

Causes and Consequences of Segregation

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Segregation by Design: Local Politics and Inequality in American Cities

By Jessica Trounstein

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Political scientist Jessica Trounstein, a leading scholar of American local government politics, has written a remarkable new book sure to become a must-read for academics, attorneys, practitioners, activists, and citizens seeking to understand the causes and consequences of urban residential segregation over the past century. Combining historical study with qualitative and quantitative social science methods, her book hones in on the particular role of local government policy—especially around land-use, zoning, and control of public services—in creating and perpetuating racially and economically segregated living patterns that persist to the present. White property owners and land-oriented businesses, the book contends, use their disproportionate social power and access to local government institutions to push these bodies to pursue segregative land use, planning, and development policies to protect white’s property values and exclusive control over public goods. The book’s chapters carefully and systematically analyze different pieces of this overall story, which in combination help the reader make sense of contemporary “unequal access to public benefits and polarization in local and national politics.”¹

Segregation by Design makes several fundamental contributions that are necessary to highlight. First, Trounstein herself argues that her account of the local governmental origins of race and class segregation in American cities “suggest[s] a reconceptualization of the fundamental drivers of local politics.”² Unlike the dominant theories of urban politics—pluralism, structural forces, and regimes—Trounstein’s book considers the “fundamental role of race and class in determining local political phenomena.” By grappling with the “institutionalized power of the white property-owning community,”³ we come away with a better grasp of factors influencing local political battles as well as with an enhanced sense of the forces shaping segregation and inequality. Further, the author clearly intends for the book to contribute to and build upon a new wave of race-conscious

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1. JESSICA TROUNSTEIN, *SEGREGATION BY DESIGN: LOCAL POLITICS AND INEQUALITY IN AMERICAN CITIES* 205 (2018) [hereinafter *SEGREGATION BY DESIGN*].

2. *Id.* at 208.

3. *Id.* at 210.

scholarship and activism. Following authors such as Richard Rothstein, Ta-Nehisi Coates, Jeff Chang, Keeanga-Yamahtta Taylor, Michelle Alexander, and Asad Haider,⁴ Trounstein's book demands that we grapple with past racial injustices as well as the way that race continues to inform our fraught contemporary moment. As Coates writes in *The Case for Reparations*, an "America that asks what it owes its most vulnerable citizens is improved and humane." *Segregation by Design* makes a novel contribution by focusing race-conscious scholarship upon sub-national governmental processes in American cities, something rarely elsewhere done.

Second, segregation is once again a topic of study and intellectual discussion after a period of dormancy, including in several well-received journalistic⁵ and historical⁶ accounts. *Segregation by Design* is a welcome addition to this new wave, and is unique in several ways. Most notably, this book stands out in terms of its social scientific rigor. After zeroing in on her thesis—local governments cause segregation at the behest of white homeowners—the author employs data-driven empirical methods to systematically test her propositions in a variety of ways. For instance, she looks at factors explaining the adoption of zoning and land-use controls in early twentieth-century cities, and then finds subsequent links between these policies and higher race- and class-based segregation within cities. Further, her data also permit an examination of the racial disparities in public good provision due to segregation, and she discerns relationships between segregation and political polarization at the city and national level. The book is a diligent analysis of this important topic. Moreover, Trounstein plausibly contends that her account of the causes of segregation departs from existing ones that pin segregation singularly on either racist attitudes or socioeconomics. As elaborated below, the book instead holds that segregative policies and racial inequality "are driven fundamentally by whites' economic and political self-interest, which interact with and produce racist beliefs."⁷

Third, the book's careful analysis of the dangers of localism make it well suited to contribute to an emergent conversation in the civil rights, fair housing and urban politics arenas regarding the appropriate governmental level(s) at which to achieve progressive change. Questions concerning the size, centralization and diversity of governmental jurisdictions are not

4. RICHARD ROTHSTEIN, *THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA* (2017); TA-NEHISI COATES, *BETWEEN THE WORLD AND ME* (2015); TA-NEHISI COATES, *THE CASE FOR REPARATIONS*, ATLANTIC (JUNE 2014); JEFF CHANG, *WE GON' BE ALRIGHT: NOTES ON RACE AND RESEGREGATION* (2016); KEEANGA-YAMAHTTA TAYLOR, *FROM #BLACKLIVESMATTER TO BLACK LIBERATION* (2016); MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* (2010); ASAD HAIDER, *MISTAKEN IDENTITY: RACE AND CLASS IN THE AGE OF TRUMP* (2018).

5. Coates, *supra* note 4.

6. ROTHSTEIN, *supra* note 4.

7. SEGREGATION BY DESIGN, *supra* note 1, at 207.

new. For instance, James Madison presciently foreshadowed contemporary metropolitan issues when he argued that “plans of oppression” are more likely as the number of citizens in a jurisdiction decrease.⁸ By contrast, Tocqueville maintained in *Democracy in America* that localism and decentralization were fundamental to the health of democracy: power kept close to the people engages citizen interest in public affairs and results in more responsive and effective governance. These apparent conflicts between civic engagement and proximity to power on the one hand and local oppression and marginalization of minorities on the other have informed centuries-long debates regarding the merits of centralized or fragmented government. Or, as Roderick Hills might ask, “[Are] local governments . . . less like Athens and more like Mount Laurel[?]”⁹ Bringing it to the present, urbanist Richard Florida¹⁰ and legal scholars Heather Gerkin¹¹ and Richard Schragger¹² each have recently called for what Gerkin calls a “new progressive federalism”: the embrace of governance at the local level as well as the relative empowerment of local governments within the nation’s federal structure. By contrast, Simone Tulumello¹³ advocates for more

8. JAMES MADISON, FEDERALIST No. 10 (1787), available at <https://www.congress.gov/resources/display/content/The+Federalist+Papers#TheFederalistPapers-10>.

9. Roderick M. Hills Jr., *Romancing the Town: Why We (Still) Need a Democratic Defense of City Power*, 113 HARV. L. REV. 2009 (2000).

10. RICHARD FLORIDA, *THE URBAN CRISIS: HOW OUR CITIES ARE INCREASING INEQUALITY, DEEPENING SEGREGATION, AND FAILING THE MIDDLE CLASS—AND WHAT WE CAN DO ABOUT IT* 213 (2017):

It is time for American mayors and community leaders to press for a similar devolution of power that will enable them to better steward and govern their own communities and address their own unique sets of problems as they see fit. Such a strategy recognizes both the advantages that come from local innovation and problem solving and the substantial variation in local capabilities and needs.

11. Heather K. Gerkin, *A NEW PROGRESSIVE FEDERALISM*, 24 *DEMOCRACY: A JOURNAL OF IDEAS* (Spring 2012), <https://democracyjournal.org/magazine/24/a-new-progressive-federalism> (last visited May 5, 2019):

But it is a mistake to equate federalism’s past with its future. State and local governments have become sites of empowerment for racial minorities and dissenters, the groups that progressives believe have the most to fear from decentralization. In fact, racial minorities can wield more electoral power at the local level than they do at the national. And while minorities cannot dictate policy outcomes at the national level, they can rule at the state and local level.

12. Richard C. Schragger, *CITY VERSUS STATE*, *BOSTON REV.* (Feb. 14, 2018), <http://bostonreview.net/forum/cities-hill/richard-c-schragger-city-versus-state> (last visited May 5, 2019).

13. Simone Tulumello, *WHAT’S WRONG WITH THE NEW LOCALISM: A RESPONSE TO RICHARD FLORIDA AND BRUCE KATZ*, *PROGRESSIVE CITY* (Aug. 15, 2018), <https://www.progressivecity.net/single-post/2018/08/15/WHAT%E2%80%99S-WRONG-WITH-THE-NEW-LOCALISM-A-RESPONSE-TO-RICHARD-FLORIDA-AND-BRUCE-KATZ> (last visited May 5, 2019).

centralization and wealth redistribution (perhaps through a national coalition of cities) as opposed to devolution. And, in a recent study, Kate Walz and Patricia Fron¹⁴ call attention to how “hyperlocal control can maintain residential segregation” via Chicago council members’ “aldermanic prerogative” to block family affordable housing developments. Sorting out the complexities of this debate falls outside the remit of one book, but Trounstein’s consistent findings appear more in line with the criticisms of localism than with arguments in its favor. As will be described in more detail below, the entire thrust of the book illustrates empirically how local governments have been employed for a century in ways that have created some of our society’s most fundamental injustices. For instance, Trounstein shows that spatial and political balkanization go together in segregated cities. Local control is no panacea in such places since cooperation across groups is made difficult and as a result public services are underprovided. Further, her data show that pursuit of liberal policies in central cities is associated with more segregation across cities within metro areas. The policy practicalities of her work are multifaceted and touched upon later but are consistent with Thomas Silverstein’s admonition that the “civil rights movement simply cannot embrace local control without conditions.”¹⁵

Local Government Creates Segregation, a Theory

The book, as its title suggests, is premised on the idea that segregation is not “organic or inevitable,” but an intentional outcome “pursued through the political process” and “offering spoils to those with political power.”¹⁶ Trounstein undertakes a systematic historical and empirical analysis of one important design component giving rise to segregation, namely the role played by local government.

Why *local* government? As the author argues, local governments are those that undertake policies that affect property values. Through zoning, land-use, and development decisions, local governments shape what “gets built, what doesn’t get built, and where the building happens.”¹⁷ They also control the public services that are provided as well as their distribution. The history of residential segregation in the United States as described here

14. Kate Walz & Patricia Fron, *THE COLOR OF POWER: HOW LOCAL CONTROL OVER THE SITING OF AFFORDABLE HOUSING SHAPES AMERICA*, CLEARINGHOUSE COMMUNITY 1 (Oct. 2018). In a passage highly resonant of Trounstein, the authors describe the consequences of “aldermanic prerogative” in zoning and planning decisions:

Local governments such as Chicago that cede to the NIMBY demands of white communities face major consequences. Concentrated decision-making power among those with political capital while low-income black and brown residents have little say in where and how they live creates a vastly unjust society beyond housing.

15. Thomas Silverstein, *COMBATING STATE PREEMPTION WITHOUT FALLING INTO THE LOCAL CONTROL TRAP*, 26 *Poverty & Race* 1 (Oct.–Dec. 2017).

16. *SEGREGATION BY DESIGN*, *supra* note 1, at 23.

17. *Id.* at 23.

is one where property owners—who for discriminatory historical reasons have always been disproportionately white—and land-oriented businesses have for a century dominated local political processes in order to enhance the value of their property and ensure exclusive access to vital public goods. In this telling, infrastructure investments are made (or not made), nuisances (or amenities) are located in certain neighborhoods, cities are zoned for more (or less) multifamily housing, and services like police and education are funded (or not funded), all with an eye toward protecting white property values. As a result, Trounstine argues that through these policies “local governments create and recreate segregation along race and class lines”¹⁸ and also generate unequal access to public goods. “White advancement,” she writes, “was built on the backs of people of color.”¹⁹ Also incorporated into this picture are analyses of how white property owners respond to threats to their control over local government policy, namely by increasing the scale of segregation from isolated neighborhoods to isolated cities (i.e., suburbanization). The consequences of these local political battles continue to the present, Trounstine concludes, in racially (and class-based) disparate access to public goods as well as political polarization.

One important strength of *Segregation by Design* is the care the author devotes to counterposing the above conceptual framework against extant competing theories of segregation and then explaining why her approach is superior. Trounstine situates the book’s focus on local government against the predominant explanations of segregation that are based on individual choice. For instance, one common theory holds that segregation is due to individual racist prejudice and (especially white) preferences for same-race neighbors. A second theoretical perspective holds that segregation comes as a result of black-white socioeconomic differences and varying ability to pay for housing and transportation. Trounstine has two quite plausible replies as to why the conceptual model she offers is preferable over and above these existing theories. First, she rightly points out that the “backdrop to individual choice is the type and value of housing that is available—factors that are determined by governments.”²⁰ In addition, governments serve as an enforcement mechanism for the achievement of collective goals, here understood to be the maintenance of white property-owner home values and wealth. *Local* governments, through their ability to regulate land use and make decisions about service provision, can generate and enforce segregation and ward off any individual deviation from the collective goal.

The above calls attention to the ways that race and racism are (and are not) employed in Trounstine’s explanatory theory of segregation. As noted, segregation is *not* traced in the book solely to individual-level racial

18. *Id.* at 205.

19. *Id.* at 12.

20. *Id.* at 28.

prejudice or animus (i.e., racism). Instead she offers a conception of local politics driven by whites' political-economic considerations (i.e., property values and public goods), with race "animating the choices of [white] residents and political actors." Citing Ibram Kendi, Trounstine holds that racist ideas follow from discriminatory policies and are used to "redirect the blame for racial disparities away from those policies and onto Black people."²¹ The author's decision to foreground race in terms of its interactions with political-economic determinants seems reasonable and generally consistent with the broader theory. However, by proceeding in this way the book comes to a confusing place on *racism* that it never manages to satisfactorily resolve. For instance, far from merely proceeding from local policies, existing racist attitudes necessarily must have informed white's perceptions about how proximity to nonwhites affected property values. If racist beliefs are outcomes, then what explains *these* beliefs? While Trounstine does briefly call attention to the "racist, classist understanding of property values and who deserves public benefits,"²² she essentially takes such racist understandings of property values for granted. She is right to emphasize the political power of white property owners, but the book could have better elaborated how race *and* racism enter the story.

Major Findings

Following the first two chapters which lay out her conceptual theory of segregation, chapters 3 through 9 each contain a separate analytical piece of the author's account concerning the role of local government policy in creating segregation. Trounstine is a skilled empiricist, and ably brings together novel datasets and statistical methods to submit her core hypotheses to test. The presence and rigor of these quantitative analyses differentiate the book from much of the more recent—and less scholarly—writing on segregation. However, it is the author's commitment to *mixed methods* that truly sets the work apart. Each chapter also includes rich historical analyses and accounts, which serve to bring the quantitative discussions to life. The effectiveness of this interplay between provision of historical context and serious data analysis points the way to what social science should be.

Trounstine draws from multiple sources to assemble a fascinating dataset encompassing many cities over decades, and combining information on segregation, spending on city services, and the adoption of zoning regulations.²³ The analyses in chapters 4, 5, and 8 especially deserve mention. In

21. IBRAM X. KENDI, *STAMPED FROM THE BEGINNING: THE DEFINITIVE HISTORY OF RACIST IDEAS IN AMERICA* 9 (2016).

22. *SEGREGATION BY DESIGN*, *supra* note 1, at 30.

23. She further notes:

The data that I have collected measure segregation both within and across cities, account for both race and class divisions, and cover city expenditures on a wide range of services during the entire twentieth century. This required the encoding of archival data, the generation of new spatial data using GIS, and the compilation of thousands

chapter 4 she empirically demonstrates that early twentieth century cities with more public good expenditures and property tax revenues were more likely to implement zoning regulations. In such places, local officials had a greater incentive to use zoning to “protect the existing distribution of public goods and the total tax revenue.”²⁴ The author’s regressions also indicate that cities that were the earliest adopters of zoning (between 1900 and 1930) grew more segregated over the next fifty years.

After providing quantitative evidence that local governments “institutionalized prejudicial behavior and promoted segregation through the use of zoning ordinances”²⁵ to protect the property tax revenue of white homeowners, in chapter 5 she studies the relationships between segregation and inequality in public goods provision from 1900 to 1940. Because it is easier to deny public goods to neighborhoods than to households, Trounstine here predicts that as “segregation geography shifted, so too did public goods inequalities.”²⁶ In the most compelling and innovative analysis in the book, the author analyzes the link between racial and renter segregation and sewer and water extensions in four cities from 1900 to 1940. First, she uses historical maps of the Baltimore, Boston, Chicago, and Philadelphia sewer systems to create ward-level counts of sewer segments by decade and joins these counts to demographic data from the Census for these early years of the century. Regressions employing these novel data show, for instance, that “majority black wards see no additional investment in their sewer systems in highly segregated cities.”²⁷ Separate analyses using Census data also indicate that these trends persist into more recent decades as well. In the words of David Torres-Rouff, these extraordinary findings suggest that, through their policies, local governments “produced a city that physically imposed inequality on its citizens.”²⁸

Finally, chapter 8 illustrates shifts in whites’ policy strategies in the face of mid-century erosion of their power to dominate city policy and public goods distribution. In the postwar period, demographic shifts, social movements, federal policy interventions, and elections of black mayors changed the balance of power in many cities. White homeowners could no longer reliably dictate the policy maneuverings of their local governments to protect their economic interests. Trounstine empirically shows how in reaction whites shifted the spatial scale of segregation, or in other

of digitized observations from the United States Census. The comprehensiveness of the data allows for a more complete picture of the patterns of segregation over time and allows for an analysis of the factors that give rise to this variation.

Id. at 44.

24. *Id.* at 86.

25. *Id.* at 97.

26. *Id.* at 98.

27. *Id.* at 108.

28. DAVID TORRES-ROUFF, *BEFORE L.A.: RACE, SPACE, AND MUNICIPAL POWER IN LOS ANGELES, 1781–1894*, at 227 (2013).

words they traded “homogeneous neighborhoods within cities for new homogeneous cities instead.”²⁹ This chapter makes clear that the magnitude of white homeowners’ commitment to preserving property values through segregation was so great that it pushed forward the process of suburbanization.

While chapters 7 and 9 nicely link segregation to political polarization both within and across cities, chapter 6’s relationship to the rest of the book is hard to discern. Most of the chapter is devoted to the influence of urban renewal spending on segregation in the middle decades of last century. Unfortunately, this chapter’s contribution to the book’s overall narrative theme is not made clear, whereas the other chapters all build on one another in a careful sequential order.

Another criticism pertains to the issue of causality. While every chapter’s analysis is carefully and rigorously undertaken, each is nevertheless separate from one another. Furthermore, it is clear that the reader is invited to draw a through-line from the statistical analyses in the earlier chapters to those coming later, so as to weave everything together into a seamless continuous story. The author should have been more explicit about the presence or lack of causal connection between the analyses undertaken in different chapters so readers can decide for themselves as to the plausibility of the book’s overarching narrative. Nevertheless, the findings present powerful evidence as to the historical role that local governments have played in fostering racially disparate access to public goods that persist to this day.

Considerations for Policymakers

In the final chapter, Trounstein touches upon several policy levers that she suggests may help undo the “devil of segregation.”³⁰ Federal and state governments, it is contended, can help compel desegregation on various fronts, as long as such efforts interact with local institutions like school boundaries.³¹ On this score, the author writes that “desegregating neighborhoods and schools is likely to require stripping, to some degree, local control.”³² She also notes that state governments may also be a preferred avenue for reducing inequalities, insofar as some state constitutions guarantee provision of public goods and positive rights including provision of public schooling and health care, preservation of the natural environment, and care for the poor and aged.

However, there are also a number of promising policy alternatives that Trounstein does not mention that can give low-income families with

29. This is of course the process of suburbanization. See *SEGREGATION BY DESIGN*, *supra* note 1, at 185.

30. *Id.* at 212.

31. See also Megan Haberle & Philip Tegeler, *COORDINATED ACTION ON SCHOOL AND HOUSING INTEGRATION: THE ROLE OF STATE GOVERNMENTS*, 53 U. Rich. L. Rev. 949 (2019).

32. *SEGREGATION BY DESIGN*, *supra* note 1, at 213.

children access to segregated, higher- opportunity neighborhoods. For instance, public housing authorities can make sure that program rents are set high enough so that prospective Housing Choice Voucher families can afford units in lower poverty neighborhoods. Many housing authorities around the country have done this, including by adopting Small Area Fair Market Rents.³³ Furthermore, housing authorities can conduct outreach to recruit landlords into the Housing Choice Voucher program, with a special focus on those renting units in higher opportunity areas. *Housing mobility programs* can help low-income families get information about where lower poverty neighborhoods are in their metro area.³⁴ Municipalities can pass source of income ordinances that prohibit housing discrimination on the basis of the source of one's income. Finally, the federal Affirmatively Furthering Fair Housing rule exists to ensure that localities around the country are expanding housing choice, redressing segregation and discrimination, and promoting opportunity within neighborhoods. Although the rule was suspended by the Trump Administration, some states and municipalities are going ahead with their Assessments of Fair Housing.

As important as such policies are, *Segregation by Design's* primary contribution is in the systematic way that it pushes forward our understanding of the causes and consequences of segregation in the twentieth and twenty-first centuries. As Trounstine writes (quoting Abrams³⁵), "[W]hen democratically elected local governments developed policies promoting segregation, they became 'instruments of oppression against minorities.'"³⁶

33. U.S. DEP'T OF HOUSING & URBAN DEV., SMALL AREA FAIR MARKET RENTS (2019), available at <https://www.hudexchange.info/programs/public-housing/small-area-fair-market-rents>.

34. See, e.g., BALTIMORE REGIONAL HOUSING PARTNERSHIP, BALTIMORE HOUSING MOBILITY PROGRAM (2019), available at <http://www.brhp.org>.

35. CHARLES ABRAMS, FORBIDDEN NEIGHBORS: A STUDY IN HOUSING PREJUDICE 207 (1955).

36. SEGREGATION BY DESIGN, *supra* note 1, at 74.

