

2020

### Why We Wrote *Moving Toward Integration*

Richard Sander

Yana Kucheva

Follow this and additional works at: <https://scholarlycommons.law.case.edu/caselrev>

 Part of the [Law Commons](#)

---

#### Recommended Citation

Richard Sander and Yana Kucheva, *Why We Wrote Moving Toward Integration*, 70 Case W. Rsrv. L. Rev. 667 (2020)

Available at: <https://scholarlycommons.law.case.edu/caselrev/vol70/iss3/6>

This Symposium is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Case Western Reserve Law Review by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

# WHY WE WROTE *MOVING TOWARD INTEGRATION*

*Richard Sander<sup>†</sup> and Yana Kucheva<sup>††</sup>*

## CONTENTS

INTRODUCTION .....	667
I. THE OVERLOOKED STORY OF HOUSING INTEGRATION.....	668
II. BETTER MEASURES .....	669
A. <i>Block data</i> .....	669
B. <i>Migration data</i> .....	670
C. <i>Economic segregation</i> .....	670
III. THE IMPORTANCE OF CONNECTING DISCIPLINES.....	671
IV. RACE IS COMPLEX.....	672
V. BE CONCRETE ABOUT THEORIES, GOALS, AND SOLUTIONS .....	674

## INTRODUCTION

The problem of African-American housing segregation in America has not suffered from a want of academic attention. Hundreds of scholars have published articles on this problem, many of them insightful and some of them path-breaking. The subject has also generated many books, including two—1993’s *American Apartheid*,<sup>1</sup> and 2017’s *The Color of Law*<sup>2</sup>—that have found audiences far beyond the ranks of academics and have each achieved something like cult status. Compared to many other racial issues in the United States, such as employment discrimination or the racial dimension of homelessness, housing segregation has received a good deal of attention. So why was our (rather long) book<sup>3</sup> needed, and what gap did we hope to fill?

There are five answers to that question, and together they not only justify the book’s existence (we hope), but largely explain our book’s innovations and theses.

---

<sup>†</sup> Dukeminier Distinguished Professor of Law, University of California, Los Angeles.

<sup>††</sup> Assistant Professor of Sociology, City College of New York.

1. DOUGLAS S. MASSEY & NANCY A. DENTON, *AMERICAN APARTHEID* (1993).
2. RICHARD ROTHSTEIN, *THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA* (2017).
3. RICHARD SANDER ET AL., *MOVING TOWARD INTEGRATION: THE PAST AND FUTURE OF FAIR HOUSING* (2018).

## I. THE OVERLOOKED STORY OF HOUSING INTEGRATION

When social scientists try to measure the severity of housing segregation, the most common metric they turn to is the “index of dissimilarity,” which measures how racial composition varies across the neighborhoods of a city or metropolitan area. An index measure of “0” means that all neighborhoods have the same racial makeup, while an index measure of “1” means that two groups, such as whites and blacks, live in completely separate neighborhoods with no overlap whatsoever. By this measure, segregation in urban America was severe indeed from 1930 through 1970. In 1970, for example, the black-white index of dissimilarity averaged .92 in the nation’s sixty largest metropolitan areas, and was above .85 pretty much everywhere.<sup>4</sup>

Half a century later, very high levels of housing segregation remain the norm in most American cities, and it is increasingly clear that the highly-segregated lives of African-Americans are the single most important driver of racial inequality—in schools, job markets, health outcomes, crime, and poverty.<sup>5</sup> That is why the subject is so important. But the vast majority of scholars and journalists who write about housing segregation tend to ignore the equally important fact that housing-segregation levels declined sharply in a number of metropolitan areas in the late-twentieth century. Among the sixty largest metro areas, about a dozen now have dissimilarity-index measures that are close to .60. This might sound high, but it represents, in those areas, tremendous progress. The typical African American in those metro areas lives in a highly-diverse neighborhood, and very few live in neighborhoods that feel segregated. The segregation level of African Americans in those cities is, moreover, comparable to the dissimilarity-index measure of Russian Americans (a predominantly Jewish population) or Chinese Americans relative to the general Anglo (i.e., white non-Hispanic) population, and neither Jews nor Chinese Americans generally perceive segregation to be a significant problem for their groups.

But there is an even more important reason why achieving a black-white dissimilarity index of .60 in some metro areas is encouraging and important: in every region where something close to this level has been achieved, black-white disparities in every measurable dimension have shrunk. If we compare our most- and least-segregated major metro areas, the black-white gap in test scores is 25% smaller in the integrated regions; the unemployment gap is over 50% smaller; and the mortality-rate gap is over 65% smaller. This is not just a fortuitous correlation; a

---

4. Richard Sander & Yana Kucheva, *How Does Metropolitan Desegregation Come About?* (Jan. 2020) (unpublished manuscript) (on file with authors).

5. SANDER ET AL., *supra* note 3, at 335–52 (2018).

wide variety of evidence shows that declines in segregation *dramatically improve* a host of African-American opportunities and outcomes.<sup>6</sup>

Thus, the story of African-American housing segregation over the past fifty years is really two stories: painfully slow declines in most major urban areas, but rapid and consequential declines in a fair number of other areas. Yet most of those writing in this field have ignored or dismissed this second, “increasing integration” path. If one cares about racial inequality, what could be more important than understanding the reasons for these two paths, and how to get a city from path one to path two?

## II. BETTER MEASURES

Many past claims about both the course and nature of housing segregation have been marred by reliance on poor data and faulty measurements. Often scholars in the field talk past each other because they are not being precise about the phenomena they are describing. Throughout our book, we sought to develop better measures of nearly all the phenomena we were trying to explain. We did not always succeed. Where we did, we were often aided by colleagues who generously shared their unpublished research, and by the Bureau of the Census, which allowed us access to “internal” census data through secure data sites. Here are three examples of how we improved on past measurements, and why they mattered to the book.

### *A. Block data.*

Through internal census data, we were able to compute dissimilarity indices for entire metropolitan areas at the block level for five censuses from 1970 through 2010. Most prior literature has used “census tracts” as the unit for measuring segregation. But tracts are much larger than blocks, their boundaries often change from decade to decade, and they often mask patterns of internal segregation. Our block indices gave us precise numbers that were more comparable over time—and across metro areas—than in any of the prior literature. The proof of their utility lay in our segregation models, whose explanatory power rose sharply when we used these more precise measures.<sup>7</sup>

---

6. *Id.* at 335–52, 391–422.

7. For example, one of the key models in our book is a regression predicting how much segregation declined over the 1970–1990 period in sixty different metropolitan areas. When we used tract data, the R<sup>2</sup> of our regression was around .80; when we ran the identical regression with our block-level measures, the R<sup>2</sup> was about .90. *Id.* at 476–78. This essentially means that we cut the “unexplained” variation in half, simply by using a more precise measure for our dependent variable. *See id.*

*B. Migration data.*

With ordinary census data, one can get a general idea of migration patterns across states and regions. But understanding the dynamics of housing segregation, and the delicate “tipping points” that often determine whether a racially diverse neighborhood remains integrated or “tips” toward resegregation, requires a capacity to compare the rates at which people of different races are migrating into specific neighborhoods. Here again, we were able to do this with the help of internal census data. This enabled us to show, contrary to generations of scholarship, that white-to-black racial transition—a pervasive phenomenon in thousands of neighborhoods from the 1950s through the 1980s—was usually not a matter of whites fleeing neighborhoods *en masse* as African-Americans moved in. In most of these neighborhoods, new white families continued to move into integrated neighborhoods, often in substantial numbers.<sup>8</sup> Racial transition more often occurred simply because African-American demand for housing exceeded white demand in that neighborhood. Better migration data also allowed us to observe and measure the critical role played by African Americans moving from one metropolitan area to another. We learned, and then demonstrated, that an African American moving from City A to City B (for example) in the 1970s and 1980s was much more likely to move into a predominantly white neighborhood than an otherwise similar African American moving *within* City B. These “intermetropolitan” African-American movers were critical catalysts of integration in the urban areas where it happened.

*C. Economic segregation.*

Most Americans—and many “experts”—believe that the main reason that black–white housing segregation is so high is because African Americans have less income and wealth than white people do, and thus cannot afford to live in the same neighborhoods. In our book, we developed a new way of evaluating this idea. In essence, we were able to do very detailed simulations of how racially segregated American metropolitan areas would be if households were allocated to neighborhoods purely on the basis of their social and economic characteristics (but not race). The surprising answer is that black–white dissimilarity indices would average around .25 – an extremely low level – rather than the existing average of .75.<sup>9</sup> In other words, we could get segregation down to very low levels without changing either existing racial income disparities, or the urban housing stock. This does not mean that fighting for such things as more affordable housing, or less

---

8. *Id.* at 207–10.

9. *Id.* at 233–50. A fuller exposition of our methods and results is in Yana Kucheva & Richard Sander, *Structural Versus Ethnic Dimensions of Housing Segregation*, 40 J. URB. AFF. 329 (2018).

exclusionary zoning, is irrelevant to the quest for greater housing integration. But it does imply that getting more affordable housing into the suburbs is not a prerequisite to making a very large dent in existing levels of segregation. The key, rather, is to break existing cycles of neighborhood choice that reinforce segregation. The actual history of integrated metro areas tells us that these cycles can indeed be broken, and that greater housing integration is a powerful path toward better economic outcomes for African Americans, not the other way around.<sup>10</sup> If journalists, scholars, and policymakers understood even just these few basic points, our discourse on racial issues would become much more focused on real solutions.

### III. THE IMPORTANCE OF CONNECTING DISCIPLINES

Legal scholars, historians, economists, and sociologists have all made vital contributions to the understanding of housing segregation; yet many of these contributors hardly ever interact with those outside their own discipline, and very few, so far as we can tell, make any effort to incorporate the tools developed outside their own field in assessing evidence. The problem of methodological “silos” (groups of scholars talking only among themselves) exists in many areas of research, but strikes us as particularly severe on matters of race and housing.

Thus, for example, non-economists discussing housing segregation often invoke the idea of a “dual housing market”—the perfectly valid notion that highly segregated conditions mean that blacks and whites will tend to operate in distinct housing markets. But few show any awareness of the work of three distinguished economists—David Cutler, Edward Glaeser, and Jacob Vigdor—who demonstrated in 1999 that the dual market essentially “flipped” sometime around 1970, going from one where African Americans paid more than whites for comparable housing, to one where they eventually paid substantially less.<sup>11</sup> This

- 
10. We show in Part V of the book how for perhaps \$250 million over a 15-year period, a combination of fairly inexpensive policies *focused on integration* can reduce the black-white dissimilarity index in medium-sized metropolitan areas. SANDER ET AL., *supra* note 3, at 423–66. This reduction, in turn, improves educational, employment, and income outcomes for African-Americans, producing a many-fold return on the integration investment and further reducing racial and economic segregation by reducing income inequality. *Id.*
  11. David Cutler et al., *The Rise and Decline of the American Ghetto*, 107 J. POL. ECON. 455 (1999). Chenoa Flippen’s outstanding article is an important exception to sociologists’ general neglect of housing-market forces. See Chenoa Flippen, *Unequal Returns to Housing Investments? A Study of Real Housing Appreciation Among Black, White, and Hispanic Households*, 82 SOC. FORCES 1523 (2004). Even this article, however, exists almost wholly within a conversation between sociologists, and does not mention or cite Cutler, Glaeser, and Vigdor’s work. See *id.*

shift had profound implications for both housing mobility and the degree to which integration would be fueled by black migration to white areas, or white migration to black areas. But sociologists' or fair-housing scholars' general lack of awareness of this work means that few of those implications have been explored.

John Logan's essay in this symposium (and a couple of chapters in our book) discuss another potent example.<sup>12</sup> Logan and other sociologists have documented the rise of multiracial neighborhoods—neighborhoods in which at least three of the four major racial groups (Anglos, African Americans, Hispanics, and Asian Americans) are present in substantial numbers. In these neighborhoods, integration appears to be significantly more resilient than in two-race neighborhoods. This may mean that race as a factor in evaluating people, or neighborhoods, declines in subjective importance when one lives in an environment of racial heterogeneity rather than in a two-race setting where people perhaps think in terms of “us” versus “them.” But legal scholars have not shown signs of recognizing or building upon these ideas. They have not, for example, examined whether housing discrimination complaints are lower in the sort of “global” neighborhoods Logan identifies.

This “silo” problem operates in all directions. Even sociologists who model changes over time in housing segregation or housing mobility rarely consider changes in law or policy as relevant independent variables in their models.<sup>13</sup>

*Moving Toward Integration*, like other interdisciplinary work, probably suffers in places by trying to cover too much and, thus, treating some subjects superficially. But we think the book also illustrates the benefits of breadth. We are sure that our models would be much less useful and powerful if they did not simultaneously consider policy changes, market forces, and demographic trends.

#### IV. RACE IS COMPLEX

Richard Rothstein's *The Color of Law* has been very widely read, we suspect, in large part because of the simplicity of its story. According to Rothstein, housing segregation exists because white racists, working through the levers of government, assiduously sought and

---

12. John Logan & Wenquan Zhang, *Global Neighborhoods' Contribution to Declining Residential Segregation*, 70 CASE W. RES. L. REV. 675 (2020).

13. This is not true of economists, a number of whom have tried to specifically test the effects of fair-housing laws. One example is the Cutler et al. work discussed earlier, *supra* note 11. An even better example is William Collins, whose outstanding work has been virtually ignored by sociologists and legal scholars. See William Collins, *The Housing Market Impact of State-Level Anti-Discrimination Laws, 1960–1970*, 35 J. URB. ECON. 534 (2004); William Collins, *The Political Economy of State Fair Housing Laws Before 1968*, 30 SOC. SCI. HIST. 15 (2006).

systematically created ghettos, which they sustained from the New Deal until the passage of the Fair Housing Act. Rothstein assembles dozens of instances of this racism, using examples which range from the pages of the Federal Housing Administration's underwriting manual, to the declarations of city planners, to the actions of law enforcement officials. But in the end, his account is the equivalent of comfort food for his readers: a simple story featuring conspiracies and one-dimensional villains. Somewhat incongruously, Rothstein argues that government should now act aggressively (and now, in a purely enlightened and benign way) to undo its earlier damage, though he is vague on the details and even more vague on matters of cost.

We teach seminars on housing segregation, and most of our students enter our courses having already read (or read about) *The Color of Law*. Initially, many of them see "racism" as the single explanation for every aspect of segregation and racial inequality. So, early in the semester, we assign the students *Blueprint for Disaster*, D. Bradford Hunt's outstanding history of the development of public housing in Chicago.<sup>14</sup> Hunt shows that even in Chicago, which developed one of the most segregated and dysfunctional public-housing systems in the North, myriad motives and forces—some of them racist, but most of them multi-dimensional and others well-intentioned and benign—came together in complex but comprehensible ways to produce bad outcomes—mistakes from which we can learn. Students who read Hunt and then read Rothstein's account of similar events<sup>15</sup> realize what is left out of a simple "racism" narrative, as well as the difference between a history and a polemic.

In the historical sections of *Moving Toward Integration*, we try to follow Hunt's example and present racial motivations, animosities and sympathies in some of their actual complexity. We do not do so with Hunt's brilliance, partly because of our own limited skill and knowledge, and partly because we are covering a lot more territory. But two themes of our book emerge from these discussions. One is that white attitudes towards African Americans have been almost continually evolving over the past century, and that key inflection points in this evolution were important in paving the way both for policy changes and in gradually making new forms of integration successful. A second major theme is that African-American agency was enormously important at every stage in how public policies and housing outcomes changed. The goals that African-American leaders articulated, and that to varying degrees African-American city-dwellers embraced, had powerful effects on

---

14. D. BRADFORD HUNT, *BLUEPRINT FOR DISASTER: THE UNRAVELING OF CHICAGO PUBLIC HOUSING* (2009).

15. See ROTHSTEIN, *supra* note 2, at 17–38 (2017).



everything from macro-level policies to micro-level neighborhood outcomes.<sup>16</sup>

## V. BE CONCRETE ABOUT THEORIES, GOALS, AND SOLUTIONS

Scholars investigate fair housing and segregation to understand our society and our history, to add to knowledge, to find truth. But most of all, we study these things (one hopes) so that we can improve people's lives and make the world (in this case, urban America in particular) a better place to live.

Is scholarship in the field really advancing this goal? On the whole, we do not think so. There are hundreds, or even thousands, of studies that look at very specific phenomena—say, one particular subspecies of discrimination, or one particular factor that inhibits mobility—and make a case that this particular behavior is a real part (however small) of the larger mosaic of forces perpetuating segregation. But there is precious little attention to the mosaic itself.

To make genuine progress against segregation or toward “fair housing,” it seems to us that one has to do the sort of basic work involved in formulating any sound public policy. First, one has to develop a reasonably precise theory of what is causing the problem. The theory needs to be sufficiently detailed and tangible to generate a set of testable hypotheses, and one needs to test them—not by simply showing that some evidence is consistent with the hypothesis, but that a whole series of different implications of the theory can be robustly tested and proven to be at least roughly consistent with the theory. Then, one needs to articulate a tangible goal: if we can get to condition “X”, the following good things will happen; here is why, and here is the

---

16. Consider, for example, the Supreme Court's historic 1948 decision in *Shelley v. Kraemer*, 334 U.S. 1 (1948), which held that racially restrictive covenants could not be enforced against African-American buyers in any court. In Rothstein's account, this decision at the highest level of government arrives, seemingly inexplicably, in the midst of an array of government efforts to *increase* African-American segregation, and has little if any practical effect. ROTHSTEIN, *supra* note 2. By way of contrast, our view (detailed in our book) is that *Shelley* occurs because (1) African-Americans widely recognize by the 1940s the particularly harmful effects of covenants; (2) sophisticated African-American leaders plot out a masterful strategy for challenging the constitutionality and enforceability of covenants; and (3) white elites in the 1930s and 1940s increasingly recognize the injustices of the racial caste system, to such an extent that the Supreme Court not only ruled as it did in *Shelley*, but did so unanimously. SANDER ET AL., *supra* note 3, at 62–81. We also demonstrate that the strategy made sense, because although *Shelley* certainly did not usher in an era of open housing, African-Americans experienced a significant increase in mobility in the 1950s and a sharp easing of the overcrowded and overpriced ghetto conditions of the 1940s. *Id.*

evidence that supports that conclusion. Then, one needs to articulate specific policies and strategies that will move us toward condition X. Ideally, these methods are field-tested to show that they actually work and to estimate how far they advance the ball at a given cost or investment level. Next, one analyzes how these methods might interact with one another; whether, for example, three simultaneous strategies will tend to undermine one another, or whether they are mutually-reinforcing, complementary approaches. Finally, one assembles an overall policy and combination of strategies, estimates its costs and potential adverse consequences, and compares the potential benefit of the policy, (in terms of addressing the fundamental problem) candidly comparing that benefit against the costs.<sup>17</sup>

Something like this is the ordinary bread-and-butter of policy analysis, but it is almost totally absent in any of the silos that make up fair-housing and housing-segregation research. Ask a scholar for a theory, and a common response will be “discrimination causes segregation.” Therefore, the goal is to uncover discrimination wherever it exists, and go after it. Identifying discrimination and creating enforcement strategies to reduce it are certainly good things, but they no longer constitute a coherent strategy for addressing segregation or racial inequality. Depending on the measure one adopts, current housing-discrimination levels are down 80%, 90%, or 99% from levels in the 1960s. But segregation and racial inequality remain stubbornly high. What level of discrimination reduction do we believe will cause segregation and inequality to melt away, and what is the mechanism by which that happens and the evidence for that belief?

The other principal “theory” one often encounters is that income and wealth differences, combined with exclusionary zoning, are the key drivers of contemporary housing segregation. This seems to be Rothstein’s basic conclusion,<sup>18</sup> and similarly the impetus behind an influential 2000 essay by Charles Daye.<sup>19</sup> But neither scholar has articulated a coherent theory behind this idea; neither can explain, for

---

17. This is the standard regimen learned by public-policy students, as illustrated in Bardach and Patshnik’s widely used text. *See* EUGENE BARDACH & ERIC M. PATSHNIK, A PRACTICAL GUIDE FOR POLICY ANALYSIS: THE EIGHTFOLD PATH TO MORE EFFECTIVE PROBLEM SOLVING (6th ed. 2018).

18. *See* ROTHSTEIN, *supra* note 2, at 179–80 (listing six reasons why housing segregation is “hard to undo”; reasons one through four are essentially arguments about income and wealth differences).

19. Charles Daye, *Whither “Fair” Housing: Meditations on Wrong Paradigms, Ambivalent Answers, and a Legislative Proposal*, 3 FESTSCHRIFT 241 (2000). We very much like the impulse behind Daye’s essay: he is dissatisfied with the slow progress of desegregation, and correctly suspects that there’s something wrong with the dominant fair housing paradigm. What is missing is a serious empirical inquiry into the assumptions of his proposed alternative.

example, why some metropolitan areas experienced rapid drops in housing segregation in the face of both exclusionary zoning and large black–white income disparities. As noted above, we have shown that this sort of “structural segregation” plays a relatively small role in the overall pattern of racial housing segregation, and, more to the point, we have shown that reducing housing segregation has a bigger impact upon reducing racial income disparities than the other way around.

We do not want to be misunderstood: we are not arguing that conventional fair housing efforts, or efforts to reduce exclusionary zoning and increase affordable housing, are a waste of time. On the contrary, one of us (Sander) has spent, and continues to spend, a great deal of time and energy on those efforts. Rather, the point is that to develop effective policies that can solve the problems of segregation and inequality, we must pursue with some discipline the ingredients (coherent overarching theories, testable hypotheses, derived strategies, cost-benefit analysis) that will build good policies; and scholars must be ever-mindful of these purposes and at least try to make their research relevant to conversations in this direction.

Whatever its faults, *Moving Toward Integration* takes this approach seriously. We articulate theories to explain how housing segregation has evolved over the past century and we robustly test at least some of these theories. Drawing on both our conceptual arguments and the empirical evidence, we set a specific goal: reduce to roughly .60 the block-level, black–white index of dissimilarity in American metropolitan areas. We offer a set of twelve inter-related policies that can move us toward those goals, and estimate their cost with specific examples. We make a case that these policies would generate benefits that are many, many multiples of the likely costs.

Our theories and strategies are no doubt flawed; at the very least, we are sure they can be improved upon. But we think our book does show the ground on which research should be done and the ground on which the most useful arguments should be rooted. If we can move the various silos of scholars in fair housing and housing segregation toward an interdisciplinary, hypothesis-testing and policy-driven debate, we will consider our efforts well worthwhile.