educational experiment, one that will, we should hope, start a great many debates that don’t have easy answers.

Charles Payne
Rutgers University–Newark
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Historians are storytellers. And sometimes historians need storytellers. Richard Rothstein makes himself a historian’s storyteller in *The Color of Law*. He draws on ample historical work to call public attention to “how our government segregated America.” The book functions quickly, smoothly, and relentlessly to show how nearly every aspect of contemporary racial inequality has its roots in state action. State entities crafted segregationist ordinances; officials relied on federal Home Owners’ Loan Corporation redlining maps; employment offices segregated job postings, candidates, and inquiries; police departments stood by as segregationists intimidated neighbors, students, and fellow laborers, to state just a few examples. The breadth of the coverage is part of what gives the book its power, as are the examples that demonstrate the “extraordinary creativity that government officials at all levels displayed” in segregating housing and other areas of American life (p. 122). Rothstein links residential as well as labor market and educational segregation to the stunning wealth inequality between white and black Americans today. Along a full continuum, from direct action through conscious inaction, Rothstein traces the many ways in which US segregation and inequality past and present (and, unless interrupted, future) is a creature of state power.

Recognizing these origins means rejecting the familiar and powerful label of “de facto” segregation. Although Rothstein does not quote him, he would agree with Judge James McMillan, who wrote in Charlotte’s *Swann v. Mecklenburg* in 1969, “There is so much state action embedded in and shaping [segregated schools] that the resulting segregation is not innocent or ‘de facto.’”\(^2\) The scope of Rothstein’s

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survey also argues against any regional exceptionalism. The power of state-sanctioned segregation flowed nationally.

Rothstein conducted some original archival and interview research, but The Color of Law does not claim to offer novel historical interpretation. It is, instead, “summarizing existing, though no longer popular literature” (p. 293). “My purpose has not been to plow new ground but to call attention to this body of work and to ask all of us to confront it together” (p. 244). The bold-faced names include Robert Weaver, James Kushner, Douglas Massey and Nancy Denton, Arnold Hirsch, Kenneth Jackson, and Thomas Sugrue, with dozens of other historians credited in the notes. Historians of education, particularly those who study twentieth-century US cities, may be surprised to think of books by Jackson or Sugrue as “no longer popular.” But given the persistence of the de facto notion, despite the depth of evidence that scholars provided decades ago, Rothstein is justified in calling this a “forgotten history,” one that must be remembered before actions to desegregate—a few of which Rothstein suggests in a closing chapter—can be taken.

While Rothstein appropriately credits scholars whose work documented state action that segregated, he is less generous in recognizing historical work on de facto segregation. Like Judge McMillan in 1969, several historians have rejected the term. They have worked over the past decade to trace the origins of the obscuring de facto label, with its power in both legal and public narratives. Matthew Lassiter’s essay “De Jure/De Facto Segregation” (2009) described de facto as a “national myth.” Other scholarship developed the argument further, such as my essay “Building Inequality” (2012) and Andrew Highsmith’s Demolition Means Progress (2015). More recent work includes Michael Glass’s “From Sword to Shield to Myth” (2016), Matthew Delmont’s Why Busing Failed (2016), and my Making the Unequal Metropolis (2016). In a book that aims to historicize segregation, de facto appears as an idea without a history. Judges like McMillan (or Judge Stephen J. Roth in Detroit, whom Rothstein does recognize), or civil rights attorneys like Avon Williams Jr. and others, contested the term in courtrooms north and south, as have some scholars since.

This journal’s readers are most likely to see Rothstein’s book as a teaching resource, and it would make an accessible and energizing contribution to the classroom. Imagining the book in that context, a historian of education would want to raise a few questions to contextualize and interrogate the text.

First, what is this book’s framing in time? What are the strengths and limitations of that approach? In many ways, Rothstein’s project works backward in time from the 2007 Parents Involved-Meredith Supreme Court decision that sharply limited the space for voluntary
school desegregation. The case continued the claim that contemporary segregation was “a product not of state action but of private choices,” and thus not actionable. *The Color of Law* works toward that moment, but what is its starting point in time? Rothstein conceptualizes segregation as a twentieth-century problem, one in which (in San Francisco as a case) “the government was not following preexisting racial patterns; it was imposing segregation where it hadn’t previously taken root” (p. 14). That short timeline can be a shortcoming. It suggests a status quo ante that never existed, a moment in which US land and state were not racialized, making twentieth-century segregation appear divorced from earlier centuries of racist exploitation and wealth accumulation. How does the capaciousness and creativity of state-sponsored segregation in the twentieth century look against the longer timeline of settler colonialism? What if we recognize that metropolises did not grow into vacant space but instead often pushed themselves against farms or other land uses held by black or white or native residents, as in Walter Greason’s *Suburban Erasure* (2013) and Andrew Kahrl’s *The Land Was Ours* (2012)?

Second, what are the strengths and limitations of Rothstein’s causal view of school segregation? Appropriately, he recognizes the work of Karen Benjamin on how school locational decisions helped shape residential segregation (pp. 133–37). But that attention to educational policymaking is an outlier. For future teachers or education policymakers, Rothstein’s account of state-sponsored segregation in housing should be paired with more examples of the kinds of actions that educators have and do take to segregate—or to desegregate—between or within schools.

Finally, historians of education would want students to consider the difference between a book about state-sponsored segregation and a book about the social history of segregation. Rothstein’s is the former and does not claim to be the latter. He asserts that his book is “not about whites as actors and blacks as victims” (p. xv). But if it were the only one your students read on segregation, they miss exploring what black communities built in segregated spaces—not only in spite of, but sometimes because of, segregation.

While it provokes these questions, Rothstein’s book makes a graceful and powerful contribution that benefits his public audience as well as the scholars on whom he draws. Historians need as many allies as they can get in telling fully the story of American segregation.

Ansley T. Erickson

Teachers College, Columbia University

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