declines). The exception appears to be a large decline in happiness in communities of around 5,000 to 8,000 people. *Id.* at 146 fig.2.

**107.** *Id.*

their impact on productivity—the density and size of cities—are precisely what make people in them less happy.[108]

When it comes to city size, unhappiness increases when a city's population reaches hundreds of thousands of people.[109] So, "a person does not have to give up city living to be happy, she just needs to avoid the biggest cities."[110] Nonetheless, Schleicher tends to favor the biggest cities as producing more of the benefits of agglomeration.[111] Note that one could accept the gains of agglomeration more generally without taking such a narrow view of where these gains are generated, particularly considering the happiness tradeoff that living in one of the largest cities may entail.

A few caveats are in order. In the study connecting density to unhappiness, the happiest counties were each near a large city, which may allow residents to occasionally enjoy the benefits of the city (like the amenities) without the costs.[112] And these studies show only a correlation between city living and happiness, rather than a causal link. It may be that cities attract the types of people who are less happy.[113] But even if these studies simply reflect that different types of people sort into different types of places, this in itself is important for Schleicher's argument: cities may not be for everyone.

Indeed, precisely because people "ideologically sort into and out of different physically defined communities,"[114] moving people from some types of places to other types of places has political implications. Going back to the Founding, place-based political communities have been recognized as important for local

**108.** Even controlling for factors correlated with density and size (the congestion costs of cities such as poverty and stress, as well as race and political affiliation, among others), these studies continue to find a negative and significant relationship between city size and county density, on the one hand, and happiness, on the other. *See id.* at 152 fig.2, 153 fig.3; Okulicz-Kozaryn & Mazelis, *supra* note 105, at 6-10. Of course, other factors that were not controlled for may also explain the results.

**109.** Okulicz-Kozaryn, *supra* note 106, at 144, 146.

**110.** *Id.* at 148.

**111.** While Schleicher does not specifically address this issue, his consistent references to New York and Silicon Valley suggest that he believes the real benefits of agglomeration are to be had in these cities on the east and west coasts, and that entire regions in the middle and south of the country are less productive.

**112.** *See* Richard Florida, *The Price of Happiness in Cities*, CITYLAB.COM (June 27, 2016), http://www.citylab.com/equity/2016/06/the-price-of-happiness-in-cities/487823 [http://perma.cc/SP5P-H7U2].

**113.** *See id.* (explaining that cities, and especially dense urban neighborhoods, are home to people who are "more introverted, introspective, . . . perhaps overly critical," and "neurotic" than are suburbs or rural areas, whereas suburbs and rural areas are home to "more agreeable and conscientious types who tend to be happier with their lives").

**114.** Fontana, *Geography*, *supra* note 4, at 108.

self-government.[115] Large-scale relocation policies could threaten these communities.[116] There is also the matter of how place intersects with federalism and its benefits, like allowing states to engage in policy experimentation.[117] As Schleicher sees it, variation in policy across states, rather than being a desirable outgrowth of a federal system, hinders interstate mobility.[118] Schleicher wants to use mobility policy to "forg[e] a unified economy and people from our many regions and groups."[119] This "political goal" fails to appreciate the nature of separate political and ideological communities defined by state borders as the cornerstone of federalism.[120] While there is surely disagreement over the role of

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**115.** *Id.* at 104.

**116.** Due to political spillovers and argument pools, once people are in a new location long enough, they are likely to change. But this would mean the diminishment of the ideologies of the places that people moved away from. See *infra* note 120 and accompanying text on the importance of ideological communities.

**117.** *See* New State Ice Co. v. Liebmann, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting) (praising state governments as the "laboratories" of democracy).

**118.** Schleicher cites state variation under Obamacare as one example. *See* Schleicher, *supra* note 6, at 126 & n.218. But the relationship between Obamacare and mobility is mixed. In theory, variation in benefit levels and eligibility might hinder mobility for those located in generous states, or it might spur mobility to those states from less generous states. Schleicher says that "if the higher taxes necessary to fund redistributive spending have any negative effect on employment, benefit differentials should limit more moves than they encourage, ceteris paribus." *Id*. at 126 n.217. But this might not be so if employers make location decisions not on the basis of taxes alone, but also based on local policies. We can see this type of employer behavior in response to businesses leaving North Carolina after it limited transgender rights. *See* David A. Graham, *The Business Backlash to North Carolina's LGBT Law*, ATLANTIC (Mar. 25, 2016), http://www.theatlantic.com/politics/archive/2016/03/the-backlash-to-north-carolinas-lgbt-non-discrimination-ban/475500 [http://perma.cc/Z8TF-68W6]. Schleicher notes that "evidence that people moved to capture greater health benefits following the expansion of Medicaid under the Affordable Care Act is not strong." Schleicher, *supra* note 6, at 126 n.218. But this suggests that the health care law has not played much of a role in keeping people in place, either. *Cf.* David K. Ihrke, Carol S. Faber & William K. Koerber, *Geographical Mobility: 2008 to 2009*, U.S. CENSUS BUREAU 16 tbl.7 (2011), http://www.census.gov/prod/2011pubs/p20-565.pdf [http://perma.cc/FK4V-EESS] (explaining that 2% of people report moving from one county to another for health reasons).

**119.** Schleicher, *supra* note 6, at 154.

**120.** *See* Fontana, *Geography*, *supra* note 4, at 114-15 (documenting the empirical evidence of continuing relevance of geography for political communities); Ernest A. Young, The *Volk* of New Jersey? State Identity, Distinctiveness, and Political Culture in the American Federal System i–ii (Feb. 24, 2015) (unpublished manuscript), http://ssrn.com/abstract=2552866 [http://perma.cc/YXZ4-Z3HG] ("I conclude that reports of the death of state identity are greatly exaggerated.").

diverse state identities in America,[121] Schleicher does not address the tension between his views and federalism.

We might recognize a range of other possible benefits to maintaining a diverse array of place "types" in America. Writing about rural Oregon, Michelle Wilde Anderson—another contributor to this Collection—has suggested several such benefits, from preserving history and knowledge to making people "spiritually and morally more whole through the existence of households and environments beyond the hustle of urban materialism."[122] Schleicher questions whether supporting residents to "remain adorable repositories of homespun knowledge" is "something the rest of us value."[123]

I would like to suggest that one way of coping with mortality is knowing that there are things in this world that live beyond us. Preservation provides value as much, if not more, for the feelings it generates in us about the kind of society we live in than for whatever is preserved.[124] Schleicher's suggestion that law should basically make places more destructible—say, for example, by allowing the construction of flimsier buildings that can be torn down more easily[125]—poses problems for precisely this reason. We might think there are measurable costs to such a proposal: that people will invest less in their homes and communities if they are not built to last. Beyond this, it seems downright strange to deny what is true for many people: that they have a relationship with a place—often called a "home"—that is not merely accidental but is integral to their identity and well-being, and to their cultural and political values.[126] Given

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**121.** *See* Fontana, *Geography*, *supra* note 4, at 114 (describing the disagreement among scholars). Of course, there are questions about how much federalism is desirable, whether the relevant unit of geography is the state or something else (the city, the region, or another entity), and whether there are better ways to achieve the same interests, but the considerations of federalism and the importance of geographic diversity should at least be acknowledged.

**122.** Michelle Wilde Anderson, *The Western, Rural Rustbelt: Learning from Local Fiscal Crisis in Oregon*, 50 WILLAMETTE L. REV. 465, 500 (2014).

**123.** Schleicher, *supra* note 6, at 145. He questions the value of historic preservation because it does not "generally preserve or represent history as it was lived," but rather "reflect[s] today's majoritarian tastes about the past." *Id.* at 144 n.293. Even if this is so, it may provide utility for precisely this reason.

**124.** *Cf.* Anderson, *supra* note 122, at 500 ("To let Detroit depopulate and decline is to erode an important heritage for current and future generations: our accountability to the values of livable wage jobs, upward mobility, and American ingenuity it once stood for.").

**125.** *See* Schleicher, *supra* note 6, at 135-36.

**126.** *See, e.g.*, Jill Ann Harrison, *Rust Belt Boomerang: The Pull of Place in Moving Back to a Legacy City*, 16 CITY & COMMUNITY 263 (2017) (exploring reasons behind "the growing trend of return migration of young professionals . . . to the [Rust Belt,]" and finding that these young professionals made economically irrational decisions to move home because of attachments to the social fabric of the community, as well as a desire to contribute to the revitalization of the region).

all this, we must ask whether we will really be better off if we live in a society that treats place like any other market good, as something that is disposable when its use value has diminished.[127]

## CONCLUSION

I conclude with a word about the title of this Response. When it comes to mobility, Schleicher essentially divides people into two classes: the mobile, who are able to accrue the benefits of economic dynamism that come from mobility, and, as his title suggests, the stuck, who suffer the costs of being trapped in place. Richard Florida suggests a third category: "the rooted."[128] These are persons "who are strongly embedded in their communities and choose not to [move]."[129] While Florida expresses the crucial point that staying put has its benefits, his typology still misses something: the costs of mobility outlined in this Response can affect even the most mobile among us. Policymakers would do well to pay close attention to the costs of mobility and the value of place for everyone.

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**127.** *See* Anderson, *supra* note 122, at 499 ("In my view, historic places and modes of living have existence value, even when they have trouble attracting residents and businesses in a competitive system."). There is a large literature on the question of whether goods should be distributed through markets. For a seminal article highlighting the corrupting effect of markets, see Margaret Jane Radin, *Market-Inalienability*, 100 HARV. L. REV. 1849 (1987). Scholars across disciplines have raised concerns about our "era of market triumphalism," where "[e]verything [is] for sale." *E.g.*, MICHAEL SANDEL, WHAT MONEY CAN'T BUY: THE MORAL LIMITS OF MARKETS 6, 9 (2012). While other scholars have expressed skepticism of the view that subjecting seemingly invaluable or sacred goods to the market is inherently corrosive, *see* ZELIZER, *supra* note 38, at 171-79, 311-16, it is worth asking whether we want market values to be the only values that govern here.

**128.** Richard Florida, *America the Stuck*, CITYLAB (Feb. 2, 2017), http://www.citylab.com/equity/2017/02/american-mobility-has-declined/514310 [http://perma.cc/V48Y-MTXX] [hereinafter Florida, *America the Stuck*]; RICHARD FLORIDA, WHO'S YOUR CITY? 79 (2008).

**129.** Florida, *America the Stuck*, *supra* note 128.