

CHAPTER 7 | Real-World Examples

THE AIM IN THIS chapter is to provide four compelling examples of routine, malignant forms of structural injustice. We have selected these examples in order to demonstrate how our theory draws support from and is responsive to circumstances of structural injustice around the world. Two examples are chosen from the US, which represents an economically advanced country publicly committed to democratic ideals and the rule of law, and two examples are drawn from low- and middle-income countries (LMICs) in the midst of economic and political transition.

These examples draw upon the perspectives of activists, journalists, and NGOs for reasons we described in chapter 2. In contrast to theories that defend norms of justice on the ground that they can command universal agreement within existing dominant ethical outlooks, we noted that our theory seeks to capture insights from and illustrate what drives the core complaints of social justice movements across a range of cultural and institutional settings.

In addition, we have chosen examples that reveal how every part of our theory comes into play. The examples illustrate how structural unfairness of power and advantage implicate many, if not all, of the core elements of well-being, often in ways that involve human rights violations. Sometimes what results are direct violations of human rights and sometimes violations of duties to protect.

We selected examples from both urban and rural settings, and from within the US and LMICs, for two reasons. First, a theory of structural injustice should have diagnostic relevance in both kinds of geographic settings and in countries that differ in the details of political and economic organization. Second, the fates of rural and urban areas are deeply intertwined, both within and across nations. In many respects, the dynamics of rural–urban interaction within countries resemble the global

dynamics between many high-income countries and many middle- and low-income countries, where the separation of consumption and production follows a similar trajectory.

In sections 7.1 and 7.2, we examine environmental sacrifice zones in the US and in LMICs. In sections 7.3 and 7.4, we discuss urban settings, where most of the world's population now lives. We begin in 7.3 with the origins and current conditions of racially segregated cities of the US, and in 7.4 we turn to the realities of informal settlements (or slums) that define the trajectory of rapid urbanization in LMICs.

7.1. National Sacrifice Zones: From Appalachia to Warren County

Environmental activists in the 1970s first brought to widespread public attention the long-term effects of strip-mining coal, describing areas that were forever beyond reclamation as “sacrifice zones,” and the term came to refer to other sites of environmental degradation.¹ The term was given a more technocratic, somewhat matter of fact gloss when the National Academies of Science adopted the phrase “national sacrifice zone,” also in the 1970s. The National Academies used the term to describe ecological zones in which there is no probability of successful rehabilitation for human purposes, given existing technologies.²

The idea of sacrifice zones has since acquired greater currency among environmental justice movements in the US and beyond.³ They are areas marked by the disproportionate concentration of especially hazardous activities such as mining and smelting, and of oil and gas wellheads and refineries, electronics manufacturing facilities, and insecure storage

¹ Department of Energy officials later picked up the term to describe other environmental hazards. Keith Schneider, “Dying Nuclear Plants Give Birth to New Problems,” *New York Times* (October 31, 1988), <http://www.nytimes.com/1988/10/31/us/dying-nuclear-plants-give-birth-to-new-problems.html?pagewanted=all>.

² National Research Council (U.S.) Study Committee on the Potential for Rehabilitating Lands Surface Mined for Coal in the Western United States, *Rehabilitation Potential of Western Coal Lands* (Cambridge, MA: Ford Foundation Energy Policy Project; Ballinger, 1974), 85–86.

³ For example, see three documentary films on sacrifice zones: an environmental activist film from Brazil by Emilie Romero, “The Sacrifice Zone: A Short Documentary” (2013), <https://sacrificezone.wordpress.com/2013/02/12/about-2/>; a film about an activist campaign against sacrifice zones in Germany and the Netherlands, Stichting Fossilvrij NL, “Sacrifice Zones in Germany and the Netherlands” (2016), <https://gofossilfree.org/nl/sacrifice-zones-in-germany-and-the-netherlands/>; and an Australian film about geographically concentrated gas production facilities, Great Artesian Basin Protection Group Inc., “Sacrifice Zone: A Movie About the Real Gas Crisis in Australia” (2017), <https://chuffed.org/project/sacrificezone>.

deposits or dumping sites of highly toxic chemical substances.⁴ In addition to the byproducts from mining and energy extraction, the list of toxic substances includes e-wastes, mercury and lithium batteries, jet fuel, concentrated animal farm operations (CAFO) effluent and emissions, nuclear wastes, chemically saturated water discharged from factories, and airborne particulates absorbed by lungs, soil, and plants.⁵

Sacrifice zones are often known as “fence-line communities.”⁶ They are the “hot spots” of chemical pollution affecting those who live immediately adjacent to heavily polluting industries. These areas are described as sacrifice zones because they are among the most polluted and poisoned places on the planet. The most affected communities often see not only the land but also themselves as written off, the inevitable price of industrial progress.⁷ The overwhelming empirical evidence shows that although sites of extraction are determined by where the resources are, the location of most toxic hazards is no accident. Moreover, the lack of monitoring and regulation, which is commonplace in extraction zones and other toxic sites, is frequently not a mere oversight or failure to plan for unintended, unexpected consequences.

The efforts of environmental justice movements, backed by decades of research and litigation, show that sacrifice zones in the US are concentrated in relatively powerless communities lacking both the economic and organizational resources to mount effective political resistance.⁸ Such

⁴ For example, see this discussion of the Apalachicola River, one of the most polluted bodies of water in the US, perhaps beyond the tipping point because of lax federal and tristate regulation. Earthjustice, “Conservationists Sue to Stop Toxic Coal Ash Pollution Leaking into Apalachicola River,” <http://earthjustice.org/news/press/2014/conservationists-sue-to-stop-toxic-coal-ash-pollution-leaking-into-apalachicola-river>.

⁵ CAFO, originally defined by the US Environmental Protection Agency, refers to a concentrated animal feeding operation. For discussion of CAFOs and ecological sacrifice zones, see http://www.cafothebook.org/theissue_9.htm.

⁶ Lesley Fleischman and Marcus Franklin, “Fumes across the Fence-Line: The Health Impacts of Air Pollution from Oil & Gas Facilities on African American Communities” (NAACP Clean Air Task Force, 2017), http://www.naacp.org/wp-content/uploads/2017/11/Fumes-Across-the-Fence-Line_NAACP_CATF.pdf.

⁷ See, e.g., J. W. Randolph, quoting from the coal production expert Jeff Goodall: “If we simply increase consumption, we will be condemning large areas of the country, including eastern Kentucky and southern West Virginia, to national sacrifice zones . . . The biggest problem with our bounty of coal is not what it does to our mountains or the atmosphere, but what it does to our minds. It preserves the illusion that we don’t have to change our lives.” J. W. Randolph, “Appalachia: National Sacrifice Zone,” *Appalachian Voices* (June 27, 2006), <http://appvoices.org/2006/06/27/1174/>. Jeff Goodell, *Big Coal: The Dirty Secret Behind America's Energy Future* (Boston: Houghton Mifflin, 2007).

⁸ References to extensive empirical documentation along with vivid firsthand stories from activists and residents of twelve US communities can be found in Steve Lerner, *Sacrifice Zones: The Front Lines of Toxic Chemical Exposure in the United States* (Cambridge, MA: MIT Press, 2010).

communities are the easiest, cheapest places to locate new production facilities. And for naturally occurring extraction sites, the inhabitants of surrounding areas are relatively easy to control socially and politically. Environmental activists have long complained that sacrifice zones are largely clustered in communities of color or of poor white people who live on the “wrong side of the tracks” and in “throw-away communities.”⁹ Indeed, many environmental historians trace the origins of the environmental justice movement in the US to citizens’ resistance to the dumping of polychlorinated biphenyls (PCBs) in Warren County, North Carolina, followed by state plans to build a hazardous waste landfill for depositing the contaminated soil in Shocco, a rural town in Warren County. Of note, at the time of the PCBs dumping, Warren County was near the bottom of the state’s counties in income and was 75 percent African American.¹⁰

7.1.1. The Legacy of Appalachia

Central to the idea of a sacrifice zone is the prospect of long-term, irreversible adverse effects on the people as well as the land. Most prominent in discussions about the impact on human beings is what happens to the education, health, and overall life prospects of the children living there, not only immediately but for many generations after the coal is stripped or the timber clear-cut. It is not only the land that is destroyed; it is also the future of the land’s children.

Harry Caudill famously captures the essential complaint that deprivation in the development of knowledge and understanding affects the children of the Appalachian and Cumberland Plateau communities of Kentucky and Tennessee:

⁹ Harry M. Caudill, *Night Comes to the Cumberlands: A Biography of a Depressed Area* (Boston: Little, Brown, 1963); John Gaventa, *Power and Powerlessness: Quiescence & Rebellion in an Appalachian Valley* (Urbana, University of Illinois Press, 1982). The underlying sentiment of abandonment is echoed but in more expansive terms by Chris Hedges and Joe Sacco in *Days of Destruction, Days of Revolt* (New York: Nation Books, 2014). They describe economically isolated, environmentally decimated communities across the country as “internal colonies” that have been reduced to “sacrifice zones,” where their populations are treated as superfluous by corporate power and their fates are largely ignored by political elites.

¹⁰ See Drew G. Murphy, “Environmental Justice and the Law” (January 17, 2017), <https://drewgmurphy.com/2017/01/10/the-origins-of-environmental-justice/>. This essay that appears on the Duke Environmental Justice webpage describes its mission to collect oral histories from activists. The banner on the homepage of their website, quoting Cary Grant, captures what we mean when we say that “what happens here happens elsewhere”: “See it would be one thing if this was in one place . . . that you couldn’t find any similarity anywhere else. Just take a look.”

They [the mining companies] have produced what is probably the most seriously depressed region in the nation . . . They have brought economic depression, to be sure, and it lies like a gray pall over the whole land. But the deeper tragedy lies in the depression of the spirit which has fallen upon so many of the people, making them, for the moment at least, listless, hopeless and without ambition. The essential element of the plateau's malaise lies in the fact that for a hundred and thirty years [as of 1963] it has exported its resources, all of which—timber, coal, and even crops—have to be wrested violently from the earth. The nation has siphoned off hundreds of millions of dollars' worth of its resources while returning little of lasting value. For all practical purposes the plateau has long constituted a colonial appendage of the industrial East and Middle West, rather than an integral part of the nation generally. The decades of exploitation have in large measure exhausted the region . . . Even more ruinous than the loss of its physical resources is the disappearance of the plateau's best human material. Most of the thousands who left were the people who recognized the towering importance of education in the lives of their children . . . From the beginning, the coal and timber companies insisted on keeping all, or nearly all, the wealth they produced. They were unwilling to plow more than a tiny part of the money they earned back into the schools, libraries, health facilities, and other institutions essential to a balanced, pleasant, productive and civilized society.”¹¹

A variant of the concern about the impact of sacrifice zones on the well-being and future of children focuses on exposure to the high concentrations of toxins which these zones so frequently entail. The incidence of ill health from exposure to toxic chemicals is dose-response-dependent, meaning that those who live and work near the sites of effluent discharge and release of airborne pollutants are at greatest risk for the greatest magnitude of disease burden. The scope of the problem is in part a function of the nearly 120,000 chemicals used in homes and industrial workplaces, most of which have not undergone extensive testing for neurotoxicity, teratogenicity, and other health effects. The problem is also a function of chemical “intensification,” meaning that “synthetic chemicals are fast becoming the largest constituents of waste streams and pollution around the world,” thereby increasing the exposure of humans and habitats to chemical hazards.¹² Illnesses from exposure to industrial and agricultural chemicals

¹¹ Caudill, *Night Comes*, 325–326.

¹² United Nations Environment Programme (UNEP), “Global Chemicals Outlook” (2012), <http://www.unep.org/chemicalsandwaste/what-we-do/policy-and-governance/global-chemicals-outlook>.

are among the top five leading causes of death worldwide.¹³ Health effects include cancer, cognitive impairment, organ damage, respiratory issues that can lead to pneumonia, and diarrhea and vomiting that can lead to dehydration.¹⁴

All people who live or work in close proximity to dangerous chemicals are at risk of suffering their ill effects, but children are especially vulnerable to them. Children are smaller and thus can be harmed by exposure levels that may not be toxic or as toxic to adults. Small children also are much more likely to put their hands into their mouths and thus are at increased risk of ingesting toxins that may be present in the ground, for example. Perhaps most important, many toxins, especially neurotoxins, have an outsized negative effect on the developing organism. This outsized effect is not limited to in utero exposure. The brain continues to develop well past birth, and exposures of the wrong sort at any time in the developmental trajectory can have disastrous effects on a range of functions, including cognitive capacities.

Another set of concerns about the impact of sacrifice zones on human well-being and especially, again, on prospects for future generations focuses on the overall social impact of an economy built on one-sided extraction of wealth in which those who benefit are largely social groups far from the site of extraction and its lasting environmental side effects. The broader, longer-term social consequences for the community include the downward pressure exerted on the tax base needed for infrastructure, the crowding out of alternative employment opportunities for young people coming up, the progressive deterioration of prevailing wages, and of course environmental degradation that imposes vast negative externalities on surrounding farmers and livestock producers.

Sacrifice zones are often single-industry communities, or “company towns.” There is an extensive literature on the redistributive implications of this kind of non-diversified economic arrangement, especially for the local tax base.¹⁵ When a local economy is heavily dependent upon a single employer or business sector, it loses political leverage against demands for

¹³ One ranking of the ten most significant toxic chemical problems, based on estimated contribution to disease burden measured in Disability-Adjusted Life Years (DALYs), is available from Green Cross Switzerland and Pure Earth, “The World’s Worst Pollution Problems, 2016: The Toxics Beneath Our Feet,”

¹⁴ Children’s Environmental Health Network, “Some Children Are at Greater Risk than Others,” http://www.cehn.org/wp-content/uploads/2015/11/Some_Children_are_at_greater_risk14.pdf.

¹⁵ See, e.g., Fiona McGillivray, *Privileging Industry: The Comparative Politics of Trade and Industrial Policy* (Princeton, NJ: Princeton University Press, 2004), especially chapter 7 on the redistributive effects of company towns.

tax concessions and other forms of publicly funded subsidy. These include demands for tax rate reductions, tax exemptions and a temporary moratorium on taxation or tax increases, the issuance of tax-free, publicly funded bonds for building private facilities, and demands for access roads and port facilities paid for by taxpayers.

When governments comply with these demands, the knock-on effects can be considerable. The revenue stream for future-oriented investment in infrastructure, public health, and education is diminished. Funds that might be used for promoting diversified economic development are diverted toward less economically beneficial uses. Company towns also skew local prevailing wages, resulting in long-term downward pressure on the incomes of workers in the region.¹⁶ And if a local industry or the whole sector begins to fail, the tax base also craters. All of these effects are especially heavily borne by subsequent generations whose life prospects are dampened well after the heyday of a once-thriving industry passes.¹⁷

Coal and timber industries are not the only contributors to the sacrifice zones heavily concentrated in low-income rural communities in the US. The business model works wherever wealth can be extracted while leaving the health and environmental burdens behind for others to experience and address. There is a well-established pattern of a disproportionate concentration of environmentally destructive industries in the poorest areas in the rural southern US. The gravitational pull to the region is not entirely due to the fact that it is where many natural resources exist; other common denominators include lax regulatory laws, onerous legal requirements for successful lawsuits, and the overwhelming aim of political leaders to attract or retain jobs, even when these jobs are both hazardous to health and low-paying. Moreover, resource extraction is disproportionately concentrated in regions where the potentially offsetting power of organized community groups is weak and the economies are struggling. Industrial processing facilities and toxic waste dumps are sited in these communities as well, again especially in the rural southern US.¹⁸

¹⁶ From 1984 to 2004, the average coal miner's per-shift productivity more than doubled, while wages declined by 20 percent (adjusted for inflation). Goodell, *Big Coal*.

¹⁷ The long-term, cross-generational effects of company towns are described in John Gaventa's account of the evolving role of coal companies in Appalachian communities. He traces the shift from primary reliance upon state force to shape every aspect of daily lives of the miners during the era known as the Coal Wars to a new era of power, where the mining companies acquired control over all aspects of the machinery of the state and, hence, wholesale control of the immediate options and overall life prospects of the region's residents. See Gaventa, *Power and Powerlessness*, 47–83.

¹⁸ This constellation of factors cited by activists is well documented in Robert Bullard, *Dumping in Dixie: Race, Class and Environmental Quality* (Boulder, Co: Westview Press, 1990).

7.1.2. Repeatable Patterns

The same incentivizing market dynamics and predictable systematic effects of geographically concentrated, highly polluting industries are found across the spectrum of industries. For example, large-scale poultry and livestock facilities tend to be located not simply where available land is cheap and plentiful, but where there are weak unions, a surplus of flexible labor, low prevailing wages, and weak labor and environmental laws. Local and regional labor markets are transformed in the same way they are in coal country. Regional hubs or clusters of poultry and livestock production facilities usually replace a diversified employment base. When there are only a few large employers in a regional market, prospective employees have limited economic alternatives and little bargaining power. The result is an expansion in the surplus of flexible labor, a cascading reduction of prevailing wages, and a corresponding shift in power that undermines the prospects of those living in these communities to exercise a significant degree of control over their own destinies.¹⁹

Significant environmental degradation is yet a further result, as runoff of fertilizer and animal waste pollutes the surrounding air, water, and soil.²⁰ This pattern holds as well in the geographic concentration of oil and gas production and refinery facilities. While some of the particulars are different, many of the enabling factors are similar, whether the industry is mining, concentrated animal production, logging, or oil and gas.

These industries are concentrated in economically distressed areas where the potentially offsetting power of organized citizens is weak. However, poverty and the powerlessness that it engenders are often not all that is in play.²¹ Dozens of empirical studies show that in some instances, poverty is not even the centrally important variable. One representative

¹⁹ Douglas H. Constance, "The Southern Model of Broiler Production and Its Global Implications," *Culture and Agriculture* 30, no. 1. (2008): 17–31.

²⁰ Ibid. See also Larry L. Burmeister, "Lagoons, Litter and the Law: CAFO Regulation as Social Risk Politics," *Southern Rural Sociology* 18, no. 2 (2002): 56–87; and Pew Environment Group, *Big Chicken: Pollution and Industrial Poultry Production in America* (2011), <http://www.pewtrusts.org/~media/legacy/uploadedfiles/peg/publications/report/PEGBigChickenJuly2011.pdf.pdf>.

²¹ One of the most frequently cited concentrations of oil refinery and other heavily polluting industrial facilities is the eighty-five-mile stretch of the Mississippi River between Baton Rouge and New Orleans. There are more than 140 industrial plants in this deep pocket of poverty and communities of color. It has earned the nickname "Cancer Alley," but as the environmental epidemiologist Ellen Silbergeld notes, the science is just not sufficiently fine-grained to sort through the confounding variables within such a small population. John McQuaid, "'Cancer Alley': Myth or Fact?," *Times-Picayune* (May 24, 2000, updated August 12, 2016), http://www.nola.com/politics/index.ssf/2000/05/cancer_alley_myth_or_fact.html.

study, for example, found that African American households with incomes between \$50,000 and \$60,000 live in neighborhoods that are, on average, more polluted than white neighborhoods of households with annual incomes of less than \$10,000.²² Another nationwide study found that people of color make up 56 percent of those living within two miles of the country's major commercial hazardous waste facilities, and they account for a whopping 69 percent of the population in neighborhoods in which multiple such facilities are clustered.²³

Evaluating the health risks attributable to exposure to toxic chemicals produced in facilities sited in poor communities of color is complicated. The housing of many of the people affected is substandard, their jobs expose them to high levels of toxins, their family members bring toxic materials home on their work clothing, or crumbling infrastructure exposes them to other chemical hazards. However, for toxic sites other than ones associated with extraction, the evidence points to two further aspects of the correlation between race and poverty and sites of toxic pollution.

First, a class of “hyper-polluters—the worst-of-the-worst—account for a disproportionate amount of the toxic pollution and in doing so, they disproportionately expose communities of color and low-income populations to chemical releases.”²⁴

Second, there is the issue of which occurs first, polluters, who locate their facilities among the poor generally and poor communities of racial minorities, or people with few affordable options for housing who settle in heavily polluted locations. One study demonstrated that in the preponderance of commercial hazardous waste facilities sited from 1966 to

²² Liam Downey and Brian Hawkins, “Race, Income, and Environmental Inequality in the United States,” *Sociological Perspectives* 5, no. 4 (2008): 759–781.

²³ United Church of Christ, Commission on Racial Justice, *Toxic Waste and Race in the United States, A National Report on the Racial and Socioeconomic Characteristics of Communities Surrounding Hazardous Waste Sites* (New York: United Church of Christ, 1987); Robert Bullard et al., *Toxic Wastes and Race at Twenty* (New York: United Church of Christ, 2007).

²⁴ Mary B. Collins, Ian Munoz, and Joseph Jaja, “Linking ‘Toxic Outliers’ to Environmental Justice Communities,” *Environmental Research Letters* 11 (2016), <http://iopscience.iop.org/1748-9326/11/1/015004>. The authors ask: “Are particular communities (low income and/or those of color) disproportionately impacted by producers who generate a disproportionate amount of pollution?” They point out that in discussions of the racism–poverty linkage to proximity to toxic hazard sites, the notion of disproportionality has two dimensions—disproportionality in the production of environmental harm (polluter disproportionality) and disproportionality in exposure. In the worst of the worst, both forms of disproportionality are in play. A small minority of producers, polluting at levels far exceeding group averages, generate the majority of overall exposure to industrial toxics. Of 15,758 industrial sites, only 809 “toxic outlier” sites—about 5 percent of the total—were responsible for 90 percent of the pollution. Moreover, these toxic outliers disproportionately expose communities of color and low-income populations to chemical releases. The authors refer to the linked phenomenon as “double disproportionality.”

1995, the polluters sited their facilities in existing poor communities, especially communities of color. They located either where there were heavy concentrations of low-income and non-white residents or where “white flight” was already well under way.²⁵

Community awareness of multi-source toxic exposure, together with the community perception that low-income communities of color have a bulls-eye on their backs, has led to a larger social movement that has applied the umbrella label “environmental racism” to the wider constellation of concerns.²⁶

The environmental justice movement in the US has expanded its understanding of the racial dimensions of industrial toxic exposure beyond the highly publicized problems in the refinery districts of the Mississippi Delta and the landfills of Warren County, North Carolina. In 1991, the First National People of Color Environmental Leadership Summit was held in Washington, DC. The outcome was a list of seventeen environmental justice principles that recognized the parallels between the racially disproportionate effects of the ways in which toxic substances are produced, stored, and concentrated in communities of color in the US and in communities of color in the global South.²⁷

7.2. The Globalization of Sacrifice Zones

What happens with sacrifice zones in the US happens everywhere. At the front end, many of the same market incentives and political dynamics are at work, with very similar long-term consequences for land and future generations at the back end. In LMICs, however, there are some twists to the story that often exacerbate the adverse effects on well-being and entrench even deeper differentials of power and advantage.

²⁵ Paul Mohai and Robin Saha, “Which Came First, People or Pollution? Assessing the Disparate Siting and Post-Siting Demographic Change Hypotheses of Environmental Injustice,” *Environmental Research Letters* 10, no. 11 (2015), (<http://iopscience.iop.org/1748-9326/10/11/115008>).

²⁶ For an informative history of this movement and its focus on the effects on children, see Corliss Wilson Outley, “The Challenge of Environmental Justice for Children: The Impact of Cumulative Disadvantageous Risks,” *Environmental Justice* 23, no. 4 (2006): 49–56. See also Robert Bullard, “Environmental Justice: It’s More than Waste Facility Siting,” *Social Science Quarterly* 77, no. 3 (1996): 493–499.

²⁷ The principles are available in David Naguib Pellow, *Resisting Global Toxics: Transnational Movements for Environmental Justice* (Cambridge, MA: MIT Press, 2007), app., 245–247.

7.2.1. The Natural Resource Curse

We start with a puzzle in developmental economics, the answer to which Appalachian and Mississippi Delta communities will grasp readily from firsthand experience. Economists and observers of international politics and trade have long noticed that some poor nations blessed with natural resources—especially when blessed with large amounts of one scarce resource—often fare worse economically than other poor nations. This is known as the resource curse.²⁸ Why should the presence of rich reserves of resources be so commonly associated with poor economic performance and the perpetuation of poverty? One would think that an abundance of natural resources needed by the developed world would offer a low- or middle-income country an exceptional opportunity to get out of poverty.

However, the truth is more complicated. Foreign investors in extractive industries—in particular those that extract non-renewable resources—have few incentives to remain present for the long term, invest in a country's economic future, or work toward a more democratic political culture. The pattern is familiar. Foreign investors extract profits from a country's resources while simultaneously depleting them. They produce goods for the global affluent, invest little to improve the local economy or relieve poverty, leave behind environmental degradation, convert smallholders to low-wage transient workers, and dispossess many traditional landholders.²⁹ The presence of vast stores of natural resources invites exploitation from the outside while simultaneously enabling autocratic leaders and their cronies to finance their own lifestyles and build up arms and infrastructure that allow them to remain in power through repression and elaborate systems of bribery and patronage.³⁰

It is this enabling role of the foreign investor that gives the global South version of the sacrifice zone its special and devastating twist. In addition to the dire consequences for local communities of extractive industries in the rural US, the collaboration between foreign investors and governments often leads to a tightening of the grip of regimes already notorious for human rights violations, now economically incentivized to double down

²⁸ Paul Collier, *The Plundered Planet: Why We Must—and How We Can—Manage Nature for Global Prosperity* (Oxford: Oxford University Press, 2010).

²⁹ Ibid.; Macartan Humphreys, Jeffery Sachs, and Joseph Stieglitz, *Escaping the Resource Curse* (New York: Columbia University Press, 2007); Worldwatch Institute, "The Hidden Shame of the Global Industrial Economy" (2004), <http://www.worldwatch.org/node/543>.

³⁰ Collier, *The Plundered Planet*, 132–159; Leif Wenar, "Property Rights and the Resource Curse," *Philosophy and Public Affairs* 36, no. 1 (2008): 2–32; Lief Wenar, *Blood Oil: Tyrants, Violence, and the Rules That Run the World* (Oxford: Oxford University Press, 2015).

on those violations.³¹ Governments' efforts to secure the well-being of their citizens are not necessarily in the economic self-interest of foreign investors. For example, governmental policies might require foreign investors to attend to the working conditions of those they employ and mitigate the negative externalities that their activities impose on others. Foreign investors, of course, do have an interest in the state's guarantee of a stable business climate. However, the nature of that interest is not what many outsiders might expect. The overwhelming economic incentive is to support governmental policies that get out of the way of doing business, clearing the path of regulatory hurdles, labor protests, and opposition from landowners and riparian right-holders.

The World Bank has been notably sympathetic to the interests of foreign investors over the interests of local constituencies. Since 2003 the World Bank has maintained a registry known as the "Doing Business Report." It ranks 189 countries based on the ease of doing business. In 2014, the Bank claimed to have inspired over a quarter of the 2,100 reforms registered since its creation. However, the "reforms" intended to improve the ease of doing business typically involve lower labor and environmental standards, reduced taxation of corporations, diminished business contributions to social security funds, and easier and cheaper transfers of public lands.³² The registry has drawn heavy criticism from local social movements and NGOs from around the world. A coalition of 260 human rights groups, trade unions, and civil society groups recently urged the Bank to eliminate the "Doing Business" registry. However, at the insistence of the wealthy G8 countries, the Bank instead instituted a similar registry for global agricultural land investment, known as "Enabling the Business of Agriculture."³³

³¹ It is important to note the parallels between the historical US experience and the contemporary systemic violence and threats to personal security so common now in extractive industries within some LMICs. The history of US coal mining at the earliest phases of exploration and production is marked by the legacy of violent suppression of protest and resistance by armed private security forces and state police. The 1914 Colorado Coalfield War, culminating in the Ludlow Massacre and the 1921 Blair Mountain Uprising in Logan, West Virginia, and the 1912–1913 Paint Creek–Cabin Creek Strike in Kanawha County, West Virginia, are three important examples of the bloody incidents of the Coal Mine Wars between 1890 and 1930. Students of the Paint Creek incident will recall the leadership role of Mary Harris Jones (aka Mother Jones). Western states incidents are well documented in Thomas G. Andrews, *Killing for Coal: America's Deadliest Labor War* (Cambridge, MA: Harvard University Press, 2010), and West Virginia incidents (although a bit thin on the Blair Mountain incident) are discussed in David Corbin, *Gun Thugs, Rednecks, and Radicals: A Documentary History of the West Virginia Mine Wars* (Oakland, CA: PM Press, 2011).

³² Peiley Lau, "The World Bank's Doing Business Rankings: Relinquishing Sovereignty for a Good Grade," <http://www.oaklandinstitute.org/world-bank%E2%80%99s-doing-business-rankings-relinquishing-sovereignty-good-grade>.

³³ GRAIN, "The G8 and Land Grabs in Africa" (March 11, 2013), <https://www.grain.org/article/entries/4663-the-g8-and-land-grabs-in-africa>.

7.2.2. Do the Benefits Offset the Burdens?

Why then might some developmental economists and institutions such as the World Bank and the IMF be so enthusiastic about promoting direct foreign investment in LMICs, even in sectors prone to the known hazards associated with the natural resource curse? The answer, in short compass, is impact on gross domestic product (GDP).

GDP is a measure of aggregate economic production in a country. Other things being equal, a rise in GDP translates into a rise in the standard of living and therefore the overall well-being of a country. Moreover, a predictive feature of much economic theory, increasingly backed up by a considerable amount of empirical evidence, points to the importance of increased GDP as a vehicle for poverty relief. So far, so good. Often GDP does go up with the development of new extractive industries, just as proponents of greater foreign direct investment in developing economies hope for and predict. But GDP is often a poor proxy for how well a country or segments of its population are faring. GDP can go up even if most of the wealth departs the country, leaving gross national product (GNP)—the amount of money that stays within the nation—unimproved. In fact, that scenario is one of the main problems that the natural resource curse identifies. Much of the wealth that is created by extractive industries does not come from the sale of raw materials such as diamonds, minerals, oil, and gas. Firms based in developed countries often pay little for those resources, and most of the market value is added through the processes of manufacture and fabrication. The real profits to be had are in the commercially tradable finished goods sold to the global affluent, profits generated through processes and transactions that occur outside the countries where the natural resources were extracted.³⁴

Moreover, much of the wealth that does stay in the country does not get distributed to the poor or invested for the sake of improving the well-being of future generations. The standard scenario is one in which political cronies, corrupt government officials, and the rising urban middle classes capture most of whatever is left of the economic gains from direct foreign investment in extractive industries.

Economists refer to such costs as “negative externalities,” costs imposed on parties “external” to the exchange. Economic theory objects to negative externalities because overall efficiency is undermined when the true social cost of an activity fails to be reflected in the market price. For us,

³⁴ Rodrik, *The Globalization Paradox*.

what matters are issues of fairness when the costs of a market transaction are borne by people other than those who are the parties to it and who share its benefits. Standard examples of costs include environmental degradation and adverse health effects from industrial or agricultural pollution. In such cases, parties to the transaction can prosper by offloading the costs of doing business, including the resultant health and environmental risks, onto others. This offloading of costs can be and often is a key component of an overall seriously unfair pattern of advantage in economies heavily structured by the way a single industry—particularly an extractive industry—is organized.

Another common negative externality or side effect of state-sponsored foreign direct investment in extractive industries is the rural poor's dispossession of traditional ancestral lands. Often, those whose lands are taken for the private purposes of others have no legal title to back up the claim to their homes. The United Nations estimates that 4 billion people live outside the protection of basic rules of law establishing rights to property and remedies for dispute resolution.³⁵ In theory, these lands are held in common by the citizens of a country. However, they are easily expropriated by the state, which then makes the lands available for use by local elites or foreign business interests that pay the state for mining rights or for establishing large agricultural enterprises.

Grossly unequal systems of property ownership are unfair and unacceptable for obvious reasons. They are particularly problematic for the rural poor because a lack of any publicly known, regularly enforced system of transferable property rights works to ensure that the rural poor remain poor. Not having legal title to ancestral lands not only means high risk of dispossession. It also means that the consequences of dispossession are all the greater. It limits access to credit, undermines opportunities for economic improvement, and leaves the poorest segment of society at the absolute mercy of ruling elites and foreign businesses. Ultimately, the lack of legal title undermines the prospects of the rural poor and the prospects of subsequent generations for leading self-determining lives, now and even more so when the resources are depleted.

There is a second respect in which GDP is often a seriously misleading indicator of a country's well-being. GDP measures only current aggregate

³⁵ United Nations Commission on the Legal Empowerment of the Poor, *Making the Law Work for Everyone*, vol. 1: *Report of the Commission on the Legal Empowerment of the Poor* (2008), <https://www.un.org/ruleoflaw/blog/document/making-the-law-work-for-everyone-vol-1-report-of-the-commission-on-legal-empowerment-of-the-poor/>.

economic output. Building prisons and selling cigarettes increase current aggregate economic output—GDP—but not all increases in GDP are on a par in terms of the more basic aim of improving human well-being, now and over the long haul. Increases in GDP fail to register the possibility that, over the long term, economic activities that initially enhance GDP will be self-defeating. Extractive industries, as we have seen, leave behind environmental degradation and environmentally mediated health risks of the sort we described in the US context. Much of the burden falls on the next generation, whose health is affected adversely at critical developmental stages and where the resources needed to address their problems have been “plundered” (in Paul Collier’s famous phrase).

Moreover, the same kinds of problems that plague company towns seriously damage the economies of entire nations. The focus on a single export commodity often results in what is commonly known as the “commodity trap,” a condition in which a country lacking a diversified economy has few economic alternatives. Over time, this approach can lock in a variety of long-term disadvantages.³⁶ Economies that are too narrowly based on non-renewable resources or another single commodity lose out in a multitude of ways. They are more significantly subject to precipitous losses from currency fluctuations and often devastating, sudden reductions of income from commodity price drops.

Even members of the middle classes of LMICs are often made more vulnerable over the longer term by a phenomenon known as the “Dutch Disease.” In the Dutch Disease, intense activity in one sector of the economy, typically a natural resource or monocrop agricultural industry, results in reduced activity in other sectors of the economy. This is because the global sale of the natural resource or single commodity generally strengthens a developing nation’s currency. The strengthened currency makes other exports from the country more expensive for international buyers, and thus less competitive on the world market.³⁷ From the standpoint of economic elites, the lack of competitiveness of other exports may be of little consequence, as they are prospering from the enhanced revenues generated by the concentrated export. But for many low- and middle-income segments of society whose purchasing power is thereby eroded, a strengthened currency is often a huge problem. Moreover, because these redistributive effects tend to be long-term, current gains in

³⁶ Rodrik, *The Globalization Paradox*, 156.

³⁷ “What the Dutch Disease Is, and Why It’s Bad,” *The Economist* (November 5, 2014), <http://www.economist.com/blogs/economist-explains/2014/11/economist-explains-2>.

GDP for the fortunate few have to be analyzed to determine not only the current impact on inequalities in wealth and well-being but also the impact on future generations.³⁸

7.2.3. The New Natural Resource Curse

Wealthy nations and multinational corporations are not only looking for energy sources, strategic minerals, and rare earth material. They are searching the world over for dwindling land and water resources. Especially attractive are lands that can be leased or purchased in low-income countries where land is extremely cheap and governance is weak.³⁹ The primary purpose is to establish large-scale agricultural production facilities designed to feed the citizens of wealthier countries. Critics argue that we are witnessing a “global land grab”—a pattern of resource acquisition that threatens the long-term food security of the global poor and makes more fragile the land tenure of many of the world’s most vulnerable people.⁴⁰

Purchasing or leasing land in poorer countries offers foreign investors the prospect of substantial economic gains without having to make significant long-term financial commitments to the economic well-being and environmental quality of the communities in which they operate. Moreover, it is not clear how beneficial such arrangements are for the host countries, even in the short term. Studies of the prevailing modes of purchase and leasing arrangements show that often these agreements are entered into by governments for little or no direct economic remuneration, offering little beyond the vague and unenforceable promise of overall increase in GDP.⁴¹

³⁸ Dani Rodrik has identified empirically a more general problem, namely that staking the lion’s share of an economic development strategy on international trade can have profound redistributive effects within developing countries. For every dollar of increase in a developing country’s GDP achieved through increased international trade, roughly \$50 of income is transferred from the lowest economic strata to the middle- and upper-income strata. In addition, the same groups of people with the lowest skills tend to get hit hardest with each successive upward tick in GDP. Rodrik, *The Globalization Paradox*, 55–61.

³⁹ Center for Human Rights and Global Justice, *Foreign Land Deals and Human Rights: Case Studies on Agricultural and Biofuel Investment* (New York: NYU School of Law, 2010).

⁴⁰ Karl Klare, *The Race for What’s Left: The Global Scramble for the World’s Last Resources* (New York: Picador Books, 2012), 183–208; Michael Kugelman and Susan L. Levenstein, *The Global Farms Race: Land Grabs, Agricultural Investment, and the Scramble for Food Security* (Washington, DC: Island Press, 2013); Fred Pearce, *The Land Grabbers: The New Fight Over Who Owns the Earth* (Boston: Beacon Press, 2012).

⁴¹ “An Online Repository of Open Land Contracts,” <https://www.openlandcontracts.org/>. This website hosts a massive databank of contract documents and details regarding acquisition.

There is much yet to learn about the ultimate extent and impact of the global land grab.⁴² Still, some analysts and activists are already chronicling harms that some developing countries are experiencing.⁴³ They include smallholders' dispossession of existing farmlands, deforestation for the sake of opening new land to cultivation, the displacement of local agricultural production with large-scale export crops, greater dependency on agricultural imports as local production withers, and increased susceptibility to global price shocks due to a narrowing of the agricultural and overall economic base.⁴⁴ Some of these harms have a direct negative effect on the local cost of food, an especially harsh outcome for many of the world's poor for whom food is 50 to 70 percent of their household budget. Moreover, analysis of the prevailing new modes of ownership and leasing arrangements suggest that they are following the pattern of other extractive industries in taking the lion's share of the economic benefit out of the country.⁴⁵ In the worst cases, these new modes of ownership and leasing also leave behind soil degradation and groundwater depletion that undermine long-term agricultural productivity necessary to meet the future food needs of the country.⁴⁶

As we have already noted, the lack of any publicly known, regularly enforced system of transferable property rights virtually guarantees that the rural poor remain poor and powerless, leaving them at the mercy of ruling political elites and foreign businesses.⁴⁷ Efforts to make foreign

⁴² A 2010 World Bank study found that the annual acquisitions in 2008 were around 10 million acres, but the estimate for the first eleven months of 2009 jumped to 110 million. World Bank, "Protecting Land Rights Is Key to Large-Scale Land Acquisitions" (2010), <https://reliefweb.int/report/world/protecting-land-rights-key-successful-large-scale-land-acquisitions>.

See also Till Buckner, "The Myth of the African Land Grab," *Foreign Policy* (October 20, 2015), <http://foreignpolicy.com/2015/10/20/the-myth-of-the-african-land-grab/>. Estimates of the global scale of foreign investment in large-scale agricultural projects in developing nations vary for a number of reasons. Market conditions change quickly; some deals turn sour; some estimates involve double-counting from assimilated news reports; and most transactions lack public transparency.

⁴³ Human Rights Watch, *Waiting Here for Death: Forced Displacement and "Villagization" in Ethiopia's Gambella Region* (New York: Human Rights Watch, 2012).

⁴⁴ See, e.g., Olivier De Shutter, "How Not to Think of Land-Grabbing: Three Critiques of Large-Scale Investments in Farmland," *Journal of Peasant Studies* 38, no. 2 (2011): 249–279; Richard Schiffman, "Hunger, Food Security, and the African Land Grab," *Ethics & International Affairs* 27, no. 3 (2013): 239–249; Beth Robertson and Per Pinstrup-Andersen, "Global Land Acquisition: Neo-Colonialism or Development Opportunity," *Food Security* 2 (2010): 271–283; Human Rights Watch, *Waiting Here for Death*; and Center for Human Rights and Global Justice, *Foreign Land Deals and Human Rights*.

⁴⁵ "An Online Repository of Open Land Contracts."

⁴⁶ Joseph Stiglitz, Jean-Paul Fitouss, and Amartya Sen, *Mismeasuring Our Lives: Why GDP Doesn't Add Up* (New York: New Press, 2010).

⁴⁷ Robertson and Pinstrup-Andersen, "Global Land Acquisition," 275–276; Worldwatch Institute, "The Hidden Shame of the Global Industrial Economy." Even the most ardent supporters of foreign

acquisition easier have had the effect of further undermining legal ownership rights, even though the importance of such rights is well known.⁴⁸ When the poor have secure legal rights, they are much better positioned to prevent government complicity with foreign investors.⁴⁹ In many contexts, these legal ownership rights cannot easily be overridden by authoritarian governments. They create legal protections of land and water from devastation by those who have little long-term stake in environmentally sustainable and socially beneficial enterprises.⁵⁰

Whether in its newer global land grab manifestation or its traditional extractive industry mode, the natural resource curse is an especially pernicious instance of negative externalities imposed on third parties by the market agreements entered into by others. It may benefit some individual parties to market transactions, but the potential for disastrous impact on the global poor, who are but bystanders at best and objects of direct displacement at worst, is a form of systematic disadvantage imposed by a powerful combination of domestic political leaders and foreign investors.

7.2.4. Global Dumping and Outsourcing: Toxics and Trash

The global poor are at systemic risk for the deprivation of core elements of well-being not only from the removal of resources from a region or country. They are also at increased risk from the hazardous materials arriving from abroad as a consequence of globalized markets. Global dumping of hazardous wastes is an example. The bulk of electronic waste produced in both the US and Europe is unaccounted for in official registries created to track it. According to some estimates, as much as 80 percent of e-waste generated in the US and 75 percent generated in Europe bypass international registries.⁵¹ According to other estimates, 50 to 80 percent of the

direct investment in large-scale agricultural production facilities as a way of enhancing economic growth put this risk at the forefront of their downside concerns. World Bank, "Protecting Land Rights Is Key to Large-Scale Land Acquisitions."

⁴⁸ GRAIN, "The G8 and Land Grabs in Africa."

⁴⁹ Rachael Knight et al., "Protecting Community Lands and Resources: Evidence from Liberia, Mozambique and Uganda" (Namati and International Development Law Organization, 2012), http://namati.org/wp-content/uploads/2012/06/protecting_community_land_resources_inter_FW.pdf.

⁵⁰ Michael Lipton, *Land Reform in Developing Countries: Property Rights and Property Wrongs* (London: Routledge, 2009).

⁵¹ Karin Lundgren, "The Global Impact of e-Waste: Addressing the Challenge," International Labour Office, Programme on Safety and Health at Work and the Environment (SafeWork), Sectoral Activities Department (SECTOR), (2012), <http://www.saicm.org/Portals/12/Documents/EPI/ewastesafework.pdf>.

e-waste collected for recycling in the US is exported to LMICs, especially Asian and West African countries.⁵² Electronic wastes contain dangerous neurotoxins to which even small exposures are devastating. The same problem arises with batteries that are used in automobiles and consumer electronics.

Whole industries have grown up in the port cities of poor nations around waste management. The process of disassembly and recycling not only harms the health of the desperate people who agree to do the dirty work that the global affluent wish to avoid, a problem of market exploitation. It also affects the health of everyone in the urban communities that abut the waste management facilities, as well as the health of family members and others who have close contact with the workers. The imported e-waste also poisons the land and pollutes the air of outlying rural areas where the unusable remains of the recycling process are deposited.

Other forms of waste from industrial processes and residential communities are similarly loaded on large container ships bound for poor nations where the land is cheap and environmental laws are less onerous. These are not simply rare or irregular events but part and parcel of well-developed global market practices.⁵³ Nor are these the activities of criminal associations (which do their bit in all this), but rather mainstream activities that even some economists have commended as a reasonable pathway for economic development. Lawrence Summers, for example, while director of the World Bank, notoriously argued that the developing world was under-polluted, by which he meant that from a strictly market perspective, it made sense for the developed world to offload its garbage to places where land and labor are cheap and transaction costs, including the costs associated with environmental and health safety, are low.⁵⁴ This stark economic assessment, of course, overlooks the more basic ways in which global structural arrangements of this sort undermine the core dimensions of well-being, including health, personal security, and knowledge and

⁵² M. Khurram Bhutta, Adnan Omar, and Xiaozhe Yang, "Electronic Waste: A Growing Concern in Today's Environment," *Economics Research International* (2011), <http://dx.doi.org/10.1155/2011/474230>.

⁵³ For accounts of global dumping and siting of hazardous industrial facilities in LMICs, see Pellow, *Resisting Global Toxics*; and Jo Ann Carmin and Julian Agyeman, *Environmental Inequalities Beyond Borders: Local Perspectives on Global Injustices* (Cambridge, MA: MIT Press, 2011). For a specific example, see Elizabeth Rosenthal, "Lead from Old U.S. Batteries Sent to Mexico Raises Risks," *New York Times* (December 8, 2011), <http://www.nytimes.com/2011/12/09/science/earth/recycled-battery-lead-puts-mexicans-in-danger.htm>.

⁵⁴ Some have argued that he was being satirical, but here is the memo. Judge for yourself. <http://www.whirlwindbank.org/ourwords/summers.html>.

understanding, of the global poor. It also overlooks how these negative externalities undermine the self-determination of the poor who must live under hazardous conditions that they can scarcely improve or avoid.

Not only are the wastes generated by prosperous consumer societies sent abroad while the benefits remain at home, but even the manufacture of some of the more dangerous products is outsourced to developing nations. Globalization thus provides the affluent with new opportunities to make their own problems the problems of others. What is at issue in extractive industries, dumping, and outsourcing are global practices in which the benefits of technological progress are concentrated among the global affluent while the risks are borne increasingly by the poor, both at home and abroad.

7.3. Segregated Cities: “Two Societies, . . . Separate and Unequal”

We now turn from examples of sacrifice zones located largely in rural areas to examples of structural injustice in cities and settlements. In the present section, we focus on the origins and current realities of segregated cities in the United States and, in section 7.4, on the structural features of urban settlements or slums in low- and middle-income countries.

Racial injustice in the US has a long history. Its permutations run through slavery, the Jim Crow era, and the period of the Great Migration, when 4 million blacks left the South for northern industrial cities between 1910 and 1970. The current story cannot be fully told without reference to this historical context, but we begin our narrative with a discussion of what came next. Our starting point is the 1968 release of the Kerner Commission Report.⁵⁵ President Johnson appointed the commission in the aftermath of nearly three years of intermittent outbreaks of violence in major urban areas.⁵⁶ The report became an immediate national bestseller, and its central message and stark language are familiar to those who have studied the development of urban America.⁵⁷ Its executive summary concluded:

⁵⁵ The Report of the National Advisory Commission on Civil Disorders is widely known as the Kerner Commission Report, named for its chair, Illinois governor Otto Kerner, Jr.

⁵⁶ The commission was charged with answering three questions about the riots: “What happened? Why did it happen? What can be done to prevent it from happening again and again?” (Lyndon B. Johnson, July 29, 1967). See John T. Woolley and Gerhard Peters, eds., “Remarks upon Signing Order Establishing the National Advisory Commission on Civil Disorders,” The American Presidency Project, University of California, Santa Barbara.

⁵⁷ See, e.g., Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (New York: W. W. Norton, 2017); Julian E. Zelizer, “Fifty Years Ago, the

Our nation is moving toward two societies, one black, one white—separate and unequal . . . Segregation and poverty have created in the racial ghetto a destructive environment totally unknown to most white Americans. What white Americans have never fully understood—but what the Negro can never forget—is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it.

Though the language is from an earlier era, the core findings of the Kerner Report retain their relevance today.⁵⁸ Combined with the details of subsequent research, they reveal how so many were locked into place, both geographically and in their relative social position. The continuing normative importance of place—how African Americans got there and why they stayed—is underscored by Patrick Sharkey. The heart of his argument is that “[i]nequality stems from place itself and is located in the urban neighborhoods that generations of African-Americans have called home . . . [O]ver 70 percent of the African-American residents of America’s poorest and most segregated neighborhoods are the children and grandchildren of those who lived in similar neighborhoods forty years ago.”⁵⁹

We focus on the evolution of US racial divisions that are the product of social control, social exclusion, and economic exploitation, leading to the production and perpetuation of deleterious effects on human well-being. More specifically, we look at residential housing patterns, economic conditions, and policing.⁶⁰

Government Said Black Lives Matter: The Radical Conclusions of the 1968 Kerner Report,” <https://bostonreview.net/us/julian-e-zelizer-kerner-report>; and Nikole Hannah-Jones, “Living Apart: How the Government Betrayed a Landmark Civil Rights Law,” *Pro Publica* (June 25, 2015), <https://www.propublica.org/article/living-apart-how-the-government-betrayed-a-landmark-civil-rights-law>.

⁵⁸ Members of the commission were African American. “Negro” is anachronistic, and the term “ghetto” is normatively loaded in ways it was not then. However, the definition of “ghetto” was intended to demonstrate the origins of the affected communities: “an area within a city characterized by poverty and acute social disorganization, and inhabited by members of a racial or ethnic group under conditions of involuntary segregation.”

⁵⁹ Quoted by Richard Florida, “The Persistent Geography of Disadvantage,” *City Lab*, <https://www.citylab.com/equity/2013/07/persistent-geography-disadvantage/6231/>.

⁶⁰ Chapter 2 of the Kerner Report presents the results of a survey of residents of twenty-three cities where riots occurred, in which the residents were asked to rank their grievances. Twelve of the most recurrent grievances were categorized according to level of intensity. Grievances within the first level of intensity were (1) police practices; (2) unemployment and underemployment; and (3) inadequate housing. Our focus on police practices also includes the administration of justice, which appears as a separate item in the survey. Our focus on economic conditions includes

7.3.1. The Modern Origins of Segregated Residential Housing Patterns

We begin with housing. Four factors were crucial in shaping not only the segregated character of cities but the economic conditions of its black residents: redlining, restrictive covenants, installment sales contracts, and the siting of public housing.

“Redlining” refers to racially discriminatory banking and insurance practices, including the denial of mortgage loans, homeowner insurance, and access to credit more generally in neighborhoods having a significant presence of African Americans. However, redlining from its inception was not simply a practice created and implemented by private financial institutions seeking to limit their exposure to the risks of transactions in lower-income communities. The practice acquired its name from the red ink on the “residential security maps” used by the Federal Home Loan Bank Board to designate neighborhoods as poor credit risks because of the presence of African Americans. The Federal Housing Authority (FHA) adopted these maps when it was created in 1934, not simply as the basis for offering financial advice to private lenders but to designate areas where it would not make loans or ensure private bank mortgages.

The exclusionary policies were not adopted solely on the assumption that race was a suitable proxy for lending risk. A 1938 manual for the FHA encouraged officials to avoid mixing “inharmonious racial or nationality groups” and “the occupancy of properties except by the race for which they are intended.”⁶¹ Similar discriminatory intention was reflected in other policies. The FHA would not lend to or insure private mortgages for a black person seeking to buy property in a white neighborhood. It even went so far as to bar African Americans from obtaining bank mortgages in suburban subdivisions that were privately financed without FHA construction loan guarantees.

The exclusionary effects of official government policies were compounded by the pervasive use of restrictive racial covenants that forbade property sales to blacks and other minorities, most typically Jews. Here too, these were not merely cumulative effects of private market decisions. The FHA refused federally subsidized construction loans to suburban subdivision developers unless they excluded African Americans.⁶² The

employment matters but also lack of educational opportunity, inadequate social safety nets, and neighborhood business practices, all of which fall within the other nine major grievances.

⁶¹ Hannah-Jones, “Living Apart.”

⁶² For example, the FHA insisted that Levittown, a famous subdivision built in 1947, not sell homes to blacks. Each deed also included the prohibition in future resales. Kenneth T. Jackson, *Crabgrass Frontier* (New York: Oxford University Press, 1985).

FHA's official policy, as well as the policy of the Veterans Administration, supported racial covenants until 1950 by "refusing to underwrite loans that would bring 'incompatible' racial groups into newly created white areas."⁶³ Change came only when the US Supreme Court struck down laws permitting restrictive covenants, but the Court did so on the grounds that they interfered with white sellers' rights, not the rights of black buyers.⁶⁴

The combination of federal policy and the exercise of anti-competitive market power in the private sector left African Americans with few options. They could rent, but generally at above-market prices because of the lack of housing stock in neighborhoods where landlords would rent to them. Or they could purchase homes through installment contracts. The buyers built up no equity as they would have with mortgages, and they acquired legal title only when the lease-purchase amount was paid in full. With high rates and fees, buyers ended up paying exorbitant prices.⁶⁵ The further consequence was that moving elsewhere meant losing everything they had invested.

The other residential option was public housing projects. Here too, African Americans were bound to place. Public housing projects were located in the same segregated, depressed neighborhoods as the few other housing alternatives open to them.

In a review of this history and its durable impact on the intersection of race and poverty, Paul Jargowsky summarizes the result: "Given that the housing stock lasts for decades, these policies build *a durable architecture of segregation* that ensures that racial segregation and the concentration of poverty is entrenched for years to come."⁶⁶ In city after city, the pattern was repeated—from Ferguson to Baltimore to Cleveland and elsewhere.⁶⁷

⁶³ See, e.g., Hannah-Jones, "Living Apart." By one estimate, 98 percent of the loans the FHA insured between 1934 and 1962 went to white borrowers.

⁶⁴ However, some real estate agent organizations adopted "codes of ethics" that banned sales to African Americans outside of black areas, Hannah-Jones, "Living Apart."

⁶⁵ Ta-Nehisi Coates, "The Case for Reparations," *Atlantic* (June 2014), <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631>. See also Arnold Hirsch, *Making the Second Ghetto: Race and Housing in Chicago, 1940–1960* (Chicago: University of Chicago Press, 1998).

⁶⁶ Paul Jargowsky, "Race & Inequality: Architecture of Segregation, Civil Unrest, the Concentration of Poverty, and Public Policy" (August 7, 2015), <https://tcf.org/content/report/architecture-of-segregation/> (emphasis mine).

⁶⁷ Rothstein, *The Color of Law*; Jamelle Bouie, "How We Built the Ghettos: A Brief Introduction to America's Long History of Racist Housing Policy," *Daily Beast* (March 13, 2014), <http://www.thedailybeast.com/how-we-built-the-ghettos>.

7.3.2. Geographic Dispersion and Reconcentration of Poverty: 2000 to the Present

The intersection of race and socioeconomic position in the United States today is complex and often misunderstood. One mistake is the equation of the conditions of all black Americans with the extreme poverty of the inner cities. The majority of African Americans do not reside in the inner cities, and they are not below the official poverty level.⁶⁸ The opposite mistake is the assumption that the socioeconomic position of African Americans has improved greatly and that the problems associated with high concentrations of poverty in the inner cities are receding. The major economic indicators, including wealth and income, show otherwise. Poverty among blacks is more geographically dispersed, for example, moving rapidly into the inner suburban rings of metropolitan areas and reconcentrating with the same predictable adverse effects that are manifested in the inner cities.

Consider first the economic indicators of racial disparities in poverty rates, income, and wealth. The proportion of African Americans who are living in poverty is 27 percent, compared with an overall 11 percent, and 38 percent of black children live in poverty, compared with 22 percent of all children in the US.⁶⁹ In 1984, the white-to-black wealth ratio was 12 to 1. By 2009, the wealth gap grew to more than 19 to 1.⁷⁰

The wealth gap is a particularly important indicator of differential well-being. Individual wealth—as well as family wealth—is a source of resilience and opportunity. For example, it reduces financial impediments for individuals seeking preventive and acute medical care for themselves and their families. It lessens the risk of eviction or mortgage foreclosure, and it enables parents and grandparents to contribute financially to the education or home purchase of young adults.

⁶⁸ Alana Semuels, “No, Most Black People Don’t Live in Poverty—or Inner Cities,” *Atlantic* (October 12, 2016), <https://www.theatlantic.com/business/archive/2016/10/trump-african-american-inner-city/503744/>.

⁶⁹ US Census Bureau, American Community Survey, 2016.

⁷⁰ These disproportionate losses are due primarily to decreased real estate value, the principal asset of most black households. Patrick Sharkey, “Neighborhoods and the Black–White Mobility Gap” (2009), http://www.pewtrusts.org/~media/legacy/uploadedfiles/wwwpewtrustsorg/reports/economic_mobility/pewsharkeyv12pdf.pdf. A separate study by researchers at the Institute on Assets and Social Policy at Brandeis University found that from 1984 to 2009, the median net worth of white households grew to \$265,000 over the twenty-five-year period compared with just \$28,500 for black households. In addition, the study found that whites were five times more likely to inherit money than blacks, and their typical inheritances were ten times as big. Thomas Shapiro, Tatjana Meschede, and Sam Osoro, “The Roots of the Widening Racial Wealth Gap: Explaining the Black–White Economic Divide,” Research and Policy Brief (February 2013), <http://iasp.brandeis.edu/pdfs/Author/shapiro-thomas-m/racialwealthgapbrief.pdf>.

Another important, but often neglected indicator of well-being and overall life prospects is the concentrated poverty rate—the share of poor residents living in poor neighborhoods. Extreme-poverty neighborhoods are ones where 40 percent or more of the population lives below the federal poverty line. The number of people living in these areas has nearly doubled since 2000, rising from 7.2 million to 13.8 million.⁷¹ In addition, the number of high-poverty neighborhoods, defined as ones with poverty rates in the range of 20 to 40 percent, have also increased since 2000, and the overall result is that 55 percent of poor people in the United States now live in a high-poverty or extreme-poverty area.⁷²

The reconcentration of poverty has had a disproportionate effect on non-whites. For example, among the residents of extreme-poverty neighborhoods, 70 percent are predominantly minority members. More than one-fourth of the black poor and nearly one-sixth of the Hispanic poor live in a neighborhood of extreme poverty, compared with one in thirteen of the white poor.⁷³ Moreover, concentrated poverty, along with new predominantly minority communities, spreads beyond the urban core. Today, more African Americans live in the suburbs than in the cities, but suburban areas, especially the inner rings, are now among the fastest-growing extreme-poverty neighborhoods.⁷⁴ By 2014, there were almost three times as many extreme-poverty suburban neighborhoods as there were in 2000, and poor black residents were more than three and a half times more likely than whites to live there.⁷⁵

The increase in extreme- and high-poverty neighborhoods is significant in ways that may not be apparent to those who do not study the effects of concentrated poverty. It has durable adverse effects on well-being that go beyond the effects produced simply by being poor or growing up in a poor household. Multiple adverse impacts on every aspect of well-being—due simply to living in neighborhoods with concentrated poverty rates—kick

⁷¹ Elizabeth Kneebone and Natalie Holmes, “U.S. Concentrated Poverty in the Wake of the Great Recession” (March 31, 2016), <https://www.brookings.edu/research/u-s-concentrated-poverty-in-the-wake-of-the-great-recession/>; Paul A. Jargowsky, “Concentration of Poverty: An Update,” The Century Foundation, *Blog of the Century* (April 9, 2014), <http://tcf.org/blog/detail/concentration-of-poverty-an-update>.

⁷² Kneebone and Holmes, “U.S. Concentrated Poverty.”

⁷³ Paul Jargowsky, “Race & Inequality.”

⁷⁴ Elizabeth Kneebone and Alan Berube, *Confronting Suburban Poverty in America* (Washington, DC: Brookings Institution, 2013).

⁷⁵ Kneebone and Holmes, “U.S. Concentrated Poverty.”

in when the neighborhood poverty rate exceeds about 20 percent and tapers off when the rate reaches approximately 40 percent poverty.⁷⁶

The multiple adverse effects—neighborhood effects, as they are known—are well documented.⁷⁷ For example, as many studies demonstrate in great detail, concentrated poverty and poor neighborhood schools go hand in hand, resulting in educational disadvantages and substantial achievement gaps for children. Areas of concentrated poverty affect learning and cognitive development in other ways as well. Such communities separate their residents from the civic life of the broader community, increasing social isolation and reducing opportunities for learning about the world and for social networking opportunities. Exposure to art, music, and a wider range of people, professions, and cultures does far more to advance preparedness for classroom learning than being able to sound out the alphabet.⁷⁸

In addition, there is a high prevalence of physical and mental illness and high death rates in areas of concentrated poverty.⁷⁹ The reasons are various. These areas are associated with concentrated environmental hazards in old and poorly constructed housing stock, as well as harmful emissions produced by surrounding industries. Racially isolated neighborhoods, in particular, typically lack local primary care providers and ready access to routine and preventive health care even when residents have health care coverage through programs like Medicaid.⁸⁰ Residents are exposed to a higher level of violence, not only undermining short-term personal security but having lifelong effects on their capacity for trust and the development of other social skills necessary for establishing durable, rewarding personal relationships.⁸¹

⁷⁶ George C. Galster, "The Mechanism(s) of Neighborhood Effects: Theory, Evidence, and Policy Implications," presentation at the ESRC Seminar, St. Andrews University, Scotland, February 4–5, 2010.

⁷⁷ For an in-depth review of the literature on the effects of concentrated poverty, see the Federal Reserve System and the Federal Reserve System and Brookings Institution, *The Enduring Challenge of Concentrated Poverty in America: Case Studies from Communities Across the U.S.* (Richmond, VA: Federal Reserve System and Brookings Institution, 2008).

⁷⁸ David Grissmer et al., "Fine Motor Skills and Early Comprehension of the World: Two New School Readiness Indicators," *Developmental Psychology* 46 (5) (2010): 1008–1017; Tamara Wilder, Whitney C. Allgood, and Richard Rothstein, "Narrowing the Achievement Gap for Low-Income Children: A 19-Year Life Cycle Approach," table 11 (2008), http://www.epi.org/files/page/-/pdf/wilder_allgood_rothstein-narrowing_the_achievement_gap.pdf.

⁷⁹ For a review of converging research from developmental psychology, neuroscience, public health, economics, and sociology on the effects of concentrated poverty on children across generations, see Patrick Sharkey, *Stuck in Place: Urban Neighborhoods and the End of Progress Toward Racial Equality* (Chicago: University of Chicago Press, 2013).

⁸⁰ Wilder, Allgood, and Rothstein, "Narrowing the Achievement Gap," table 10.

⁸¹ Sharkey, *Stuck in Place*.

There are, then, three distinct implications to bear in mind when thinking about the reconcentration of poverty. First, it is worse for the 55 percent of poor Americans who live in these neighborhoods than it is for the poor in less disadvantaging social circumstances. This means that a significant percentage of poor Americans are being left behind in ways beyond what income and household wealth differentials alone reveal. The adverse effects of individual or household poverty are thus compounded by social structural arrangements that thwart access to social programs and public resources that can counteract the long-term deprivation and disadvantage that accompany poverty.

Second, blacks of all ages and income levels are far more likely to live in areas of concentrated poverty than whites.⁸² This means that many more affluent African Americans experience much of the adverse structural impact of an impoverished environment than whites of comparable socioeconomic status.

Third, poor children are much more likely than poor adults to live in poor neighborhoods, and black children are far more likely than white children to live in neighborhoods with poverty rates of 20 percent or more.⁸³ This means that the durable adverse effects of living in areas marked by severe deprivation and deep disadvantage take hold early and often last a lifetime.

Poverty is bad for human well-being, but concentrated poverty is far worse. Concentrated poverty is worse still for the African American community, even for those who do not bear the added burdens of personal poverty. This is the case because a higher proportion of non-poor blacks suffer from the lingering effects of urban and suburban communities created along racially exclusionary lines. And concentrated poverty tends to be especially bad for children in comparison with adults. Patterns of racial segregation leave more black children caught in the grip of circumstances beyond their making.⁸⁴

⁸² John Eligon and Robert Gebeloff, "Segregation, the Neighbor That Won't Leave," *New York Times* (August 21, 2016). They used the 20 percent figure as the defining threshold; <https://www.nytimes.com/2016/08/21/us/milwaukee-segregation-wealthy-black-families.html?smid=nytcore-ipad-share&smprod=nytcore-ipad>.

⁸³ For example, "Over the course of childhood, two out of three black children (66 percent) born from 1985 through 2000 were raised in neighborhoods with at least a 20 percent poverty rate, compared to just 6 percent of white children." Sharkey, "The Black-White Mobility Gap."

⁸⁴ Research by Raj Chetty and colleagues provides strong evidence that children who experience the disadvantages of growing up in and surrounded by poverty will continue to bear the burden of those disadvantages into adulthood. Raj Chetty et al., "Where Is the Land of Opportunity? The Geography of Intergenerational Mobility in the United States," NBER Working Paper 19843, June 2014; Raj Chetty and Nathaniel Hendren, "The Impacts of Neighborhoods on Intergenerational Mobility: Childhood Exposure Effects and County-Level Estimates," NBER, May 2015.

7.3.3. The Poor (Neighborhoods) Pay More (and Get Less)

The adverse effects of concentrated poverty extend beyond obvious factors like failing, underfunded schools, crumbling infrastructure, dangerously polluted water systems, and geographic isolation from primary transportation hubs.⁸⁵ Community residents, neighborhood activists, and legal aid lawyers also have firsthand experience with a web of laws that benefit others at the expense of disadvantaged communities. David Caplovitz's classic book, *The Poor Pay More*, provides a comprehensive account of the predatory institutions dedicated to the extraction of wealth from the poor and vulnerable with little legal accountability for their commercial practices.⁸⁶ The predatory lending practices prior to the Great Recession are among the most well-known schemes deliberately designed to exploit the residents of low-income communities, especially ones predominantly made up of African Americans.

While most know that the housing stock in poor neighborhoods of color is dilapidated and unsafe, it is also true that this is not a matter of mere neglect or the simple inability of the poor to pay higher rents for better housing. In fact, rents in poor neighborhoods typically approximate those in other neighborhoods where the housing stock is in far better shape. As a result, along with reduced maintenance costs, housing in poor neighborhoods yields higher returns to landlords.⁸⁷

Other routinely exploitative businesses concentrated in lower-income areas include a phalanx of financial institutions targeting low-income communities.⁸⁸ They include rent-to-own companies, usurious pawnshops, consumer finance companies, and payday lenders. These financial institutions all benefit from laws that make default judgments (uncontested court orders) more likely, inflate recovered damages far in excess of actual loss, and permit wage garnishments that can often take up to 65 percent of a debtor's wages with no recourse.⁸⁹ They also take advantage of a system

⁸⁵ Furman Center, "Research Brief: Race and Neighborhoods in the 21st Century," *Research & Policy* (January 30, 2015), <http://furmancenter.org/thestoop/entry/research-brief-race-and-neighborhoods-in-the-21st-century>.

⁸⁶ David Caplovitz, *The Poor Pay More: Consumer Practices of Low-Income Families* (New York: Free Press, 1967).

⁸⁷ Matthew Desmond, *Evicted* (New York: Broadway Books, 2016).

⁸⁸ See, e.g., community activist organizations such as the umbrella organization Action Center on Race and the Economy (ACRE) that target the "financial elite responsible for pillaging communities of color, devastating working class communities and harming our environment," <https://www.acrecampaigns.org/about>.

⁸⁹ For a summary, see Monica Steinisch, "You Can Avoid Wage Garnishment" (Financial Resource Center, 2015), <http://resourcecenter.cuna.org/331/article/2615/html>.

of legal notification of pending lawsuits that lawyers refer to as “sewer service,”⁹⁰ so named because the formal notice process of pending legal action routinely fails to reach the defendants.

Some financial institutions also extract high profits by a practice of loan “flipping.” Loans are refinanced multiple times and the accrued interest is folded into the principal, resulting in annual percentage rates of up to 250 percent in some jurisdictions. Added into the mix are insurers that sell “monthly-debit ordinary” life insurance only in low-income neighborhoods, often door to door, at higher rates and with lesser benefits than risk-based underwriting warrants. The list goes on, but the combined effect is a massive wealth transfer from the poor to the middle class and the affluent.

These processes of wealth extraction layer on top of the structural constraints on household revenue. Employment discrimination based on race is very much a part of the fabric of US economic life, along with high levels of underemployment.⁹¹ Moreover, the increasing reliance on informal labor has replaced many regular employment arrangements for unskilled workers, especially African Americans and non-white Hispanics.⁹² Added to this pattern of depressed household revenue from discrimination and the transformation of labor markets are the effects of the 1990s promise to “end welfare as we know it.” This policy shift has deprived many people of the kinds of safety nets that are necessary to meet the most basic needs for food, shelter, medical care, and the transportation and material goods necessary to send children to school.⁹³ Here, the adverse effects are often especially felt by women and children. It is sometimes

⁹⁰ State of California Department of Justice, “Attorney General Kamala D. Harris Announces Suit Against JP Morgan Chase for Fraudulent and Unlawful Debt-Collection Practices,” <https://oag.ca.gov/news/press-releases/attorney-general-kamala-d-harris-announces-suit-against-jpmorgan-chase>.

⁹¹ The unemployment rate for African Americans has been roughly double that of whites since the 1950s. Drew Desilver, “Black Unemployment Rate Is Consistently Twice That of Whites,” PEW Research Center, <http://www.pewresearch.org/fact-tank/2013/08/21/through-good-times-and-bad-black-unemployment-is-consistently-double-that-of-whites/>. In addition, numerous studies show discriminatory attitudes toward job applicants when applications include indicators of race, such as an “African-American-sounding” name. National Bureau of Economic Research, “Employers’ Replies to Racial Names,” <http://www.nber.org/digest/sep03/w9873.html>. A broader range of factors is discussed by Devah Pager and Hana Shepherd, “The Sociology of Discrimination: Racial Discrimination in Employment, Housing, Credit, and Consumer Markets,” *Annual Review of Sociology* 34, no. 1 (2008): 181–209. <https://doi.org/10.1146/annurev.soc.33.040406.131740>.

⁹² Demetra Smith Nightingale and Stephen A. Wandner, “Informal and Nonstandard Employment in the United States: Implications for Low-Income Working Families,” Urban Institute, Brief 20, August 2011.

⁹³ Semuels, “No, Most Black People.”

said that “black men get locked up while black women get locked out [evicted].”⁹⁴

7.3.4. Policing

The *Washington Post* maintains a database cataloging every fatal shooting nationwide by a police officer in the line of duty, based “on news reports, public records, social media and other sources.” The database includes whatever information is available about the circumstances of the shooting, as well as demographic data.⁹⁵ It illustrates what is already widely known: fatal interactions between police and the public disproportionately impact poor men and women in communities of color. The protest banner reading “Hands Up, Don’t Shoot” vividly captures activists’ understanding of the context of these shootings. The message of the movement Black Lives Matter is that all too often black lives don’t matter within US society, at least not nearly as much as white lives do.

It is now commonly said that the problem is structural. One feature of this claim is that even though the disproportionate racial impact is stark, the individual motive behind these fatalities is not necessarily explicit racial animus. Even non-white officers may harbor beliefs that lead them to view black men with suspicion in ways that provoke more aggressive, preemptive police actions. This phenomenon affects black men in neighborhoods marked by high crime rates. But it also affects black men in expensive cars driving through affluent, predominantly white suburbs, when nothing other than skin color signals a threat to public safety or the security of police officers.

An array of other institutionalized race-based policing policies disproportionately affect poor neighborhoods of color. They are often described by law enforcement officials and politicians as war zones.⁹⁶ The assumption is that the situation in urban America, in both inner cities and inner suburban neighborhoods like Ferguson, is so dire that ordinary approaches to policing have to give way to more aggressive tactics. The “broken-windows approach,” for example, was widely adopted and defended on

⁹⁴ Desmond, *Evicted*.

⁹⁵ “Fatal Force,” *Washington Post*, https://www.washingtonpost.com/graphics/2018/national/police-shootings-2018/?utm_term=.4a05471e6c1a.

⁹⁶ This explicitly military approach was the brainchild of Los Angeles police chief Daryl Gates, who modeled the now ubiquitous SWAT team approach on tactics used by American soldiers in Vietnam. See Barry Friedman, *Unwarranted: Policing Without Permission* (NY: Farrar, Straus & Giroux, 2017), 54–58.

grounds that aggressive enforcement of minor offenses deters more serious crimes.⁹⁷

The wartime mentality escalates beyond the intrusiveness of large-scale monitoring and surveillance in these neighborhoods. Today, in many midsized to large cities, serving criminal warrants and other routine police activities are often performed in highly militarized fashion, complete with techniques adapted from recent overseas wars, the deployment of military-grade equipment, and the use of profiling strategies designed to identify the “bad guys” in advance of any overt hostility.⁹⁸ Echoing the central message of James Baldwin’s “Report from Occupied Territory,” the police presence in communities of color is often referred to as “The Occupation.”⁹⁹

Fatal shootings and other aggressive, preemptive policing policies are components of a larger structural phenomenon that the Black Lives Matter movement identifies. The movement’s founders characterize its purposes in their manifesto, proclaiming that the movement should be seen as “an intervention specifically created to address anti-blackness in all its historic and contemporary manifestations.”¹⁰⁰ It points to their belief that the larger society endorses, at least passively, attaching diminished importance to black lives in numerous ways. Christopher Lebron describes the general phenomenon animating Black Lives Matter as “one of America’s greatest failures—the dis-valuation of black lives, the prevalent sense that black lives were inconsequential and disposable.”¹⁰¹

The argument for enhanced efforts to contain urban violence through aggressive policing has its historic roots in the Jim Crow era portrait of blackness as animalistic, lacking impulse control, and subhuman.¹⁰² The contemporary version of this fear-driven white sentiment is captured by sociologist John DiIulio’s characterization of the superpredator archetype, reiterated and popularized by a generation of politicians eager to establish their credentials as tough on crime. The implication of the containment strategy is that all that white America has to do to protect itself is

⁹⁷ James Q. Wilson, “Broken Windows,” *Atlantic*, March 1982.

⁹⁸ Friedman, *Unwarranted*.

⁹⁹ Nikole Hannah-Jones, “Yes, Black America Fears the Police. Here’s Why,” *Pro Publica* (March 4, 2015), <https://www.propublica.org/article/yes-black-america-fears-the-police-heres-why>.

¹⁰⁰ Christopher J. Lebron, *The Making of Black Lives Matter* (New York: Oxford University Press, 2017), 174.

¹⁰¹ *Ibid.*, 44.

¹⁰² *Ibid.*, 22; Michele Alexander, *The New Jim Crow*, 2nd ed. (New York: New Press, 2012).

to stay clear of the bad neighborhoods and let the police do whatever needs to be done to control the problems and the responsible populations.¹⁰³

The shift toward mass incarceration is the most obvious end result of the containment model, but there is more to it than that. Underneath the phenomenon of affluent black motorists being stopped by police for “driving while black,” particularly in whiter, more affluent neighborhoods, is an extension of the broad-brush suspicion of blackness. It is rooted in white fear that bad things will happen if containment policies fail, leading to hypervigilance against the threat that black people will go where they do not belong.¹⁰⁴

Municipalities also extract disproportionate revenue from the poor through a system of fines and court cost levies, often for petty offenses that are not enforced in other communities.¹⁰⁵ Stop-and-frisk techniques and arrests for obstructing doorways and sidewalks—practices almost exclusively confined to poor communities of color—not only serve their intended purpose of intimidation but pay the salaries of numerous clerks, court officers, and ancillary police department personnel. These widespread practices often generate a high proportion of the municipal revenues in small jurisdictions. One of the most widely publicized examples is contained in the US Justice Department report in the wake of the Michael Brown shooting in Ferguson, Missouri.¹⁰⁶ However, it is simply a high-profile example of a widespread technique for generating municipal revenues without having to raise taxes on politically more influential citizens who will hold them accountable at the ballot box.¹⁰⁷

In sum, the origin and perpetuation of the conditions of black Americans living predominantly in segregated metropolitan areas have multiple causes, with a diversity of agents exhibiting a range of moral postures toward the disadvantaged. Taken together, the conditions of black America, in particular those of poor communities of color, is a function of multiple, overlapping factors that reinforce disadvantage, exploitation, social control, and social exclusion in a systematic manner. No black person can

¹⁰³ Paul Butler, *Chokehold: Policing Black Men* (New York: New Press, 2017), 117–148.

¹⁰⁴ James Forman, *Locking Up Our Own* (New York: Farrar, Straus & Giroux, 2017), 197–215.

¹⁰⁵ John F. Pfaff, *Locked In* (New York: Basic Books, 2017).

¹⁰⁶ United States Justice Department, Civil Rights Division, “Investigation of the Ferguson Police Department” (March 4, 2015), https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf.

¹⁰⁷ Pfaff, *Locked In*; Matt Taibbi, *The Divide: American Injustice in the Age of the Wealth Gap* (New York: Spiegel and Grau, 2014), 85–139.

fully escape the insidious effects. Some of these factors are fear-driven and rooted in racial animus, however far from the surface of consciousness these motives might be in some instances. This is straightforward subordination of a racially defined community, with some individuals exhibiting a clear desire to exclude a subject population from the mainstream of social life.

For others, there is a level of moral indifference that valorizes a social ideal in which people are expected to attend to their families and immediate circle of friends and expect the same from others.¹⁰⁸ An especially callous variant of this libertarian ideal of “live and let live” involves a self-serving falsification of the true relationship of the privileged to the disadvantaged. Particularly problematic are individuals who benefit from this pattern of social insularity and exclusion, for example, by avoiding the taxes that would be required to bring public infrastructure and schools up to a standard commensurate with what is available in advantaged communities.

For others still, there is money to be made. Exploitation is the central form of unfairness manifested. Real estate practices—from redlining to installment sales to subprime predatory lending—is but one illustration. Many business owners benefit from having at the ready a large pool of day laborers who work outside of the formal economy that underwrites the expectation of middle-class whites for legally enforceable minimum wages, worker safety protections, a measure of job security, and at least some employee benefits.

No one can deny that there have been important changes for the better with regard to racial justice in the US since the 1960s. However, too many things of consequence remain the same. A 2016 report from New York University’s Furman Center surveys the conditions in urban America, where race, place, and concentrated poverty intersect, and its conclusion echoes the stark language of the Kerner Report: “Segregation in the 21st century, in other words, continues to result not only in separate but also in decidedly unequal communities.”¹⁰⁹

¹⁰⁸ Young, *Responsibility for Justice*, 81–84.

¹⁰⁹ Furman Center, “Research Brief.”

7.4. Urban “Slums”: The Proliferation of Informal Human Settlements

Precarious human settlements—“slums” in the vernacular of activists and global policy analysts—typically situated on the peripheries of large urban centers in the global South, are sites of extreme, multidimensional deprivation. The differentials of power and life prospects between residents of these settlements and their more prosperous neighbors who reside and work in the sleek modern buildings in the background are stark. Activists and others with long-term, firsthand experience emphasize the similarity of patterns of human devastation and environmental destruction in slums around the world.¹¹⁰

7.4.1. Urbanization and the Urbanization of Poverty

For the first time in history more than half the world’s population lives in urban areas. More than 90 percent of future urban population growth is expected to occur in LMICs, with the overwhelming majority of newly urbanized residents located in slums.¹¹¹ This is because the urbanization of LMICs has been accompanied by the urbanization of poverty. In 2003, the widely cited UN-Habitat report estimated that 1 billion people were living in informal settlements that lacked basic services and projected that the urban slum population would increase to 2 billion people before midcentury.¹¹² Indeed, most of the world’s poor are no longer found in rural areas, because they migrate to the mega-cities and large cities of Asia, Africa, and Latin America.¹¹³

This pattern of the urbanization of the poor is more complicated than either the raw numbers or the projections suggest. For example,

¹¹⁰ UN-Habitat, *The Challenge of Slums, Global Report on Human Settlements* (London: Earthscan, 2003); Mike Davis, *Planet of Slums* (London: Verso, 2006).

¹¹¹ United Nations, “World Urbanization Prospects: The 2014 Revision,” Population Division of UN Department of Economic and Social Affairs (2014), <https://esa.un.org/unpd/wup/publications/files/wup2014-highlights.pdf>.

¹¹² UN-Habitat, *The Challenge of Slums*.

¹¹³ Martin Ravallion, “On the Urbanization of Poverty,” Policy Research Working Paper no. 2586, World Bank (2001), <http://documents.worldbank.org/curated/en/577771468739538398/On-the-urbanization-of-poverty>. There are many estimates of the sizes of many of the world’s largest slums in the world. See, e.g., World Economic Forum, <https://www.weforum.org/agenda/2016/10/these-are-the-worlds-five-biggest-slums/>. Also, the fastest-growing urban centers are not mega-cities, but medium and small cities with less than 1 million inhabitants, which account for 59 percent of the world’s urban population <https://doi.org/10.1016/j.jue.2015.09.002>.

the majority of the world's poor no longer reside in low-income countries; they live in middle-income countries, mirroring the overall global trend toward increased intrastate inequality.¹¹⁴ Moreover, although the percentage of the global urban population has been declining, the absolute numbers of slum dwellers continue to grow, and the trend toward regional concentration of urban poverty in the world's two poorest regions—South Asia and sub-Saharan Africa—is expected to continue.¹¹⁵

In addition, the global rise of slums has confounded the expectations of long-term observers of urbanization and globalization trends. Historically, income growth and urbanization tended to go hand in hand.¹¹⁶ This time, things are different. We are witnessing a new pattern of “urbanization without growth.”¹¹⁷ While the correlation between urbanization and income remains weakly positive overall, the relationship is negative in poorer countries, such as those in Latin America and sub-Saharan Africa.¹¹⁸

There is no shortage of (not necessarily incompatible) explanatory hypotheses for the global phenomenon of urban slum growth. There is, however, widespread agreement about the conditions in slums and how they contribute to extreme deprivation, foster human rights violations, enable and exacerbate economic exploitation, institutionalize existing informal patterns of subordination and social exclusion, and involve state violence.¹¹⁹

¹¹⁴ “World Urbanization Prospects: The 2014 Revision.”

¹¹⁵ Slum Almanac, 2015–2016, <https://unhabitat.org/slum-almanac-2015-2016/>; *State of the World's Cities, 2012/2013: Prosperity of Cities* (London: Earthscan, 2013).

¹¹⁶ J. Vernon Henderson, “Cities and Development,” *Journal of Regional Science* 50, no. 1 (2010): 515–540.

¹¹⁷ Marianne Fay and Charlotte Opal, “Urbanization without Growth: A Not-So-Uncommon Phenomenon,” Policy Research Working Paper 2412, World Bank (2000), <https://openknowledge.worldbank.org/handle/10986/21373>.

¹¹⁸ David Castells-Quintana, “Malthus Living in a Slum: Urban Concentration, Infrastructure and Economic Growth,” *Journal of Urban Economics* 98, issue C (2017): 158–173. Recent surveys estimate that a quarter of the urban population around the world lives in slums, but in sub-Saharan Africa, the percentage is 59. Moreover, 7 of the 10 million more people added to the urban population of sub-Saharan Africa each year end up in slums, compared with only 2 million who leave. Slum Almanac, 2015–2016.

¹¹⁹ See, e.g., Michael Lipton, *Why Poor People Stay Poor: A Study of Urban Bias in World Development* (Cambridge: Cambridge University Press, 1977); Daron Acemoglu and Simon Johnson, “Disease and Development: The Effect of Life Expectancy on Economic Growth,” *Journal of Political Economy* 115, no. 6 (2007): 925–985; and Remi Jedwab, Luc Christiaensen, and Marina Gindelsky, “Demography, Urbanization and Development: Rural Push, Urban Pull and . . . Urban Push?” *Journal of Urban Economics* 98 (2017): 6–16.

7.4.2. Definitions and Characteristics of Slums

The term “slum” has a long history. In the nineteenth century, as today, it designated a particular kind of low-income urban community, where living conditions were “squalid” and “degrading.”¹²⁰ Although there are concerns that the term tends to further stigmatize the inhabitants of these communities, even activists themselves often adopt it.¹²¹ Every part of the world has its own nomenclature: the *favelas* of Brazil, the *villas miserias* of Buenos Aires, the *colonias populares* of Mexico City, the *conventillos* of Quito, the *barriad`as* of Lima, the *umjondolos* of Durban, the *intra-murios* of Rabat, the *bidonvilles* of Abidjan, the *baladis* of Cairo, the *gecekondus* of Ankara, and so on. Whatever the terminology, descriptions and definitions emphasize the degraded and degrading conditions, and they nearly always begin with depictions of housing, how the dwellings are fabricated, and where they are located.

One of the most widely cited descriptions of slums is that of Mike Davis in his influential book, *Planet of Slums*: “The urban poor . . . are everywhere forced to settle on hazardous and otherwise unbuildable terrains—over-steep hillslopes, river banks and floodplains. Likewise, they squat in the deadly shadows of refineries, chemical factories, toxic dumps, or in the margins of railroads and highways.”¹²²

The Slum Almanac produced by the UN describes slums in a similar manner. “Slums are marginalised, large agglomerations of dilapidated housing often located in the most hazardous urban land—e.g. riverbanks; sandy and degraded soils, near industries and dump sites, in swamps, flood-prone zones and steep slopes—disengaged from broader urban systems and from the formal supply of basic infrastructure.”¹²³

The UN-Habitat’s operational definition of slum dwellers picks up on five common features in the report of an Expert Group Meeting convened in 2002. It describes a slum household as “a group of individuals living under the same roof lacking one or more of the following conditions: (1) access to improved water; (2) access to improved sanitation facilities;

¹²⁰ *The New Shorter Oxford English Dictionary*, vol. 2 (Oxford: Clarendon Press, 1993).

¹²¹ Some community groups and NGOs include Slum/Shack Dwellers International and the International Federation of Slum Dwellers. Alternative labels, such as “informal settlements” and “subaltern cities,” are also used. See Alan Gilbert, “The Return of the Slum: Does Language Matter?,” *International Journal of Urban and Regional Research* 31, no. 4 (2007): 697–713; and Ananya Roy, “Slumdog Cities: Rethinking Subaltern Urbanism,” *International Journal of Urban and Regional Research* 35, no. 2 (2011): 223–238.

¹²² Davis, *Planet of Slums*, 323.

¹²³ Slum Almanac, 2015–2016.

(3) sufficient living area—not overcrowded; (4) structural quality/durability of dwellings; and (5) security of tenure.” We consider briefly what the first four of these conditions entail; we address the fifth condition in more detail. We also discuss the precarious nature of the informal subsistence economy of slums, as well as the power differentials that not only produce and reproduce slum conditions but manifest in the pervasive threat of arbitrary state action and routine exposure to both private and state-sanctioned violence, especially for women.

The first and second conditions involve deficiencies in water and sanitation. The most common standards by which water and sanitation requirements are judged are quite modest. For example, under the WHO/United Nations Children’s Fund (UNICEF) standard, pit latrines with slabs qualify as improved sanitation. However, pit latrines have been shown to provide inadequate protection against communicable disease in densely populated areas. They are especially unsanitary for women and girls and are a source of gender-based violence.¹²⁴ A lack of piped water is ubiquitous, and many surveys show that residents view access to clean water sufficient for bathing, cooking, and drinking as their most pressing need.¹²⁵

The third condition is overcrowding. It is difficult to convey with words alone—pictures and films are far better—just how intense the overcrowding is. The conditions in Kenya, where 60 to 80 percent of its urban population lives in slums, are representative of the problem. In Nairobi, informal slum settlements cover just 6 percent of the total residential land area, yet they house 60 to 80 percent of the city’s population.¹²⁶

The fourth condition is the lack of durably constructed dwellings. Slums everywhere are put together out of a hodgepodge of locally available, found objects. Among the most common are the leftover or discarded materials out of which modern urban life for the more affluent is constructed. Included are metal scraps, used oil drums, chemical containers, wood timbers or pieces of plywood, molded or water-damaged insulation, cardboard boxes and packing strips, tarp, concrete fragments, straw, polythene bags, corrugated zinc, and broken car doors. Residents

¹²⁴ Anne Nakagiri et al., “Are Pit Latrines in Urban Areas of Sub-Saharan Africa Performing? A Review of Usage, Filling, Insects and Odour Nuisances,” *BMC Public Health* 16: 120 (2016), <https://doi.org/10.1186/s12889-016-2772-z>.

¹²⁵ E.g., Priti Parikh, Himanshu Parikh, and Allan McRobie, “The Role of Infrastructure in Improving Human Settlements,” *Proceedings of the Institution of Civil Engineers: Urban Design and Planning* 166, no. 2 (2013): 101–118.

¹²⁶ UN-Habitat, World Habitat Day (WHD) Background Paper (2014), <https://unhabitat.org/wp-content/uploads/2014/07/WHD-2014-Background-Paper.pdf>.

pick through rubbish heaps and industrial dumping sites for anything that can be used to cobble together a small structure that can be nestled for support against tunnel walls, earthen berms, vertical bridge beams, or crumbling, partially standing ruins of abandoned buildings. These contemporary slum dwellings are not like the tenements of an earlier era of industrialized urbanization, but makeshift shelters that are easily and regularly destroyed by floods, wind, and fire.

This brings us to the fifth and perhaps most striking fact about slum dwellings. The only locations available to slum residents to construct their dwellings are abandoned, uninhabitable, or simply unclaimed scraps of otherwise economically unmarketable land near factories, waste dumps, and other sources of highly toxic pollution or on low-lying areas.¹²⁷ They are built in settlements that are “informal” in the sense that the land on which the dwellings are constructed are either public lands or unclaimed lands for which neither the occupants nor other parties hold legal title.

The consequences of informal occupancy are numerous. The occupants have no legally enforceable rights and can be evicted without any recourse or due process. They cannot accumulate wealth by investing in their homes, and they cannot use these legally undocumented assets to borrow money for business enterprises or the education of their children. The lack of a system for acquiring and documenting ownership rights is thus a massive impediment to upward and outward economic mobility. Most slum residents have no realistic choice but to remain in the slums. Many repeatedly suffer the loss of their makeshift home, the one asset they have struggled to acquire, and are forced to start over to obtain shelter in whatever way they can find.

In many instances, the slums are constructed outside of the municipal jurisdiction of the cities. That means that there is usually no entity or agency having clear responsibility for providing essential services such as piped water, sanitation, garbage collection, and police protection. Of course, this lack of formal authority does not entail that the municipal governments make no efforts. Some do, but often they are under-resourced or poorly managed. However, the fact that entire communities, often containing hundreds of thousands of people scattered around urban areas, are not part of any formal system of registry means that government accountability is weak or non-existent.

¹²⁷ Geoffrey Payne, Tony Piaskowy, and Lauren Kuritz, “Land Tenure in Urban Environments,” United States Agency for International Development (2014), www.land-links.org/issue-brief/land-tenure-in-urban-environments/.

Not only does the informal system of land tenure impose durable economic consequences on the residents of slums, it also exposes them to state and private party violence. Residents are subject to the arbitrary actions of both governments, who view them as lawbreakers, and powerful commercial developers. Commercial developers, themselves often criminal enterprises, can simply force out the current residents and build commercial enterprises on sites that previously had no economic value.¹²⁸ The very fact of rapid urbanization creates upward price pressure on even the most marginal of urban peripheral land, resulting in the wholesale displacement of communities for development and infrastructure projects, from the construction of dams, to housing renovations, to the building of Olympic Games facilities.¹²⁹

In the largest slums in Nairobi, for example, the majority of housing is controlled by landlords who, although they have no legal claim to the land, are major political figures who either bribe officials to look the other way or even establish formal ownership rights for them. Not only do these landlords earn high economic rents, they also block alternative patterns of redevelopment that would benefit the slum dwellers or provide formalization of their land rights.¹³⁰

There are good reasons to think that the Kenyan experience, though more systematically studied than many other urban slums, is hardly unique. The informal land system is a global phenomenon. According to the United Nations' Global Land Tool Network, 70 percent of land in most developing countries is held under a category other than registered freehold.¹³¹ One widely regarded estimate calculates that 85 percent of the urban residents of the developing world occupy property illegally.¹³²

¹²⁸ Leilani Farha, "Statement of the UN Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of LIVING and on the Right to Non-Discrimination in This Context," 2nd Latin America and Caribbean Regional Forum on Adequate Housing, "Vivienda para la Vida," Monterrey, Mexico, May 6, 2015.

¹²⁹ See <http://globalinitiative-escr.org/wp-content/uploads/2013/05/Issue-Brief-1-Forced-Eviction.pdf>. For an exemplary case study, see Greg Bankoff, "Constructing Vulnerability: The Historical, Natural and Social Generation of Flooding in Metropolitan Manila," *Disasters* 27, no. 3 (2003): 224–238.

¹³⁰ J. Vernon Henderson, Anthony J. Venables, Tanner Regan, and Ilia Samsonov, "Building Functional Cities," *Science* 352, no. 6288 (May 20, 2016): 946–947, doi: 10.1126/science.aaf7150.

¹³¹ Christiaan Lemmen, "The Social Tenure Domain Model: A Pro-Poor Land Tool," International Federation of Surveyors, UN-Habitat, Global Land Tool Network (2010), <http://www.fig.net/resources/publications/figpub/pub52/figpub52.pdf>. See also <https://landportal.info/book/thematic/urban-tenure>.

¹³² Winter King, "Illegal Settlements and the Impact of Titling Programmes," *Harvard International Law Review* 44, no. 2 (2003): 433–471, at 471.

Women often bear a disproportionate share of the burden of inadequate, impermanent shelter. Close to one-third of the world's women are homeless or live in inadequate dwellings, and in many countries a majority of homeless women have escaped from domestic violence.¹³³ Even where some degree of land right formalization has occurred, women are often left out. Limited property rights affect more than 80 percent—about 1 billion—of urban women. About 35 percent of these women live in countries where the formal property rights of women are not equal to those of men, most prevalently in South Asia, the Middle East, and North Africa. Another 300 million live in countries where there are legally recognized property rights for women but social pressure, threats, or legal systems that allow customary law to trump statutory law, prevent women from exercising their legal rights and using their assets to obtain credit.¹³⁴ The relationship between domestic violence, homelessness among women, and unequal property rights is complex. Domestic violence is both a cause of homelessness and a consequence of it. For example, one study in India found that 7 percent of women who owned land and housing experienced domestic abuse, compared with nearly 50 percent of women who did not.¹³⁵

There is also evidence that women are disproportionately the victims of forced evictions in informal settlements and suffer greater adverse consequences than men when they are. This is because women are less likely than men to abandon the dependent young and older family members when families are evicted.¹³⁶

7.4.3. The Informal Economy

Informality of land tenure is an important part of a larger system of informal legal and economic arrangements characteristic of life in slums. Employment as traditionally defined has given way to a constellation of informal work practices that lie outside the formal wage-based economy. These practices include everything from piecework production (e.g., peeling garlic cloves or disassembling electronic devices) to scavenging

¹³³ UN-Habitat, Shelter and Sustainable Human Settlement Division, "Why Focus on Women?," mirror.unhabitat.org/content.asp?typeid=19&catid=423&cid=1507.

¹³⁴ Bethany Martin-Breen, "In the Developing World, Property Rights for Women Are About More than Just Housing," Rockefeller Foundation blog (November 5, 2014), <https://www.rockefellerfoundation.org/blog/developing-world-property-rights-women/>.

¹³⁵ Ibid. Obviously, it is difficult to say which way the causal arrow points.

¹³⁶ UN-Habitat, *Forced Evictions—Towards Solutions?* Second Report of the Advisory Group on Forced Evictions to the Executive Director of UN-Habitat (Nairobi: AGFE, 2007), 38.

for recyclables in piles of garbage or polluted waterways. Most survive by working short-term jobs with no formal labor contract, benefits, job security, or legal protections against exposure to toxic substances or regulation of hazardous machinery or industrial processes. The basis of livelihood in slums is often characterized as informal survivalism. As Mike Davis vividly portrays it, “Those living in poverty often work and live with thoughts of survival in mind . . . Their struggle is a daily reality, and they don’t bother with financial success, because it seems so far out of reach at the moment . . . They are consumed with thoughts of worry, even panic, over income and if their job will hold out one more day.”¹³⁷

The informal economy of slums is simply the most extreme example of a larger global transition from a wage economy to a highly precarious informal labor system. That transition is summarized by a joint report of the World Trade Organization and the International Labour Organization in the following way: “In many developing economies job creation has mainly taken place in the informal economy, where around 60% of workers find income opportunities. However, the informal economy is characterized by less job security, lower incomes, an absence of access to a range of social benefits and fewer possibilities to participate in formal education and training programmes—in short, the absence of key ingredients of decent work opportunities.”¹³⁸

Women face different, often more difficult challenges to survival in the informal economy, which, in urban areas, is where much of women’s paid work resides. For example, in sub-Saharan Africa, an estimated 84 percent of women’s non-agricultural employment is in the informal sector.¹³⁹ Poor women in slums often seek ways to make money within the home or at very close proximity for the sake of their children, and they earn far less than men in informal employment. Although even in urban slums women outlive men, they end up having to support a household alone. Women thus bear what is often called “triple responsibilities”—caring for children, earning a livelihood, and managing the household, which involves

¹³⁷ Mike Davis, “Dealing with Poverty” (2009), <https://hubpages.com/politics/Dealing-with-Poverty>.

¹³⁸ Marc Bacchetta, Ekkehard Ernst, and Juana P. Bustamante, “Globalization and Informal Jobs in Developing Countries,” International Labour Office and the World Trade Organization (2009), https://www.wto.org/english/res_e/booksp_e/jobs_devel_countries_e.pdf. For a review of labor informalization around the world, see Kuttner, *Can Democracy Survive?*, 97–148.

¹³⁹ UN-Habitat, *State of the World’s Cities, 2008/2009: Harmonious Cities* (London: Earthscan, 2008), 88.

spending considerable time obtaining food, water, and fuel, as well as finding the money to pay for them.¹⁴⁰

Home-based microenterprises are widely celebrated in some policy circles as important vehicles for escaping poverty and facilitating women's independence. However, the evidence is mixed at best. Often it is not poor women who take up these new work options, but rather displaced salaried employees. The trend has been described not as new "opportunities" but as "forced entrepreneurialism foisted on former salaried employees by the decline of formal sector employment."¹⁴¹ Moreover, while some microenterprises result in an improvement of household income, "generally speaking, the incomes generated from these enterprises, the majority of which tend to be run by women, usually fall short of even a minimum living standard and involve little capital investment, virtually no skills training, and only constrained opportunities for expansion into a viable business."¹⁴² Also, the default rate among many microentrepreneurs is high and business failures are common. Many women report dissatisfaction with the precariousness of these survivalist enterprises. They express the hope that their children will find employment in the formal sector, where they can expect a set wage and a measure of job security.¹⁴³

It is possible that the modernization hypothesis—that slums are a transitional phenomenon that over time will be eradicated by markets—will prove correct. If so, in the aggregate and over time, more people will benefit from urbanization than will be harmed. But those who are being hurt, the losers in this transition, are the millions upon millions of current slum dwellers who are trapped in terrible circumstances that allow others to extract benefit from their misfortune. The one-two punch of informal housing and an informal economy constitutes a serious structural

¹⁴⁰ United Nations Population Fund, "State of the World Population (2007): Unleashing the Potential of Urban Growth," 38, https://www.unfpa.org/sites/default/files/pub-pdf/695_filename_sowp2007_eng.pdf. For a discussion of the time burden on women and girls imposed by the daily need to secure water, see United Nations Development Programme, *Human Development Report, 2006: Beyond Scarcity: Power, Poverty, and the Global Water Crisis* (Geneva: UNDP, 2006), 47. For a discussion of earlier childbirth among poor urban women, see *State of the World's Cities, 2006/2007: The Millennium Development Goals and Urban Sustainability*, (London: Earthscan, 2006), 127.

¹⁴¹ Alejandro Portes and Kelly Hoffman, "Latin American Class Structures: Their Composition and Change during the Neoliberal Era," *Latin American Research Review* 38, no. 1 (2003): 55.

¹⁴² Christian Rogerson, "Globalization or Informalization? African Urban Economies in the 1990s," in *The Urban Challenge in Africa: Growth and Management of Its Large Cities*, ed. Carole Rakodi (Tokyo: United Nations University Press, 1997), 348.

¹⁴³ Abhijit V. Banerjee and Esther Duflo, *Poor Economics: A Radical Rethinking of the Way to Fight Global Poverty* (New York: Public Affairs, 2011).

impediment to the prospects of upward and outward mobility for slum dwellers, especially women, whose burdens differ in both magnitude and kind from those generally born by men.

7.4.4. Multidimensional Deprivation

Among the most widely discussed consequences of life in slums is the adverse impact on health. There are many well-known linkages between health deprivation and deeply disadvantaging social conditions, and these linkages are demonstrated amply by studies of health outcomes of residents of slums across the world.¹⁴⁴

As we discussed in section 7.3, poor health outcomes are strongly associated with living in areas of high concentration of poverty and other markers of disadvantage and deprivation, even among residents of non-poor households. There are many obvious reasons for these neighborhood effects on health. People who live in slums share a multitude of environmental and other risks that people who live in other LMIC urban areas do not, or not to the same degree. Trauma from accidents precipitated by the collapse of unstable dwellings built upon unstable hillsides or floodplains is commonplace, as are injury and death from violence.

Because of poor sanitation, lack of clean water, and exposure to untreated human waste and toxic industrial dumping, the occurrence of infectious diseases that cause diarrhea and other symptoms that directly affect malnutrition is magnified.¹⁴⁵ Infectious diseases also spread wider and faster because of residential density and low rates of immunization.

Hunger and malnutrition are major problems.¹⁴⁶ A large percentage of people's caloric intake derives from nutritionally inadequate food sold by street vendors. Food insecurity and hunger are constantly hovering.

¹⁴⁴ Unless otherwise indicated, the health effects described in this subsection are based on a recent, comprehensive literature review. Alex Ezech et al., "The History, Geography, and Sociology of Slums and the Health Problems of People Who Live in Slums," *Lancet* 389, no. 1006 (October 16, 2016), <http://www.thelancet.com/series/slum-health>.

¹⁴⁵ WHO/UNICEF Joint Monitoring Programme, "Progress on Sanitation and Drinking Water: 2015 Update and MDG Assessment" (2015), <http://www.wssinfo.org/>; Robert Bain et al., "Global Assessment of Exposure to Faecal Contamination Through Drinking Water Based on a Systematic Review," *Tropical Medicine and International Health* 19, no. 8 (August 2014): 917–927; World Health Organization, "Water for Health: Taking Charge" (2001), http://www.who.int/water_sanitation_health/wwdreport.pdf?ua=1; Centers for Disease Control and Prevention, "Global Water Sanitation, and Hygiene" (updated 2015), http://www.cdc.gov/healthywater/global/wash_statistics.html.

¹⁴⁶ Hema Swaminathan and Arnab Mukherji, "Slums and Malnourishment: Evidence from Women in India," *American Journal of Public Health* 102, no. 7 (2012): 1329–1335, doi: 10.2105/AJPH.2011.300424.

Slum dwellers are also more likely than other urban residents to lack access to even the most basic public health services and medical care. Neuropsychiatric disorders associated with the extraordinary stress of daily life in slums and respiratory illness caused by indoor cooking with solid fuels in densely populated, poorly ventilated clusters of households are also both regular features of slum life. It is no wonder that life expectancy is much lower and the mortality of children under five years of age is much higher for the urban poor than for other urban residents.¹⁴⁷

This brief inventory of adverse effects on health joins the many other dimensions of deprivation that matter, including themes already discussed. They include lack of physical security, education, the economic basis for subsistence living, social isolation, and loss of self-determination.

7.4.5. Power and Deprivation

In his widely cited address in the Kangemi slum of Nairobi, Kenya, Pope Francis referenced many of the same conditions identified by the UN-Habitat definition and in this section.¹⁴⁸ The Pope characterizes the conditions of slum dwellers by what he calls “the dreadful injustice of urban exclusion”:

These are wounds inflicted by minorities who cling to power and wealth, who selfishly squander while a growing majority is forced to flee to abandoned, filthy and run-down peripheries . . . These realities . . . are not a random combination of unrelated problems. They are a consequence of new forms of colonialism . . . where a minority believes that it has the right to consume in a way which can never be universalized . . . I would propose a renewed attention to the idea of a respectful urban integration, as opposed to elimination, paternalism, indifference or mere containment.¹⁴⁹

The Pope’s characterization of social exclusion and disadvantage, and how it serves the interests of the powerful at the expense of the poor and the vulnerable, mirrors a recurrent theme in the case studies that accompanied

¹⁴⁷ World Health Organization, Urban HEART (Urban Health Equity Assessment and Response Tool, Kobe, Japan, WHO Commission on Social Determinants of Health, 2010), http://www.who.int/kobe_centre/publications/urban_heart/en/.

¹⁴⁸ For example, he listed the lack of toilets, sewers, drains, refuse collection, electricity, roads, schools, hospitals, and access to drinking water.

¹⁴⁹ For the full text, see Edward Pentin, “Full Text of Pope Francis’ Address at Kangemi Slum,” *National Catholic Register*, 2015, <http://www.ncregister.com/blog/edward-pentin/full-text-of-pope-francis-address-at-kangemi-slum>.

the 2003 UN-Habitat Report. The report noted as an example the reproach that slum dwellers sense in the language used by the non-slum dwellers of Bogotá, who “would appear to view the impoverished urban groups as undesirables, expressed in the specific terms applied to describe them—desechable (disposable) . . . that are highly associated with delinquency, unproductiveness and uselessness.”¹⁵⁰

This reference to the indifference shown to the lives of slum dwellers is echoed in Katherine Boo’s book, *Behind the Beautiful Forever*. She reports that the boys of the Annawadi slum in Mumbai “have accepted the basic truths: that in a modernizing, prosperous city, their lives were embarrassments best confined to small spaces, and their deaths would not matter at all.”¹⁵¹

Human deprivation, rooted in and sustained by conditions of powerlessness and public indifference, is a theme voiced also by the poorest of the global poor around the world. In interviews with thousands of poor individuals in over fifty countries in both urban and rural settings, the authors of a three-volume study entitled *Voices of the Poor* found that “[a]gain and again, powerlessness seems to be at the core of a bad life . . . Powerlessness is described as the inability to control what happens, the inability to plan for the future, and the imperative of focusing on the present.”¹⁵² This concern about powerlessness fits our notion of the importance of a self-determining life to well-being. Moreover, many of those interviewed attributed their condition of powerlessness to factors beyond a mere confluence of unfortunate circumstances. Many cited the arbitrary power of local and state institutions and powerful private actors who thwart their efforts to gain access to social services, earn a living, or escape their harsh circumstances.¹⁵³

We conclude our discussion with a point regarding the “nexus between gender and daily mobility, and the ways in which this nexus coalesces to further embellish the existing power-asymmetries . . . in the developing countries.”¹⁵⁴ The heart of this problem is that control over women’s lives—where they can go, what they can do, who they can associate with,

¹⁵⁰ UN-Habitat, *The Challenge of Slums*, 205.

¹⁵¹ Katherine Boo, *Behind the Beautiful Forayers: Life, Death, and Hope in a Mumbai Undercity* (New York: Random House, 2012), 236.

¹⁵² Deepa Narayan et al., *Voices of the Poor*, vol. 2: *Crying Out for Change* (Oxford: Oxford University Press, 2000), 36.

¹⁵³ *Ibid.*, 25.

¹⁵⁴ Tanu Priya Uteng, *Gender and Mobility in the Developing World*, background paper, World Development Report, 2012 (Washington, DC: World Bank, 2011), 4.

and the risks to physical safety they must endure—is a function of the configuration of urban space and urban modes of travel that is not merely a product of the inattentiveness of men in power to the needs of women. This structural constraint on women is also often a product of a “web of cross-cutting power relations,” forged and embedded in patriarchal cultural traditions, enforced within households, and reinforced by state deference to the preferences of men who wish to control women by controlling their movements. In some cases, this state reinforcement goes so far as to make control by men over the movements of women explicitly legal.¹⁵⁵

Moreover, because women undertake most of the household tasks of securing food, fuel, and water, they face obstacles that do not affect men in quite the same way. Women need more time than men to safely accomplish these tasks because they face the dangers of sexual assault and harassment on public transport, the lack of police protection, and the large swaths of slums that are unsafe to walk in. Women in these environments find it necessary to take self-imposed precautionary measures that limit the times and locations of their movements, and ultimately limit their work opportunities, their associations with others, and their overall ability to lead more self-determining lives. These constraints on women’s lives are created by some men, acquiesced in by others, and sustained by men who disvalue the lives of women and their claims to social equality, self-determination, and setting their own terms of personal engagement with others.

Slum life, in short, is not merely bad; it is often unjust in its inception and its effects. For women, slum life is even more confining than it is for the men also caught in its grip.

7.5 Conclusion

The four examples in this chapter confirm a central theme of this book. There are things that powerful, advantaged social groups are willing to do, or at least let happen, to members of other less powerful, less advantaged social groups that they would not be willing to do or let happen to members of their own social group. This starkly differential concern for human well-being lies at the heart of many of the most malignant forms of structural injustice, in which group-based unfairness and human rights violations are so often intertwined. It is reflected in the powerful message

¹⁵⁵ Ibid., 18–20.

of Black Lives Matter, the demands of environmental activists from around the world who see themselves as inhabitants of sacrifice zones, and the despair among residents of slums who endure the taunts of those who see them as “desechable” (disposable) and the message that “their deaths would not matter at all.”

Structural Injustice

Power, Advantage, and Human Rights

MADISON POWERS AND RUTH FADEN

OXFORD
UNIVERSITY PRESS

Oxford University Press is a department of the University of Oxford. It furthers the University's objective of excellence in research, scholarship, and education by publishing worldwide. Oxford is a registered trade mark of Oxford University Press in the UK and certain other countries.

Published in the United States of America by Oxford University Press
198 Madison Avenue, New York, NY 10016, United States of America.

© Oxford University Press 2019

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior permission in writing of Oxford University Press, or as expressly permitted by law, by license, or under terms agreed with the appropriate reproduction rights organization. Inquiries concerning reproduction outside the scope of the above should be sent to the Rights Department, Oxford University Press, at the address above.

You must not circulate this work in any other form
and you must impose this same condition on any acquirer.

Library of Congress Cataloging-in-Publication Data

Names: Powers, Madison, author. | Faden, Ruth, author.

Title: Structural injustice : power, advantage, and human rights / Madison Powers.

Description: New York : Oxford University Press, 2019. |

Includes bibliographical references and index.

Identifiers: LCCN 2018057225 (print) | LCCN 2019980504 (ebook) |

ISBN 9780190053987 (cloth : alk. paper) | ISBN 9780190054014 (ebook)

Subjects: LCSH: Social justice. | Power (Social sciences) | Human rights.

Classification: LCC HM671 .P684 2019 (print) | LCC HM671 (ebook) |

DDC 303.3/72—dc23

LC record available at <https://lcn.loc.gov/2018057225>

LC ebook record available at <https://lcn.loc.gov/2019980504>

9 8 7 6 5 4 3 2 1

Printed by Integrated Books International, United States of America