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INTRODUCTION

In fall 2005, the televised horrors of Hurricane Katrina's aftermath—frightened, mostly African-American survivors huddling on rooftops awaiting rescue, without food or water, abandoned for five desperate days, herded into the Superdome with an astonishing lack of planning that left the survivors surrounded by dead bodies, sewage, stench, and inadequate police protection—brought issues of race and poverty to the forefront of the collective consciousness.[1] Media coverage and the ensuing public debate illuminated underlying issues not only of race and poverty,[2] but also, if only by omission, issues of place. Although the ravaged areas often were referred to as the "Gulf Coast region," the focus of media attention was unmistakably New Orleans: the plight of those who lived in the urban area received massive, ongoing media attention,[3] whereas the plight of victims who lived in remote rural areas of Mississippi and Louisiana did not—despite the equal devastation experienced by both areas.[4] As Hurricane

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1. *See* Jonathan Alter, *The Other America*, NEWSWEEK, Sept. 19, 2005, at 42, 42 ("It takes a catastrophe like [Hurricane] Katrina to strip away the old evasions, hypocrisies and not-so-benign neglect . . . . For the moment, at least, Americans are ready to fix their restless gaze on enduring problems of poverty, race and class that have escaped their attention."); Elisabeth Bumiller & Anne E. Kornblut, *Black Leaders Say Storm Forced Bush to Confront Issues of Race and Poverty*, N.Y. TIMES, Sept. 18, 2005, at A21.

2. *See* Evan Thomas, *How Bush Blew It*, NEWSWEEK, Sept. 19, 2005, at 30, 33 (noting that Hurricane Katrina highlighted "the plight of poor African-Americans[,] . . . la[ying] bare society's massive neglect of its least fortunate"); *see also* Alter, *supra* note 1, at 42 (noting that Hurricane Katrina raised issues of race and poverty); Bumiller & Kornblut, *supra* note 1 (same).

3. *See* Bumiller & Kornblut, *supra* note 1 (reporting that President Bush "pledged billions of dollars to rebuild one of the poorest *urban* areas in America") (italics added).

4. *See* Drew Jubera, *Rural Towns Recover Outside Spotlight*, OXFORD PRESS, Sept. 2, 2005, http://www.oxfordpress.com/search/news/content/shared/news/nation/stories/09/02KATRINA ("While the nation's recovery effort and media attention has been focused on the Gulf Coast and New Orleans,

Katrina dramatically illustrated, important issues of race and poverty are exacerbated by the additional issue of place.[5]

The omission of any serious focus on rural areas following Hurricane Katrina is consistent with the lack of attention given to rural areas generally. Race, place, and poverty—even when taken individually, our society has little desire to acknowledge, much less fully address, the differential discrimination, neglect, and disrespect associated with any of these three issues.[6] With each successive dimension of disadvantage, society's interest is reduced even further, rendering the population disadvantaged on all three dimensions—minorities living in rural poverty—not just powerless, but genuinely forgotten to the point of invisibility.[7] The components of not only race and poverty, but also of place, combine to cause the rural poor to be forgotten, hidden, and indeed repressed from view and memory.

Our society distances rural poverty. We don't want to see it, we don't want to talk about it, and we don't want to think about it. Moreover, the distancing of rural poverty is literal as well as figurative: persistent poverty becomes

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hundreds of country towns in Mississippi and Louisiana [were also] whacked by [Hurricane] Katrina as she beat her way inland . . . . [Those country towns] watch as a parade of relief workers and heavy equipment rumbles through their Main Streets on the way to Biloxi and Gulfport, knowing they'll be the last to see much help."). Indeed, instead of the five-day wait experienced by survivors in New Orleans, the wait experienced by rural survivors stretched into weeks. *Cf.* Associated Press, *In Rural Mississippi, Hurricane Relief is Scarce*, Sept. 11, 2005, http://www.thebostonchannel.com/print/4958368/detail.html (last visited Sept. 20, 2005). The same lack of attention to rural areas recurred during Hurricane Rita. *Cf.* Jennifer Steinhauer, *Smaller Communities on Coast Bore Brunt of Rita's Force*, N.Y. TIMES, Oct. 1, 2005, at A10.

5. Even in urban New Orleans, place was a contributing factor with respect to the damage suffered:

> [In the aftermath of Hurricane Katrina,] New Orleans is already displaying signs of a demographic shift so dramatic that some evacuees describe it as "ethnic cleansing." Before Mayor Ray Nagin called for a second evacuation [due to Hurricane Rita], the people streaming back into dry areas were mostly white, while those with no homes to return to are overwhelmingly black. This, we are assured, is not a conspiracy; it's simple geography—a reflection of the fact that wealth in New Orleans buys altitude. That means that the driest areas are the whitest . . . .

Naomi Klein, *Purging the Poor*, THE NATION, Oct. 10, 2005, at 15, 15.

6. Favoring the urban is so pervasive, so consistent, and so blatant as to constitute "ruralism," meaning discrimination against the rural. Ruralism as a form of discrimination is largely unrecognized, unacknowledged, and unexamined, perhaps because it often most harshly affects those individuals who already are subject to discrimination based on race and class. *See infra* notes 96-127 and accompanying text (analyzing ruralism as discrimination); *see also* MICHAEL LIPTON, WHY POOR PEOPLE STAY POOR: URBAN BIAS IN WORLD DEVELOPMENT, 44-71 (Harvard Univ. Press, 3rd prtg. 1980) (discussing bias in favor of the urban, and against the rural, in the context of Third World countries). *See generally* Debra Lyn Bassett, *Ruralism*, 88 IOWA L. REV. 273 (2003) [hereinafter Bassett, *Ruralism*] (discussing the phenomenon of ruralism).

7. "Invisibility" has long been recognized as a by-product of discrimination. *See* RALPH ELLISON, INVISIBLE MAN (Random House 1952); Alfred L. Brophy, *Foreword: Ralph Ellison and the Law*, 26 OKLA. CITY U. L. REV. 823, 827-28 (2001) (noting that in Brown v. Board of Education, 347 U.S. 483 (1954), "[a]t long last, the [Supreme] Court awoke to the realities of segregation and allowed African Americans to have a legal status other than that of invisible people"); Juan F. Perea, *Los Olvidados: On the Making of Invisible People*, 70 N.Y.U. L. REV. 965, 984-85 (1995).

increasingly prevalent as areas become increasingly remote. Part I of this Article examines rural poverty as an overlapping of the constructs of class and "place."[8] Part II examines rural poverty's strong correlation with race.[9] Part III analyzes the physical and psychological distancing of rural poverty and argues that the distancing of the rural from the urban has created a bias in favor of the urban so significant as to result in stereotyping and discrimination against the rural.[10] Finally, Part IV argues that lawmakers and policymakers have ignored or undervalued the significance of place in rural poverty and proposes that lawmakers and policymakers adopt "place-based" policies and programs to supplement current "person-based" models as a means to ameliorate rural poverty.[11]

I. RURAL POVERTY: CLASS MEETS PLACE

To understand the distancing of rural poverty, one must first define rural poverty. On its face, "rural poverty" brings together an overlapping of class and place. However, such an overlap does not lend itself to an easy definition,[12] and commentators have noted the challenges in defining both the term "rural" and the term "poverty." The diversity of the people and areas considered "rural" renders a comprehensive definition difficult,[13] leading to the popular observation that "[w]hen you've seen one rural area, you've seen *one* rural area."[14] The rural population in the United States is similarly heterogeneous, encompassing differences of nearly every dimension—among them, different occupations,

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8. *See infra* notes 12-47 and accompanying text (examining the overlap of class and place in rural poverty).

9. *See infra* notes 48-55 and accompanying text (examining the correlation between race and rural poverty).

10. *See infra* notes 56-127 and accompanying text (arguing that the rural are subject to pervasive stereotyping and discrimination).

11. *See infra* notes 128-151 and accompanying text (arguing that lawmakers and policymakers have paid insufficient attention to the significance of "place" in rural poverty, and proposing the adoption of "place-based" policies and programs to supplement existing "person-based" policies and programs).

12. In discussing ruralism, I have sometimes encountered individuals who seek to equate ruralism with classism. However, the concepts of ruralism and classism are distinct. Discrimination against rural dwellers is distinctly based upon place and not merely class. Hence, "rural poverty" is not a synonym for poverty generally; rural poverty is distinctly different from urban poverty. *See* Rural Poverty Research Ctr., *Place Matters: Addressing Rural Poverty*, Apr. 2004, at 3, *available at* http://www.rprconline.org/synthesis.pdf [hereinafter *Place Matters*].

13. Social science research has noted the diversity of rural America. *See* J. Dennis Murray & Peter A. Keller, *Psychology and Rural America: Current Status and Future Directions*, 46 AM. PSYCHOLOGIST 220, 222 (1991); *see also* Charles W. Fluharty, *Refrain or Reality: A United States Rural Policy? Implications for Rural Health Care*, 23 J. LEGAL MED. 57, 58 (2002).

14. *Place Matters*, *supra* note 12, at 3; Thomas D. Rowley, *Editorial: Harvard on Rural*, RURAL POLICY RESEARCH INSTITUTE, Jul. 5, 2004, http://rupri.org/editorial/Default.asp?edID=89&ACTION=READ (last visited Sept. 22, 2005); *see also* Louis E. Swanson & David L. Brown, *Challenges Become Opportunities: Trends and Policies Shaping the Future*, *in* CHALLENGES FOR RURAL AMERICA IN THE TWENTY-FIRST CENTURY 397 (David L. Brown & Louis E. Swanson eds., 2003) (attributing the quote to Daryl Hobbs, coeditor of the first volume in this series).

different incomes, different races, and different problems.[15] These differences render an effective definition of "rural" difficult.[16] Similarly, "poverty" has also lacked a consistent definition. The meaning of "poverty" has changed over both time and context,[17] and attempts to define and measure poverty have proven imperfect at best.[18]

Despite definitional shortcomings, "rural" areas tend to share the characteristic of low population density,[19] and "poverty" encompasses the inability to maintain an adequate standard of living.[20] These core underlying conceptions are found in the federal government's definitions of "rural" and "poverty," and due to the prevalence of those definitions, researchers have tended to adopt them for ease of use and analogy.[21] I will do the same.[22]

A. Defining Poverty

The federal government summarizes its definition of poverty as follows:

> Any individual with income less than that deemed sufficient to purchase basic needs of food, shelter, clothing, and other essential goods and services is classified as poor. The income necessary to purchase these basic needs varies by the size and composition of the household. Official poverty lines or

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15. *See* Debra Lyn Bassett, *The Politics of the Rural Vote*, 35 ARIZ. ST. L.J. 743, 746 (2003) [hereinafter Bassett, *Rural Vote*]; *see also* Swanson & Brown, *supra* note 14, at 397 (noting "the great ethnic, cultural, regional, economic, and social diversity of rural people and places"); Robert C. Bealer et al., *The Meaning of "Rurality" in American Society: Some Implications of Alternative Definitions*, 30 RURAL SOC. 255, 255-66 (1965) (citing the demographic, economic, social, and cultural dimensions of "rural").

16. *See* RALPH A. WEISHEIT ET AL., NAT'L INST. OF JUST., CRIME AND POLICING IN RURAL AND SMALL-TOWN AMERICA 179-80 (2d ed. 1999); *see also* CORNELIA BUTLER FLORA ET AL., RURAL COMMUNITIES: LEGACY & CHANGE 7 (Westview Press 1992); John Fraser Hart, *"Rural" and "Farm" No Longer Mean the Same*, *in* THE CHANGING AMERICAN COUNTRYSIDE 71 (Emery N. Castle ed., 1995); H. Assistance Council, *Taking Stock: Rural People, Poverty, and Housing at the Turn of the 21st Century*, Dec. 2002, at 11, http://ruralhome.org/pubs/hsganalysis/ts2000/index.htm (last visited Sept. 22, 2005) [hereinafter *Taking Stock*]; N. Cent. Reg'l Educ. Lab., *Pulling Together: The Rural Circumstance, Change in the Rural Landscape*, at 1, http://www.ncrel.org/rural/change.htm (last visited Sept. 21, 2005) [hereinafter *Pulling Together*].

17. *See* Carleton G. Davis, *Poverty and Rural Underdevelopment in the United States: Where Do We Stand?*, *in* RURAL POVERTY AND THE POLICY CRISIS 11, 11 (Robert O. Coppedge & Carleton G. Davis eds., 1977).

18. *See* Joyce E. Allen & Alton Thompson, *Rural Poverty Among Racial and Ethnic Minorities*, 72 AM. J. AGRIC. ECON. 1161, 1161 (1990).

19. *See Pulling Together*, *supra* note 16, at 1.

20. *See* Allen & Thompson, *supra* note 18, at 1161.

21. *See, e.g.*, Bruce Weber et al., *A Critical Review of Rural Poverty Literature: Is There Truly a Rural Effect?*, 28 INT'L REGIONAL SCI. REV. 381, 409 n.1 (2005) (adopting the federal government definitions, but acknowledging that "[w]e are aware of the difficulties in using the terms in this way.").

22. For the same reasons, I will use the terms "rural" and "nonmetropolitan" (or "nonmetro") interchangeably—because researchers and government publications do so. *See, e.g.*, Allen & Thompson, *supra* note 18, at 1161 n.1 (explaining that the terms "rural" and "nonmetropolitan" are used interchangeably); *Taking Stock*, *supra* note 16, at 9 (same).

> thresholds are set by the Office of Management and Budget (OMB). The 2002 poverty line for an individual under age 65 is $9,359. For a three-person family with one adult and two children, it is $14,494. For a five-person family with two adults and three children, the poverty line is $21,469. Income includes cash income (pretax income and cash welfare assistance), but excludes in-kind welfare assistance, such as food stamps and Medicaid. Poverty lines are adjusted annually to correct for inflation.[23]

Using this definition, 494 of the 3,000 counties in the United States had a poverty rate of more than 20% in 1999.[24]

In addition to defining poverty generally, the federal government has also developed a "persistent poverty" classification.[25] The government defines "persistent poverty" counties as counties that had a poverty rate of 20% or higher in each decennial census since 1960.[26] The United States currently has 382 counties that had poverty rates of 20% or more in each of 1960, 1970, 1980, 1990, and 2000, rendering those counties "persistent poverty" counties.[27]

Although various factors, including race, gender, and place, increase the risk of living in poverty,[28] we will see in the next section that "place" is the most important factor.

B. Defining Rural

Having examined the term "poverty," we now turn to the meaning of "rural." The federal government, specifically the United States Census Bureau, defines "rural" by exclusion: areas that are not "urban" are remaindered as "rural." The Census Bureau defines "urban" as:

> [a]ll territory, population and housing units in urban areas, which include urbanized areas and urban clusters. An urban area generally consists of a large

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23. U.S. DEP'T OF AGRIC., ECON. RESEARCH SERV., RURAL DEVELOPMENT RESEARCH REPORT NO. 100, RURAL POVERTY AT A GLANCE 6 (2004) [hereinafter AT A GLANCE]. The poverty thresholds for 2004 are slightly higher, with a poverty line of $9,827 for an individual under age 65; $15,219 for one adult and two children; and $22,543 for two adults and three children. U.S. CENSUS BUREAU, POVERTY THRESHOLDS 2004, http://www.census.gov/hhes/www/poverty/threshld/thresh04.html (last visited Sept. 20, 2005).

24. Mark D. Partridge & Dan S. Rickman, *Persistent Pockets of Extreme American Poverty: People or Place Based?* 1 (Rural Poverty Research Ctr., Working Paper No. 05-02, 2005), http://www.rprconline.org/WorkingPapers/WP0502.pdf.

25. *See* Kathleen K. Miller & Bruce A. Weber, *How Do Persistent Poverty Dynamics and Demographics Vary Across the Rural-Urban Continuum?*, MEASURING RURAL DIVERSITY, Jan. 2004, at 1, *available at* http://srdc.msstate.edu/measuring/series/miller_weber.pdf (noting the usefulness of the persistent poverty" classification in "captur[ing] variations in economic base, urban influence and social conditions in nonmetropolitan counties of America").

26. *See id.*

27. *Id.*

28. *See* OHIO STATE UNIV. EXTENSION FACT SHEET, DEFINING POVERTY, http://ohioline.osu.edu/hyg-fact/5000/5700.html (last visited Sept. 20, 2005).

> central place and adjacent densely settled census blocks that together have a total population of at least 2,500 for urban clusters, or at least 50,000 for urbanized areas.[29] Urban classification cuts across other hierarchies[30] and can be in metropolitan or non-metropolitan areas.[31]

Following this detailed explanation of "urban," the Census Bureau then defines "rural" as that which is not urban.[32] As explained above, the prevalence of these government definitions has tended to lead researchers and commentators to adopt them, despite the definitions' deficiencies and imperfections.[33] Defining "rural" as what is left over after defining "urban" is characteristic of our society's bias in favor of the urban, and "the frustration over the lack of a precise demographic definition of 'rural' . . . obscures a more fundamental cultural dilemma. We are an urban society now, one that is pretty sure we know what 'urban' is, but not at all sure we know what 'rural' is."[34]

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29. *See* U.S. DEP'T OF AGRIC., ECON. RESEARCH SERV., MEASURING REALITY: WHAT IS RURAL? (2003), http://www.ers.usda.gov/briefing/Rurality/WhatisRural/.

> Urban areas are of two types – urbanized areas and urban clusters – identical in the criteria used to delineate them but different in size. The Census Bureau defines an urbanized area wherever it finds an urban nucleus of 50,000 or more people. They may or may not contain any individual cities of 50,000 or more . . . . In general, they must have a core with a population density of 1,000 persons per square mile and may contain adjoining territory with at least 500 persons per square mile . . . . The same computerized procedures and population density criteria are used to identify urban clusters of at least 2,500 but less than 50,000 persons. This delineation of built-up territory around small towns and cities [was] new for the 2000 census . . . .

Id.

30. *See id.* ("Urban areas do not necessarily follow municipal boundaries. They are essentially densely settled territory as it might appear from the air.").

31. U.S. CENSUS BUREAU, DEFINITION: URBAN & RURAL (2005), http://ask.census.gov/cgi-bin/askcensus.cfg/php/enduser/std_adp.php?p_faqid=623&p_created=1092150238&p_sid=s9B3Kq_h&p_lva=&p_sp=cF9zcmNoPTEmcF9zb3J0X2J5PSZwX2dyaWRzb3J0PSZwX3Jvd19jbnQ9NiZwX3Byb2RzPSZwX2NhdHM9JnBfcHY9JnBfY3Y9JnBfcGFnZT0xJnBfc2VhcmNoX3RleHQ9ZGVmaW5pdGlvbiB1cmJhbiBydXJhbA**&p_li=&p_topview=1.

32. *Id.*

> The basic concept remains intact, namely that rural includes open country and small settlements of less than 2,500 persons. However, there are many small towns and cities that have adjoining towns or suburbs, both incorporated and unincorporated aggregations. The [Census] Bureau has defined such urban clusters regardless of political boundaries. For example, a small town of 2,000 people with an adjacent densely settled suburb of 800 people would be designated as an urban cluster with a population of 2,800.

U.S. DEP'T OF AGRIC., ECON. RESEARCH SERV., NEW DEFINITIONS IN 2003 (2003), http://www.ers.usda.gov/Briefing/Rurality/Newdefinitions/. *See generally* Karl N. Stauber, *Why Invest in Rural America—And How? A Critical Public Policy Question for the 21st Century*, ECON. REV., 2d Quarter 2001, at 33, *available at* http://www.kc.frb.org/publicat/econrev/pdf/2q01stau.pdf.

33. *See* Weber et al., *supra* note 21 and accompanying text.

34. ELIZABETH BEESON & MARTY STRANGE, MONT. RURAL EDUC. ASS'N, WHY RURAL MATTERS: THE NEED FOR EVERY STATE TO TAKE ACTION ON RURAL EDUCATION (2000), at 1-2, http://www.mrea-mt.org/rural_matters.html.

C. *The Impact of Place: Rural versus Urban Poverty*

America's tendency to focus on the urban rather than the rural extends to a focus on urban poverty rather than rural poverty, despite the fact that *rates* of poverty are consistently higher in rural areas than in urban areas[35] and have been for some time.[36] Indeed, the rate of poverty is 50% higher in rural areas than in urban areas.[37] Our society's urban focus obscures these facts,[38] rendering rural poverty largely invisible to most Americans.[39]

Place is the most important factor to consider when determining the likelihood that someone will live in poverty. Rural dwellers are significantly more likely to be poor than non-rural dwellers.[40] Of all counties with poverty rates above the

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35. *See* RURAL SOCIOLOGICAL SOC'Y TASK FORCE ON PERSISTENT RURAL POVERTY, PERSISTENT POVERTY IN RURAL AMERICA 175 (Westview Press 1993) [hereinafter PERSISTENT POVERTY] ("Considering the amount of attention devoted to the problem of urban poverty, it is perplexing that rural poverty seldom attracts much notice. Official poverty rates are consistently higher in rural areas . . . ."); *see also* Kathleen K. Miller & Thomas D. Rowley, *Rural Poverty and Rural-Urban Income Gaps: A Troubling Snapshot of the "Prosperous" 1990s*, RUPRI DATA REP. P2002-5, at 1, http://www.rupri.org/ruralPolicy/publications/p2002-5.pdf (last visited Sept. 25, 2005) (noting that "poverty is not only a rural problem, it is disproportionately a rural problem").

36. *See*. U.S. DEP'T OF AGRIC., ECON. RESEARCH SERV., RURAL INCOME, POVERTY, AND WELFARE: RURAL POVERTY, *available at* http://www.ers.usda.gov/briefing/IncomePovertyWelfare/ruralpoverty/ (last visited Sept. 22, 2005) [hereinafter INCOME, POVERTY, AND WELFARE] ("The higher incidence of nonmetro poverty relative to metro poverty has existed since the 1960s when poverty rates were first officially recorded.").

37. DWIGHT B. BILLINGS & KATHLEEN M. BLEE, THE ROAD TO POVERTY 3 (2000). Furthermore, "it is estimated that one out of every four children in rural America is living in poverty." *Id.*

38. *See* Kenneth L. Deavers & Robert A. Hoppe, *The Rural Poor: The Past as Prologue*, *in* RURAL POLICIES FOR THE 1990S 85, 88 (Cornelia B. Flora & James A. Christenson eds., 1991) ("[t]he American public generally perceives poverty as an urban problem"); Craig Anthony Arnold, *Ignoring the Rural Underclass: The Biases of Federal Housing Policy*, 2 STAN. L. & POL'Y REV. 191, 194 (1990) ("[t]he public images of poverty have a distinctively urban slant"); Miller & Rowley, *supra* note 35, at 1 ("When most people think of poverty in the United States, they think of 'big cities'— broken down tenements and boarded up storefronts in the heart of urban ghettoes. Whether hidden behind images of bucolic settings or lost in misperceptions about the rural economy, rural poverty is often all but forgotten."); Ann R. Tickamyer & Cynthia M. Duncan, *Poverty and Opportunity Structure in Rural America*, 16 ANN. REV. SOC. 67, 69 (1990) (noting the "[p]reoccupation with urban poverty").

39. RURAL POVERTY RESEARCH CTR., PLACE MATTERS: ADDRESSING RURAL POVERTY, A SUMMARY OF THE RUPRI RURAL POVERTY RESEARCH CENTER CONFERENCE: THE IMPORTANCE OF PLACE IN POVERTY RESEARCH AND POLICY 3 (2004); *see also* Bassett, *Ruralism*, *supra* note 6, at 302; Marion H. Wijnberg & Kathleen M. Reding, *Reclaiming a Stress Focus: The Hassles of Rural, Poor Single Mothers*, 80 FAMILIES IN SOC'Y: J. CONTEMP. HUM. SERVICES 506, 506 (1999) ("Rural poverty remains invisible to much of society as it exists in places where few Americans live or travel, and it is overshadowed by the very visible urban pockets of poverty."); *Place Matters*, *supra* note 12, at 3; PERSISTENT POVERTY, *supra* note 35, at 1.

40. *See* David A. Cotter, *Addressing Person and Place to Alleviate Rural Poverty*, PERSPECTIVES ON POVERTY, POL'Y, & PLACE (RUPRI Rural Poverty Res. Ctr.), Aug. 2003, at 9 (noting that this is the case "even after accounting for a considerable array of household and labor market variables"); *see also* David A. Cotter, *Poor People in Poor Places: Local Opportunity Structures and Household Poverty*, 67 RURAL SOC. 534, 548-49 (2002) (describing the weight of non-metropolitan status on the likelihood of poverty); Monica G. Fisher & Bruce A. Weber, *Does Economic Vulnerability Depend on Place of Residence? Asset Poverty Across the Rural-Urban Continuum*, (Rural Poverty Res. Ctr., Working Paper No. 04-01, 2004),

national level, approximately 84% are rural. Moreover, more than eighty rural counties have poverty rates of more than 30% and twelve of those eighty rural counties have poverty rates above 40%. In fact, counties with "extreme poverty rates" are disproportionately concentrated in rural areas.[41]

Poverty rates are highest in the most rural areas,[42] and rural areas have a disproportionately large portion of the poor.[43] Not only is the level of poverty striking in rural areas—of the 250 poorest counties in America, 244 are rural[44]—but poverty becomes more acute in more remote rural areas.[45] Therefore, it is apparent that poverty and place have a direct and proportional relationship: the more rural the place, the higher the likelihood of poverty.[46] With respect to persistent poverty counties, the relationship is even more dramatic. Not only are persistent poverty counties overwhelmingly and disproportionately rural, but additionally, persistent poverty is directly correlated with the remoteness of the area.[47]

Thus, as the term suggests, "rural poverty" brings together intersecting considerations of class and place, with place carrying a strong predictive value

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available at http://www.rprconline.org/WorkingPapers/WP0401.pdf (finding that "place of residence is an important determinant of asset poverty, above and beyond the influence of household characteristics."); Bruce Weber & Leif Jensen, *Poverty and Place: A Critical Review of Rural Poverty Literature* (RUPRI Rural Poverty Res. Ctr., Working Paper Series), June 2004, at 20 ("[T]here is something about living in a rural area that increases one's odds of being poor. This conclusion holds even when one controls for individual and household characteristics. Two people with identical racial, age, gender and educational characteristics in households with the same number of adults and children and workers have different odds of being poor if one lives in a rural area and the other lives in an urban area. The one living in a *rural* area is more likely to be poor.").

41. *Taking Stock*, *supra* note 16, at 20-21; *see also* AT A GLANCE, *supra* note 23, at 4 ("Persistent poverty and degree of rurality are . . . linked. Nearly 28 percent of the people living in completely rural counties live in persistent poverty counties."). It is also important that rural poverty is a nationwide problem that is not confined to merely one region of the country. *See* Beeson & Strange, *supra* note 34, at 2 ("[R]ural poverty is not all in Appalachia and the deep South. The Great Plains, the Southwest, the northern reaches of New England and the Great Lakes states, as well as other regions, are matted with persistently poor rural places."); AMY GLASMEIER, LAWRENCE WOOD & KURT FUELLHART, MEASURING ECONOMIC DISTRESS: A COMPARISON OF DESIGNATIONS AND MEASURES 15 (2003), *available at* http://www.povertyinamerica.psu.edu/products/publications/measuring_economic_distress/ (last visited 11/25/05) ("Counties in poor economic health in both 1960 and 2000 are clustered in Appalachia, the Mississippi Delta, Oklahoma, the U.S.-Mexico border, the Southwest, the Upper Peninsula of Michigan, and the eastern part of Montana.") (hereinafter GLASMEIER ET AL.).

42. AT A GLANCE, *supra* note 23, at 4.

43. *See* Murray & Keller, *supra* note 13, at 222; Tickamyer & Duncan, *supra* note 38, at 68.

44. Beeson & Strange, *supra* note 34, at 2; *see also* OSHA GRAY DAVIDSON, BROKEN HEARTLAND: THE RISE OF AMERICA'S RURAL GHETTO 77 (University of Iowa Press 1996) (noting that of the 150 worst "Hunger Counties" in the United States, 97% are in rural areas); AT A GLANCE, *supra* note 23, at 4 (noting that the United States has 386 persistent poverty counties, of which 340 are nonmetro).

45. *Cf.* WEISHEIT ET AL., *supra* note 16, at 18 (noting that rural areas closer to metropolitan areas are more likely to experience less poverty than those further away from metropolitan areas).

46. *See* Miller & Weber, *supra* note 25, at 6 ("Poverty rates are highest in more remote rural counties and lowest in metro counties.").

47. *See id.* ("Persistent poverty is most prevalent in the most remote rural places. The percent of counties in persistent poverty increases almost monotonically as one moves from large metro to nonadjacent nonmetro counties.").

for the incidence of poverty. As the next section explains, a third powerful and intersecting consideration is that of race.

II. MINORITIES AND RURAL POVERTY: PLACE AND CLASS MEET RACE

The distancing of rural poverty encompasses a third consideration beyond class and place—that of race, which is strongly correlated with rural poverty. Although, in terms of numbers, most of the rural poor are white, rural minorities suffer higher *rates* of poverty than their white counterparts.[48] Minorities bear an incommensurate burden from rural poverty,[49] with more than one out of every four rural African-Americans, Hispanics, and Native Americans living in poverty.[50]

The insidious impact of place contributes disproportionately to minority poverty. This is readily apparent when one observes that rural poverty is geographically concentrated in racially and ethnically specific ways.[51] The highest concentrations of poverty in America are in far regions where the poor are easily identifiable by race: whites in the Appalachian mountain region, blacks in the "old southern cotton belt," Hispanics on the Texas Gulf Coast and Rio Grande Valley, and Native Americans on reservations in the Southwest.[52]

In fact, contrary to conventional wisdom, the poverty rates for African Americans, Hispanics, and Native Americans are all higher in rural areas than in urban areas.[53] While almost half of all nonmetro poor African Americans and Native Americans and nearly a third of all nonmetro poor Hispanics live in high poverty areas, only one-eighth of poor whites live in areas where poverty is

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48. *See* PERSISTENT POVERTY, *supra* note 35, at 175 ("[A] breakdown of poverty rates by race shows that without exception racial and ethnic minorities bear the brunt of economic hardship in rural areas. Rural African- and Mexican-Americans and American Indians consistently rank among the poorest of this nation."); *see also* S.C. RURAL HEALTH RES. CTR., MINORITIES IN RURAL AMERICA 2 (2002) [hereinafter MINORITIES IN RURAL AMERICA].

49. *See* PERSISTENT POVERTY, *supra* note 35, at 173.

50. AT A GLANCE, *supra* note 23, at 2; *see also* HOUS. ASSISTANCE COUNCIL, *Executive Summary* to TAKING STOCK: RURAL PEOPLE, POVERTY, AND HOUSING AT THE TURN OF THE 21ST CENTURY (2002), http://ruralhome.org/pubs/hsganalysis/ts2000/executivesummary.htm ("While the poverty rate is 14.6 percent for the total rural population, the poverty rate for nonmetro African Americans is more than twice that at 33 percent. Likewise, nonmetro Hispanics have a poverty rate of 27 percent and nonmetro Native Americans have a poverty rate of 30 percent.").

51. *See* RURAL POLICY RESEARCH INST., RURAL BY THE NUMBERS: POVERTY IN RURAL AMERICA, http://www.rupri.org/resources/rnumbers/poverty.pdf (last visited Sept. 27, 2005) (noting that "areas of high poverty are geographically concentrated in the South, Appalachia, the Rio Grande Valley, and in areas with Indian reservations").

52. Wayne Flynt, *Rural Poverty in America*, 76 NAT'L F. 32, 32 (1996); *see also* Calvin L. Beale, *Anatomy of Nonmetro High-Poverty Areas: Common in Plight, Distinctive in Nature*, AMBER WAVES, Feb. 2004, http://www.ers.usda.gov/amberwaves/February04/Features/Anatomy.htm (describing African-American, Hispanic, and Native American high-poverty counties). *See generally* MINORITIES IN RURAL AMERICA, *supra* note 48 (discussing rural minorities, poverty, and health resources).

53. *See* INCOME, POVERTY, AND WELFARE, *supra* note 36; *see also* Beeson & Strange, *supra* note 34, at 2; *Taking Stock*, *supra* note 16, at 21.

widespread.[54]

Moreover, the connection between race and rural poverty becomes even stronger in counties designated as "persistent poverty" counties.[55] Thus, where race, place, and class overlap in rural poverty, we find exceptionally high and persistent poverty in the most remote, rural areas that are populated by a disproportionate number of minorities. In other words, America has distanced its most egregious poverty issues away from heavily-populated areas and into distant, rural, unseen areas.

III. THE "DISTANCING" OF RURAL POVERTY

The physical and psychological "distancing" of rural poverty contributes to discrimination against the rural poor—discrimination on the basis not only of race and of class, but also on the basis of place. This Section first examines the physical and psychological elements in "distancing" and then applies these concepts to place-based discrimination.

A. The Physical and Psychological Components of "Distancing"

The "distancing" of rural poverty suggests a geographical divide but, in fact, the distancing is both physical and psychological. "Distancing," as a general matter, includes "separation, exclusion, devaluation, discounting, and designation as 'other.' . . . In social psychological terms, distancing and denigrating responses operationally define discrimination."[56] Thus, distancing encompasses both physical and psychological elements.

1. Physical Distancing

The "distancing" of rural poverty has an obvious physical component. With 80% of our nation's population living in urban areas, and with "rural" classified as "not urban," rural poverty by definition is geographically isolated. In light of the facts that poverty rates generally are higher in rural counties, that poverty rates generally increase the further one gets from an urban center, and that, correspondingly, persistent poverty is most prevalent in remote rural counties,[57] clearly rural poverty is physically distanced from the most populated areas.

It is well-known that individuals tend to maintain greater physical distancing from those whom they dislike, fear, or those around whom they are uncomfort-

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54. Beale, *supra* note 52.

55. *See* Miller & Weber, *supra* note 25, at 4.

56. Bernice Lott, *Cognitive and Behavioral Distancing From the Poor*, 57 AM. PSYCHOLOGIST 100, 100 (2002); *see also* YI-FU TUAN, SPACE AND PLACE: THE PERSPECTIVE OF EXPERIENCE 46 (Univ. of Minnesota Press 1977) ("'Distance' connotes degrees of accessibility and also of concern.").

57. *See* Miller & Weber, *supra* note 25, at 6.

able.[58] This general concept extends beyond individual personal space to encompass neighborhoods and living spaces, with the potential for creating segregation on the basis of race, class, or both.[59] "Space is an integral constituent of the self. Our psychological sense of selfhood has a spatial dimension which we recognize in our feelings of comfort or unease in response to the places that we visit and inhabit."[60]

As a recent news report observed, until Hurricane Katrina, the issue of poverty had largely fallen off the public's radar screen.[61] Typically, poverty is literally out of sight as well as out of mind. Aside from occasional panhandlers on city streets, most non-poor urban dwellers do not see poverty. For most of us, poverty is not apparent on our streets, at our workplaces, or in our health clubs. We do not encounter poverty because poverty is segregated from most of the more affluent population.[62] Indeed, the poor are so segregated as to render them invisible: "That the poor are invisible is one of the most important things about them. They are not simply neglected and forgotten as in the old rhetoric of reform; what is much worse, they are not seen."[63]

The poor are "politically invisible" as well.[64] Politicians do not court the poor, the poor do not retain lobbyists to promote their interests, and the poor do not staff voter registration tables or organize drives to "get out the vote." Thus, the

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58. *See* Richard A. Etlin, *Aesthetics and the Spatial Sense of Self*, 56 J. AESTHETICS & ART CRITICISM 1, 2 (1998); *see also* EDWARD T. HALL, THE HIDDEN DIMENSION 113-29 (Anchor Books 1969) (discussing personal space in terms of categories of intimate, personal, social, and public distances).

59. *See* Eyal Press, *One Nation, Fragmented*, THE NATION, Sept. 22, 2005, *available at* http://news.yahoo.com/s/thenation/20050922/cm_thenation/20051010press ("'[T]he civil rights movement in the twenty-first century is about space'—that is, about undoing the patterns of residential segregation that have made poor black people increasingly invisible and isolated." (quoting John Powell, director of the Kirwan Institute for the Study of Race and Ethnicity at Ohio State University)); Alice Shabecoff & Paul Brophy, *The Soul of the Neighborhood*, SHELTERFORCE ONLINE (NAT'L HOUS. INST., Montclair, N.J.), May/June 1996, http://www.nhi.org/online/issues/87/slneighbhd.html (noting that "poor neighborhoods [are] often isolated from the rest of the locality"); David Rusk, Nat'l Acad. Pub. Admin., *Changing the Rules of the Game for Metropolitan America*, Elmer B. Staats Lecture (June 2, 2000) (transcript available with Nat'l Acad. Pub. Admin.), http://www.napawash.org/resources/lectures/lecture_transcripts_staats_2000.html ("Racial segregation of American neighborhoods is declining slowly . . . . But if walls based on race are steadily coming down, walls based on income are going up. Jim Crow by income is replacing Jim Crow by race.").

60. Etlin, *supra* note 58, at 1; *see also* John Western, *Residential Segregation, the State and Constitutional Conflict in American Urban Areas*, 75 GEOGRAPHICAL REV. 509, 511 (1985) (book review) ("Distancing and the manipulation of space and housing markets are common . . . ." (quoting R.J. JOHNSTON, RESIDENTIAL SEGREGATION, THE STATE AND CONSTITUTIONAL CONFLICT IN AMERICAN URBAN AREAS (Academic Press 1984))).

61. Alter, *supra* note 1, at 44 ("In the last decade, poverty disappeared from public view. TV dislikes poor people, not personally but because their appearance is a downer and—according to ratings meters—causes viewers to hit the remote.").

62. *See* MICHAEL HARRINGTON, THE OTHER AMERICA 3-4 (1981) ("Poverty is often off the beaten track . . . . The poor . . . are increasingly isolated from contact with, or sight of, anybody else . . . . [Poverty has been removed] from the living, emotional experience of millions upon millions of middle-class Americans.").

63. *Id.* at 6-7.

64. *Id.*

poor are both unseen and politically unheard.[65]

Physical distancing and isolation accompany rural poverty. Poverty rates generally, and persistent poverty in particular, increase with the rurality of the location. The "distancing" of rural poverty to remote places—those places most "distant" and physically separate from our cities, where the vast majority of Americans live—means that most people in the United States genuinely do not see rural poverty. In fact, 95% of persistent poverty counties are rural, rather than urban.[66] This means that there is frequently no visual or physical contact between urban dwellers and the rural poor. The two groups live in different places, shop in different stores, and travel to different offices, and their children attend different schools. By keeping the rural poor at or beyond arm's length, we effectively relegate them to the status of outsiders in a physical sense. This notion of the physical "outsider" has a psychological component as well and is related to group identification and stereotyping, which are the subjects of the next section.

2. Psychological Distancing

In addition to physical distancing, psychological distancing is also a factor in rural poverty. In particular, both group identification and stereotyping create psychological distancing from everything associated with rural poverty. Group identification and stereotyping are related concepts; stereotyping originates within group processes.[67] Due to these psychological processes, the rural poor are seen as "outgroups," and this stereotyping results in prejudice and discrimination.

a. Group Identification

The connection between group identification, categorizing, and stereotyping is obvious. "To stereotype someone is to attribute to that person some characteristics which are seen to be shared by all or most of his or her fellow group members. A stereotype is, in other words, an inference drawn from the assignment of a person to a particular category."[68]

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65. The rural are similarly politically voiceless and powerless, despite popular belief to the contrary. *See generally* Bassett, *Rural Vote*, *supra* note 15, at 743 (analyzing disparities in political power for rural dwellers).

66. *See* Miller & Weber, *supra* note 25, at 1.

67. *See* RUPERT BROWN, PREJUDICE: ITS SOCIAL PSYCHOLOGY 10 (1995) ("Insofar as prejudice is usually directed *at* particular groups *by* some other groups we should not be too surprised to discover that the relationships between these groups play an important role in its determination.") (italics in original).

68. *Id.* at 82; *see also* Thomas E. Ford & George R. Tonander, *The Role of Differentiation Between Groups and Social Identity in Stereotype Formation*, 61 SOC. PSYCHOL. Q. 372, 373 (1998) ("[S]ocial categorization has been shown to affect the formation of stereotypes as a means to positively distinguish the in-group from the outgroup."); Jan E. Stets & Peter J. Burke, *Identity Theory and Social Identity Theory*, 63 SOC. PSYCHOL. Q. 224, 226 (2000) ("Social stereotyping is primary among the cognitive outcomes [of group identification]: researchers have found that stereotyped perceptions of in-group

Group identification is a central concept in social psychology—and social identity theory specifically[69]—positing that individuals identify with, and form psychological attachments to, particular reference groups.[70] Individuals derive their sense of self from the groups or social categories to which they belong. These groups "are parts of a structured society and exist only in relation to other contrasting categories (for example, black vs. white); each has more or less power, prestige, status, and so on."[71] The formation of one's social identity through group identification includes a process of emphasizing both one's similarities with the members of the in-group and one's differences from the members of the outgroup.[72] Moreover, affiliation with a group causes others to alter their perceptions of, and behaviors toward, those affiliated with the group.[73]

Our society considers all three of the groups populating the most severe and persistent rural poverty areas—minorities, the rural, and the poor—to be less desirable "outgroups." Individuals "regard outgroups as in some ways less human,"[74] which permits discrimination more readily; and, indeed, cognitive distancing typically takes the form of stereotyping. For example, social categories such as gender, race, and class function both independently as distinct constructs and as interacting and overlapping constructs that create multiple combined effects. Thus, when we add "minority" and "rural" to "poor," we get a sense of just how much we distance the rural poor from the overall population.

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members and outgroup members are enhanced and are made more homogeneous by identification with the in-group.").

69. *See* Richard R. Lau, *Individual and Contextual Influences on Group Identification*, 52 SOC. PSYCHOL. Q. 220, 220 (1989).

70. *See id.* at 220-21 ("[G]roup identification refers to a psychological attachment to the group . . . . The bulk of the research . . . has focused on the consequences of having a reference group or 'identifying with' a particular group.") (italics omitted).

> In social identity theory, a social identity is a person's knowledge that he or she belongs to a social category or group. A social group is a set of individuals who hold a common social identification or view themselves as members of the same social category. Through a social comparison process, persons who are similar to the self are categorized with the self and are labeled the in-group; persons who differ from the self are categorized as the outgroup.

Stets & Burke, *supra* note 68, at 225. *See generally* BROWN, *supra* note 67, at 170 ("[S]ocial identity 'consists . . . of those aspects of an individual's self image that derive from the social categories to which he perceives himself belonging.'").

71. Stets & Burke, *supra* note 68, at 225.

72. *See id.* at 225-26; *see also* BROWN, *supra* note 67, at 54.

73. *See* Lau, *supra* note 69, at 220 ("Merely the perception that one is part of a group (and that other people are *not* part of the group) is sufficient for people to act differentially toward ingroup and outgroup members.") (italics in original).

74. J.P. Leyens, et al., *The Emotional Side of Prejudice: The Attribution of Secondary Emotions to Ingroups and Outgroups*, 4 PERSONALITY & SOC. PSYCHOL. REV. 186, 194 (2000); *see also* Kenneth L. Karst, *Why Equality Matters*, 17 GA. L. REV. 245, 285 n.180 (1983) (noting that the chief harms of discrimination "lie in the imposition of stigma and the creation of stereotype," and further noting that "the very concepts of stigma and stereotype are inseparable from the stigmatized or stereotyped individuals' group membership; the victims are dehumanized precisely because they are denied their individuality and treated according to race, sex, etc.").

The significance of race, class, and gender to identity formation is well-established. More recently, sociologists have begun to recognize the importance of place identity as well:[75]

> Using space is a process of place identity construction .... [A] spatially-defined social identity ... connects and overlaps with ethnicity, race, gender, class, sexual orientation and other identities .... Like race, class and gender, places can become important mechanisms through which people define and express a personal and collective identity.[76]

We identify with groups that we view as similar to ourselves while psychologically distancing ourselves from groups we view as dissimilar. This natural cognitive process, however, can lead to bias and discrimination. Since minorities, the rural, and the poor are seen as undesirable outgroups, the rural poor population is psychologically distanced from the remaining majority population.

b. Stereotyping, Bias, and Discrimination

Characterizing the rural poor as an "outgroup" creates psychological distancing and leads naturally to stereotyping and bias. One of the particular dangers of group identification, categorizing, and stereotyping is that people are often unaware of their own use of stereotypes.[77] Indeed, recent psychological research indicates that stereotypes may be automatically activated, resulting in unconscious stereotyping and bias.

The natural cognitive process of categorization contributes to the creation of stereotypes and prejudice.[78] We are confronted daily with more stimuli than we

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75. *See* Kevin Fox Gotham, *Toward an Understanding of the Spatiality of Urban Poverty: The Urban Poor as Spatial Actors*, 27 INT'L J. URB. & REGIONAL RES. 723, 723 (2003) ("The last two decades have witnessed an explosion of empirical research on the spatial aspects of social life .... [These studies] attempt to delineate why space is important and how the consideration of socio-spatial arrangements operate as constitutive dimensions of social phenomena.").

76. *Id.* at 729; *see also* Gerald W. Creed and Barbara Ching, *Recognizing Rusticity: Identity and the Power of Place, Introduction* to KNOWING YOUR PLACE: RURAL IDENTITY AND CULTURAL HIERARCHY 1, 3 (Barbara Ching & Gerald W. Creed eds., 1997) ("[T]he rural/urban opposition generates not only political and economic conflict but social identification as well."); Lee Cuba & David M. Hummon, *Constructing a Sense of Home: Place Affiliation and Migration Across the Life Cycle*, 8 SOC. F. 547, 549 (1993) ("[S]cholars agree that place identity involves significant affiliation of self with place ....").

77. *See* Christine Hepburn & Anne Locksley, *Subjective Awareness of Stereotyping: Do We Know When Our Judgments are Prejudiced?*, 46 SOC. PSYCHOL. Q. 311, 312 (1983).

78. *See* Gary Blasi, *Advocacy Against the Stereotype: Lessons from Cognitive Social Psychology*, 49 UCLA L. REV. 1241, 1254 (2002) (noting that it may be possible to use the subconscious to alter stereotypical views as well); *see also* Brad J. Bushman & Angelica M. Bonacci, *You've Got Mail: Using E-Mail to Examine the Effect of Prejudiced Attitudes on Discrimination Against Arabs*, 40 J. EXPERIMENTAL SOC. PSYCHOL. 753, 754 (2004).

can carefully and rationally process.[79] To avoid being overwhelmed by this barrage of stimuli, humans have developed various processing "shortcuts" called schemas and heuristics:[80]

> Every person, and perhaps even every object that we encounter in the world, is unique, but to treat each as such would be disastrous. Were we to perceive each object sui generis, we would rapidly be inundated by an unmanageable complexity that would quickly overwhelm our cognitive processing and storage capabilities. Similarly, if our species were "programmed" to refrain from drawing inferences or taking action until we had complete, situation-specific data about each person or object we encountered, we would have died out long ago. To function at all, we must design strategies for simplifying the perceptual environment and acting on less-than-perfect information. A major way we accomplish both goals is by creating categories.[81]

Thus, the creation of categories is a necessary "mental shortcut" for effective cognitive functioning.[82]

Categorizing information in a simplified and predictable manner requires the use of generalizations. Stereotyping, as a type of generalization, is a normal part of this categorization process.[83] No matter the nature of the stereotype, whether positive or negative, it tends to taint the schema with a bias to favor or disfavor someone on the basis of that person's membership within a given category. Moreover, because the very purpose of these schemas is to provide a mental

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79. *See* TIMOTHY D. WILSON, STRANGERS TO OURSELVES: DISCOVERING THE ADAPTIVE UNCONSCIOUS 24 (2002) (humans receive more than 11 million pieces of information per second, but can consciously process only about 40 such pieces of information—therefore, most information processing must occur unconsciously); *see also* DANIEL M. WEGNER, THE ILLUSION OF CONSCIOUS WILL 56-58 (2002).

80. *See* Peter M. Todd, *Fast and Frugal Heuristics for Environmentally Bounded Minds*, *in* BOUNDED RATIONALITY: THE ADAPTIVE TOOLBOX 51, 52 (Gerd Gigerenzer & Reinhard Selten eds., 2001) (discussing heuristics); Jerry Kang, *Trojan Horses of Race*, 118 HARV. L. REV. 1489, 1499 (2005) (discussing schemas).

81. Linda Hamilton Krieger, *The Content of Our Categories: A Cognitive Bias Approach to Discrimination and Equal Employment Opportunity*, 47 STAN. L. REV. 1161, 1188 (1995) [hereinafter Krieger, *Content of Our Categories*]; *see also* Annie Murphy Paul, *Where Bias Begins: The Truth About Stereotypes*, PSYCHOL. TODAY, May 15, 1998, at 52.

82. Schemas are an integral part of this categorization process. Schemas are essentially categories of prior knowledge, from which we form expectations. *See* MICHAEL W. EYSENCK & MARK T. KEANE, COGNITIVE PSYCHOLOGY 352 (4th ed. 2000) ("The term *schema* is used to refer to well integrated chunks of knowledge about the world, events, people, and actions."); Ronald W. Carson, *Schemata in Cognitive Anthropology*, 12 ANN. REV. ANTHROPOLOGY 429, 430 (1983) ("[schemas] serve as the basis for all human information processing, e.g. perception and comprehension, categorization and planning, recognition and recall, and problem-solving and decision-making"). Schemas enable us to process information quickly, indeed automatically, and enable us to organize information—"to identify objects, make predictions about the future, infer the existence of unobservable traits or properties, and attribute the causation of events." Krieger, *Content of Our Categories*, *supra* note 81, at 1188-89.

83. Krieger, *Content of Our Categories*, *supra* note 81, at 1188; *see* BROWN, *supra* note 67, at 41; *see also* Paul, *supra* note 81, at 52.

shortcut, they are activated both quickly and automatically:[84]

> A problem with schemas is that they are susceptible to unconscious biases and stereotyping . . . . Because a stereotype can become ingrained in a schema, the stereotype can create an unconscious expectation that a specific individual will behave in conformity with the stereotype. If the expectation is distorted or illusory . . . then the perceiver might unconsciously be biased in the way she interacts . . . .[85]

In forming the initial stereotype or biased schema, where does the biased information come from? Much of our information comes from our surrounding culture,[86] and, with respect to rural stereotypes, our culture commonly reflects rural stereotyping in television, literature, and film.[87] Thus, the rural dichotomy reflects the ambivalence inherent in our perceptions of the rural more generally.

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84. *See* Ronald Chen & Jon Hanson, *Categorically Biased: The Influence of Knowledge Structures on Law and Legal Theory*, 77 S. CAL. L. REV. 1103, 1231 (2004); Linda Hamilton Krieger, *Civil Rights Perestroika: Intergroup Relations After Affirmative Action*, 86 CAL. L. REV. 1251, 1284 (1998) [hereinafter Krieger, *Civil Rights Perestroika*]; Krieger, *Content of Our Categories*, *supra* note 81, at 1187; *see also* Patricia G. Devine, *Stereotypes and Prejudice: Their Automatic and Controlled Components*, 56 J. PERSONALITY & SOC. PSYCHOL. 5, 12, 15 (1989) (the automatic process of stereotype activation occurs in both high-prejudice and low-prejudice individuals).

85. Carwina Weng, *Multicultural Lawyering: Teaching Psychology to Develop Cultural Self-Awareness*, 11 CLINICAL L. REV. 369, 394-95 (2005). The activation of a schema comes about through another type of mental shortcut, called "heuristics." Generally speaking, a "heuristic" is "a rule-of-thumb technique for solving a problem, which does not guarantee the solution of the problem but is highly likely to solve the problem." EYSENCK & KEANE, *supra* note 82, at 532. One particular type of heuristic that is especially pertinent to this discussion is the "representativeness heuristic." *See* Thomas Gilovich & Dale Griffin, *Introduction—Heuristics and Biases: Then and Now*, *in* HEURISTICS AND BIASES: THE PSYCHOLOGY OF INTUITIVE JUDGMENT 1, 3 (Thomas Gilovich et al. eds., 2002) (noting "three general-purpose heuristics—availability, representativeness, and anchoring and adjustment"). The representativeness heuristic assigns "events that are representative or typical of a class . . . a high probability of occurrence. If an event is highly similar to most of the others in a population or class of events, then it is considered representative." R.T. KELLOGG, COGNITIVE PSYCHOLOGY 385 (Sage Press 1995); *see also* Daniel Kahneman & Shane Frederick, *Representativeness Revisited: Attribute Substitution in Intuitive Judgment*, *in* HEURISTICS AND BIASES: THE PSYCHOLOGY OF INTUITIVE JUDGMENT 49, 49-50 (Thomas Gilovich et al. eds., 2002) (according to the representativeness heuristic, "some probability judgments (the likelihood that X is a Y) are mediated by assessments of resemblance (the degree to which X 'looks like' a Y)"). Thus, when we encounter someone (or something) new, our schemas seek to make classifications and predictions based on our previously-created categories. *See* Krieger, *Content of Our Categories*, *supra* note 81, at 1200 ("A primary cognitive function of schemas is to help answer the questions, 'What is it?' and 'How is it likely to behave?' The initial matching of a stimulus object against a perceiver's existing schematic structures and the resulting activation of a particular schema represent a significant source of error in social perception and judgment."). Both schemas and the representativeness heuristic can lead to stereotyping in two ways: 1) where the characteristics ascribed to the class or group are founded on erroneous information; and 2) where the schema and heuristic tend to ignore variation within the class or group and instead assume that all group members will possess the characteristics attributed to the class or group.

86. *See* Paul, *supra* note 81, at 52.

87. *See* Bassett, *Ruralism*, *supra* note 6, at 292-99 (discussing rural stereotyping in television, literature, and film).

In light of the automatic nature of these cognitive processes, and in light of the generalization and stereotypes inherent in schemas, it is not particularly surprising that psychologists would find that stereotypes may be automatically activated, resulting in unconscious stereotyping and bias. Indeed, a number of psychological researchers have reached precisely that conclusion.[88] Among the more prominent psychological researchers in the area of unconscious bias are Mahzarin Banaji and Anthony Greenwald.[89] Most recently, Banaji and Greenwald, through their Implicit Association Test,[90] have demonstrated both that people "have implicit thoughts, feelings and behaviors that are contrary to how [they would] like to behave," and that "stereotypes permeate even to those who are *being* stereotyped."[91] The existence of unconscious bias, of course, helps to explain the phenomenon of biased behavior even in individuals who claim they are not biased.[92]

The pervasive nature of stereotyping and the automatic activation of stereo-

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88. *See, e.g.*, Mahzarin R. Banaji & Anthony G. Greenwald, *Implicit Gender Stereotyping in Judgments of Fame*, 68 J. PERSONALITY & SOC. PSYCHOL. 181, 181 (1995) [hereinafter Banaji & Greenwald, *Judgments of Fame*] (finding unconscious gender stereotyping in fame judgments and finding that explicit expressions of sexism or stereotypes were uncorrelated with the observed unconscious gender bias); Irene V. Blair & Mahzarin R. Banaji, *Automatic and Controlled Processes in Stereotype Priming*, 70 J. PERSONALITY & SOC. PSYCHOL. 1142, 1142 (1996); Devine, *supra* note 84, at 5; John F. Dovidio et al., *On the Nature of Prejudice: Automatic and Controlled Processes*, 33 J. EXPERIMENTAL SOC. PSYCHOL. 510, 512 (1997) (noting that "[a]versive racism has been identified as a modern form of prejudice that characterizes the racial attitudes of many Whites who endorse egalitarian values, who regard themselves as nonprejudiced, but who discriminate in subtle, rationalizable ways."); Kerry Kawakami et al., *Racial Prejudice and Stereotype Activation*, 24 PERSONALITY & SOC. PSYCHOL. BULL. 407, 407 (1998). *See generally* Patricia G. Devine, *Implicit Prejudice and Stereotyping: How Automatic Are They? Introduction to the Special Section*, 81 J. PERSONALITY & SOC. PSYCHOL. 757, 757 (2001).

89. Professors Banaji and Greenwald's research demonstrates the pervasiveness and power of schemas. *See* Banaji & Greenwald, *Judgments of Fame*, *supra* note 88, at 181; Blair & Banaji, *supra* note 88, at 1142.

90. *See* Karen Kersting, *Not Biased?*, 36 MONITOR ON PSYCHOL., Mar. 2005, at 64, 64 (describing this research); *see also* Blasi, *supra* note 78, at 1250 ("[T]he extensively validated Implicit Association Test . . . uses reaction times to measure implicitly held stereotypes and attitudes toward stereotyped groups."). The researchers' Implicit Association Test is part of an initiative called "Project Implicit" and can be taken online at http://www.projectimplicit.net (last visited June 23, 2005). Demonstrations of the Implicit Association Test are also available at https://implicit.harvard.edu/implicit/ (last visited June 23, 2005). *See also* Anthony G. Greenwald & Mahzarin R. Banaji, *Implicit Social Cognition: Attitudes, Self-Esteem, and Stereotypes*, 102 PSYCHOL. REV. 4 (1995) (describing the Implicit Association Test generally). *See generally* Anthony G. Greenwald, Brian A. Nosek & Mahzarin R. Banaji, *Understanding and Using the Implicit Association Test: I. An Improved Scoring Algorithm*, 85 J. PERSONALITY & SOC. PSYCHOL. 197 (2003) (setting forth a new scoring algorithm for the Implicit Association Test); Anthony G. Greenwald, Debbie E. McGhee & Jordan L. Schwartz, *Measuring Individual Differences in Implicit Cognition: The Implicit Association Test*, 74 J. PERSONALITY & SOC. PSYCHOL. 1464 (1998) (describing the original Implicit Association Test).

91. *See* Kersting, *supra* note 90, at 65 (emphasis added).

92. *See* John F. Dovidio, *On the Nature of Contemporary Prejudice: The Third Wave*, 57 J. SOC. ISSUES 829, 845 (2001) ("[A]lthough overt expressions of prejudice have declined steadily and significantly over time, subtle—often unconscious and unintentional—forms continue to exist."); *see also* John A. Bargh, *Bypassing the Will: Toward Demystifying the Nonconscious Control of Social Behavior*, *in* THE NEW

types means only that in some instances, stereotyping may be the initial reaction. Research suggests, however, that individuals do have at least some ability to control these automatic biases through a combination of motivation, focus, and effort.[93]

Although there may be some disagreement as to the reach and ultimate impact of cognitive psychological studies,[94] at least two things appear certain: first, our cognitive processing contains not only objective information, but also subjective positive and negative associations of which we may not be consciously aware; and second, these positive and negative associations (stereotypes) are automatically activated and require attention and vigilance, rather than assuming that they are problems of the past with no real relevance today.

Thus, group identification, whereby an individual emphasizes his or her differences from members of outgroups, taken together with the categorizing processes of schemas and heuristics, which may employ stereotypes, create the potential for prejudice, bias, and discrimination against outgroups. Since minorities, the rural, and the poor are all non-majority groups of low status and low political power, individuals are generally less likely to select them as reference groups, rendering these groups more likely to be seen as "outgroups" and increasing the potential for discrimination.[95]

B. Place-Based Discrimination

Although Hurricane Katrina provoked discussions of race and class in

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UNCONSCIOUS 37, 37 (Ran R. Hassin et al. eds., 2005) ("People are often unaware of the reasons and causes of their behavior.").

93. *See* Susan T. Fiske, *Stereotyping, Prejudice and Discrimination*, *in* 2 THE HANDBOOK ON SOCIAL PSYCHOLOGY 357 (Daniel T. Gilbert et al. eds., 4th ed. 1998); *see also* Irene V. Blair, Jennifer E. Ma & Alison P. Lenton, *Imagining Stereotypes Away: The Moderation of Implicit Stereotypes Through Mental Imagery*, 81 J. PERSONALITY & SOC. PSYCHOL. 828, 828 (2001) (examining "mental imagery as a new strategy to moderate implicit stereotypes"); Nilanjana Dasgupta & Anthony G. Greenwald, *On the Malleability of Automatic Attitudes: Combating Automatic Prejudice with Images of Admired and Disliked Individuals*, 81 J. PERSONALITY & SOC. PSYCHOL. 800, 808 (2001); Susan T. Fiske, *Controlling Other People: The Impact of Power on Stereotyping*, 48 AM. PSYCHOLOGIST 621, 627 (1993); Laurie A. Rudman, Richard D. Ashmore & Melvin L. Gary, *"Unlearning" Automatic Biases: The Malleability of Implicit Prejudice and Stereotypes*, 81 J. PERSONALITY & SOC. PSYCHOL. 856, 864 (2001) ("These findings strongly support the hypothesis that people can 'unlearn' both explicit and implicit prejudice in real-world contexts.").

94. *See, e.g.*, Hal R. Arkes & Philip E. Tetlock, *Attributions of Implicit Prejudice, or "Would Jesse Jackson 'Fail' the Implicit Association Test?"*, 15 PSYCHOL. INQUIRY 257, 268-74 (2004) (suggesting that the Implicit Association Test reflects "socioeconomic realities" rather than unconscious bias and prejudice); Gregory Mitchell, *Tendencies Versus Boundaries: Levels of Generality in Behavioral Law and Economics*, 56 VAND. L. REV. 1781, 1782 (2003) (noting that he and Professor Prentice "often cite the very same works to support our different perspectives on legal decision theory"); Amy L. Wax, *Discrimination as Accident*, 74 IND. L.J. 1129 (1999) (suggesting that holding employers liable for unconscious discrimination raises issues of inefficiencies, precisely due to the unconscious nature of the discrimination).

95. *See* Lau, *supra* note 69, at 221 ("People choose as reference groups the groups that can provide them with positive rewards.").

America, concomitant issues of ruralism remained largely unrecognized and unacknowledged.[96] The distancing of rural poverty includes discrimination on the basis of not only race and class, but also of place. Indeed, the physical and psychological distancing of the rural from the urban has created a bias in favor of the urban so significant as to result in stereotyping and discrimination against the rural.

With the vast majority of Americans living in urban areas, the widespread disdain for the rural is easy to discard or shrug off. Some respond to the idea of ruralism with annoyance, believing this is just "another" group alleging discrimination. Others believe that any discrimination in ruralism is already encompassed within the concepts of racism and classism.[97] However, although ruralism is often accompanied by racism and classism, ruralism is a separate and distinct area of discrimination and concern.[98]

Discrimination against the rural is place-based discrimination, which, similar to gender discrimination, can occur even absent considerations of race or class. Indeed, "our failure to aggressively expose the social construction of place has limited our understanding of class identities [as well as] our appreciation of race, ethnicity, nationality, and gender,"[99] and:

> Given the pervasiveness of the rural/urban opposition and its related significance in the construction of identity, it is remarkable that the explosion of scholarly interest in identity politics has generally failed to address the rural/urban axis. The resulting representation of social distinctions primarily in terms of race, class, and gender thus masks the extent to which these categories are inflected by place identification. For example, social theorists generally fail to acknowledge that a rural woman's experience of gender inequality may be quite different from that of an urban woman, or that racial oppression in the city can take a different form from that in the countryside . . . .[C]ontemporary discussions of the fragmentation and recombination of identities locate this process almost exclusively in the city.[100]

Place as a basis for discrimination has received little attention, yet everyday interactions provide numerous examples. Where are you from? Where do you live? These questions, so commonly asked during initial introductions, color our impressions, reactions, and assessments. We respond differently when told

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96. *See* Jonathan Alter, *Poverty, Race & Katrina: Lessons of a National Shame*, NEWSWEEK, Sept. 19, 2005, at 45 (mentioning "class-based racism" but not place).

97. *See, e.g.*, Creed & Ching, *supra* note 76, at 6. ("Many recent books and articles which purport to be about 'place' simply conflate the term with the more fashionable components of identity, using it to argue that one must situate oneself in a nexus of class, race, gender and ethnic possibilities.").

98. *See id.* at 22 ("[P]lace inflects other dimensions, such as race, class, gender, and ethnicity. However, since researchers often assume an urban setting, they fail to recognize the interaction of place with other identity elements.").

99. *Id.* at 27.

100. *Id.* at 3.

someone is from the deep South versus the Midwest versus the West Coast. We also respond differently when told someone lives in an area that we recognize as upscale versus an area we recognize as located in a "bad" part of town. Thus, "place" carries with it associations and stereotypes—both positive and negative—which we use to judge, evaluate, and assess others.

As is true of most forms of discrimination, ruralism involves the projection of stereotyped attitudes by a more powerful majority group onto a less powerful minority group. "Power, defined as access to resources, enables the group with greatest access to set the rules, frame the discourse, and name and describe those with less power . . . . '[I]t is power . . . that enables one to discriminate.'"[101] Eighty percent of the nation's population lives in metropolitan areas.[102] This urban majority, as a natural matter of group identification, will identify other urban dwellers as an in-group and ascribe positive attributes, values, and characteristics to that which is urban. Correspondingly, because urban dwellers do not identify rural dwellers as their in-group, social identity theory would suggest that they would ascribe more negative attributes, values, and characteristics to that which is rural. And this is precisely the case. Rural identity and rural culture are devalued, if not ignored altogether, while urban identity and urban culture are favored and valued.[103]

The "outgroup" status of the rural is also evident from a linguistic standpoint:

> [W]hile cities may include . . . "city slickers" among their inhabitants, it is linguistically difficult to denigrate urbanites as a group, whereas the opportunities for criticizing the rustic are vast: crackers, rubes, hayseeds, hicks, hillbillies, bumpkins, peasants, rednecks, yokels and white trash. If we turn to the cultural adjectives derived from the two places the difference is even more obvious: "rustic" is predominantly pejorative, while "urbane" is decidedly positive.[104]

Our society's bias is decidedly urban.[105] Even in rural areas, our society's

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101. Lott, *supra* note 56, at 101 (quoting JIM SIDANIUS & FELICIA PRATTO, SOCIAL DOMINANCE: AN INTERGROUP THEORY OF SOCIAL HIERARCHY AND OPPRESSION 19 (1999)).

102. *See* STATE PROFILES: THE POPULATION AND ECONOMY OF EACH U.S. STATE 3 (Courtenay M. Slater & Martha G. Davis eds., 1st ed. 1999) (reflecting data from 1997).

103. *See* Creed & Ching, *supra* note 76, at vii, 8, 22; *see also* Bassett, *Ruralism*, *supra* note 6, at 330 ("Because urban dwellers are the dominant group, their bias in favor of other urban dwellers—and discrimination against rural dwellers—is unrecognized, unacknowledged, and unexamined.").

104. Creed & Ching, *supra* note 76, at 17; *see also* Lott, *supra* note 56, at 102 ("Derogatory terms, meant to be amusing, have been invented for these 'others': *crackers* from Georgia and Florida, *lintheads* from the Carolinas, *okies* from the west, and *hillbillies* or *ridge runners* from West Virginia").

105. *See* Daniel T. Lichter et al., *Rural Children and Youth at Risk*, *in* CHALLENGES FOR RURAL AMERICA IN THE TWENTY-FIRST CENTURY 107 (David L. Brown & Louis E. Swanson eds., 2003). *See generally* MICHAEL LIPTON, WHY POOR PEOPLE STAY POOR: A STUDY OF URBAN BIAS IN WORLD DEVELOPMENT (1977) (examining urban bias in such areas as education, land use, employment, investment, taxation, savings, pricing, research, and administration).

focus,[106] its programs,[107] and its culture[108] are based on an urban assumption.[109] Similarly, our society's concerns and empathy are aimed at the urban.[110] "Urban bias has become an objective norm, hiding within the language, perceptions, and expectations of the dominant discourse."[111] Additionally,

> The fact that we must make a point of clearly marking the rural reveals the cultural hierarchies that make place such a politically and personally charged category. As with other dimensions of identity, it is the marked/marginalized group that experiences the distinction more intimately and for whom it becomes a more significant element of identity. In this case, the urban-identified can confidently assume the cultural value of their situation while the rural-identified must struggle to gain recognition.[112]

The urban majority tends to perceive neither the urban advantage nor discrimination against the rural. In this manner, urban bias bears some similarities to the more general notion of "privilege" as explored by Professor Stephanie Wildman. Professor Wildman has defined privilege as a "systemic conferral of benefit and advantage," resulting not from merit, but from "affiliation, conscious or not and chosen or not, to the dominant side of a power system."[113] She explains that "[a]ffiliation with the dominant side of the power line is often defined as merit and worthiness. Those characteristics and behaviors most shared by those on the dominant side of the power line often delineate the

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106. *See* CORNELIA BUTLER FLORA ET AT., RURAL COMMUNITIES: LEGACY & CHANGE 15 (2d ed. 2003) ("Our society has become so deeply urbanized that we almost assume urbanization to be a natural law.").

107. *See, e.g.*, JANET M. FITCHEN, ENDANGERED SPACES, ENDURING PLACES: CHANGE, IDENTITY, AND SURVIVAL IN RURAL AMERICA 158-59 (1991) (noting the use of urban models in providing rural services and observing that such models are less effective in a rural setting); RURAL COURTS: THE EFFECT OF SPACE AND DISTANCE ON THE ADMINISTRATION OF JUSTICE xv (Nat'l Ctr. for State Courts ed., 1977) ("[W]hen difficulties in the operation of rural courts were encountered, urban models were offered as solutions."); FORGOTTEN PLACES: UNEVEN DEVELOPMENT IN RURAL AMERICA 248 (Thomas A. Lyson & William W. Falk eds., 1993) ("Rural programs too often are small versions of urban programs not specially suited to rural needs. [These] programs often fail when they are not specially attentive to rural needs. Urban administrative rules often result in high costs for rural programs.").

108. *See* WEISHEIT ET AL., *supra* note 16, at 2 ("[C]ontemporary American culture is considered not only homogen[e]ous, but an urban culture. Since most people have a television and a telephone, and most have access to some form of transportation, it is assumed that urban culture has permeated all parts of America . . . ."); Creed & Ching, *supra* note 76, at 17 ("[T]he city remains the locus of political, economic and cultural power."); Arnold, *supra* note 38, at 195 ("American cultural bias toward that which is urban . . . is created by a pervasive belief in the rightness and inevitability of urbanization.").

109. *See* Creed & Ching, *supra* note 76, at 3-4.

110. *See, e.g.*, BILLINGS & BLEE, *supra* note 37, at 3 (noting that "urban poverty currently commands more attention in the popular media" than rural poverty).

111. Bassett, *Ruralism*, *supra* note 6, at 330.

112. Creed & Ching, *supra* note 76, at 4.

113. STEPHANIE M. WILDMAN ET AL., PRIVILEGE REVEALED: HOW INVISIBLE PREFERENCE UNDERMINES AMERICA 29 (Richard Delgado & Jean Stefancic eds., 1996).

societal norm or standard."[114] As a result, "privilege is not visible to the holder of the privilege; it is merely there, a part of the world, a way of life, simply the way things are."[115] And "[w]hen discrimination in one area of society creates inequality in other areas, that has often been seen as just the way it happens to be, as just facts, not as discrimination."[116]

The tendency by the dominant group to view inequality as the result of happenstance rather than discrimination dovetails with the belief in individual responsibility for one's good—or bad—fortunes. Differences in income, jobs, housing, education, and other areas all tend to be ascribed to individual differences in talent and effort, rather than resulting from discrimination or unequal opportunity. Thus, members of ingroups perceive their benefits as justified due to their ability and hard work and view the misfortunes of members of outgroups as justified due to lack of ability and hard work:[117]

> The beneficiaries of the status quo tend to . . . conclud[e] that the victims deserve their fate, that they are responsible for it, or that the current situation is part of the intractable, given, or natural order . . . .
>
> The notion that the world is just, and that existing inequalities are deserved or desired, plays a large role in forming preferences and beliefs. All these phenomena have played an enormous part in the history of . . . discrimination.[118]

The urban majority's failure to recognize ruralism is not particularly surprising; this failure of recognition occurs regularly with respect to other forms of discrimination as well. For example, with respect to gender discrimination, women observe greater continued gender bias than do men.[119] More notably, this phenomenon exists with respect to racial discrimination as well, as a majority of whites believe that racial discrimination is no longer a major problem in America, whereas a majority of African-Americans report significant continued racial

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114. Stephanie M. Wildman, *Privilege in the Workplace: The Missing Element in Antidiscrimination Law*, 4 TEX. J. WOMEN & L. 171, 176 (1995).

115. *Id.* at 177 (internal citation omitted).

116. CATHARINE A. MACKINNON, FEMINISM UNMODIFIED 64 (1987) (italics omitted).

117. *See* SONIA OSPINA, ILLUSIONS OF OPPORTUNITY: EMPLOYEE EXPECTATIONS AND WORKPLACE INEQUALITY 13-14 (1996); Anne Lawton, *The Meritocracy Myth and the Illusion of Equal Employment Opportunity*, 85 MINN. L. REV. 587, 593 (2000).

118. Cass R. Sunstein, *Three Civil Rights Fallacies*, 79 CAL. L. REV. 751, 759-60 (1991).

119. *See* Deborah L. Rhode, *Myths of Meritocracy*, 65 FORDHAM L. REV. 585, 585-86 (1996) (noting significant differences between men and women with respect to the recognition of gender discrimination and citing "[r]ecent surveys find[ing] that only one-quarter to one-third of men report observing gender bias in the profession, although two-thirds to three-quarters of women indicate that they personally have experienced it."). Part of the difference in perception may stem from the fact that "the outright discrimination against women that was common 30 years ago has been replaced by more subtle, usually less intentional behavior that can make it more difficult for women to excel." Lisa Singhania, *Boomer Female Execs Still Face Hurdles*, LANSING ST. J., Jul. 22, 2002, at D3.

discrimination.[120] A similar racial disparity was found with respect to the federal government's response to Hurricane Katrina: one journalist noted that "[b]y three to one, African-Americans believe that federal aid took so long to arrive in New Orleans in part because the city was poor and black. By an equally large margin, whites disagree."[121] The phenomenon also carried over into issues of class, with 63% of African-Americans believing that class influenced the government's slow response, whereas only 21% of whites agreed.[122] As previously discussed, in light of the recent psychological studies demonstrating that prejudiced responses are largely unconscious,[123] individuals who claim they are not prejudiced may often nevertheless harbor unconscious stereotypes and biases,[124] which may help to explain some of the differences in reporting and perception.

In addition to the continued existence of racism and classism, ruralism is another form of discrimination—one that often exacerbates the impact of discrimination against other groups already discriminated against.[125] For example, the cumulative discriminatory impact on individuals who are both female and African-American is well documented.[126] Similarly, ruralism creates an additional potential basis for discrimination, compounding other forms of discrimination based on race, class, or gender. Thus, when an individual is not only African-American, or poor, or female, but also from a remote rural area, place has the potential to exacerbate the discrimination experienced.[127]

Accordingly, rural poverty brings together race, place, and poverty—encompassing three corresponding outgroups subject to distancing and discrimination, three outgroups that our society has little desire to acknowledge, much less fully address. The remaining question—which is the subject of the next section—concerns the fate of rural poverty.

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120. *See* Lawrence Bobo & James R. Kluegel, *Opposition to Race-Targeting: Self-Interest, Stratification Ideology, or Racial Attitudes?*, 58 AM. SOC. REV. 443, 459 (1993) ("[Fifty-four] percent of blacks see 'a lot' of discrimination in jobs compared to only 24 percent of whites."); *see also* Teresa M. McAleavy, *Race Colors Views of Job Fairness*, SACRAMENTO BEE, Jan. 21, 2002, at E1 (noting a similar discrepancy in an employment setting).

121. Paul Krugman, *Tragedy in Black and White*, N.Y. TIMES, Sept. 19, 2005, at A27; *see also* Angela I. Onwuachi-Willig, *Living a Life of Paradox*, CHI. TRIB., Sept. 18, 2005, at 11 (noting a CNN/Gallup Poll in which six in ten blacks believed that race influenced the federal government's slow response to Hurricane Katrina survivors stranded in New Orleans, but only one in eight whites held the same view).

122. *See* CNN, *Reaction to Katrina Split on Racial Lines*, Sept. 13, 2005, http://www.cnn.com/2005/US/09/12/katrina.race.poll/index.html.

123. *See infra* note 92 and accompanying text (describing the phenomenon of unconscious bias).

124. *See* Blair & Banaji, *supra* note 88, at 1142; Dovidio et al., *supra* note 88, at 512.

125. *See* Creed & Ching, *supra* note 76, at 3 (stating that defining identity in terms of "race, class, and gender . . . masks the extent to which these categories are inflected by place identification").

126. *See* Mary Elizabeth Powell, Comment, *The Claims of Women of Color Under Title VII: The Interaction of Race and Gender*, 26 GOLDEN GATE U. L. REV. 413, 413 (1996); *cf.* Marilyn V. Yarbrough, *A Sporting Chance: The Intersection of Race and Gender*, 38 S. TEX. L. REV. 1029, 1036 (1997).

127. *See, e.g.*, Leif Jensen, *The Doubly Jeopardized: Nonmetropolitan Blacks and Mexicans*, *in* RURAL POLICIES FOR THE 1990S 181, 181 (Cornelia B. Flora & James A. Christenson eds., 1991); *see also* Arnold, *supra* note 38, at 195.

IV. THE FATE OF RURAL POVERTY

More than forty years have passed since President Lyndon Johnson declared a "War on Poverty,"[128] yet nearly 400 counties have remained persistently impoverished for those same four decades.[129] Rural poverty has not been eradicated, and there is no consensus as to its cause or how to abolish it.[130] Sadly, comments made nearly forty years ago regarding rural poverty are still true today:

> To put the matter bluntly, the rural poor have lived and worked in a total environment of technological change, public policies, and distorted racial attitudes that [have] kept them in a disadvantaged position relative to the more well-to-do members of society. Until this total environment is substantially altered, we will continue to have rural poverty commissions to make recommendations about it and meetings of economists to discuss it.
>
> The major directions of change that are needed are obvious. They include sustained full employment, very substantial improvements in both the quantity and quality of rural education, a revamping of farm policies which will distribute benefits more widely throughout the farm population, and a removal of barriers to the economic progress of [minorities].[131]

Similarly, indeed, after Hurricane Katrina devastated areas in Mississippi and Louisiana, several commentators noted the concomitant publicity surrounding race and class, but opined that nothing would change in the long run.[132]

Consistent findings regarding rural poverty are supported by decades of extensive research. Yet these findings, along with the "rural sociology" or "rural studies" programs found at many colleges and universities, are largely ignored by American culture and American policymakers alike. Society favors its racial, socioeconomic, and place-related ingroups—whites, the well-to-do, and the

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128. *See* BILLINGS & BLEE, *supra* note 37, at 3. The War on Poverty was not America's only attempt to eradicate rural poverty, but was the most recent. *See* James G. Maddox, *An Historical Review of the Nation's Efforts to Cope with Rural Poverty*, 50 AM. J. AGRIC. ECON. 1351, 1352 (1968) (describing four historical periods of reform: President Lincoln's administration and the years following the Civil War, President Wilson's administration, the New Deal era, and the administrations of Presidents Kennedy and Johnson).

129. *See infra* notes 40-41 and accompanying text (discussing "persistent poverty" counties).

130. *See* Harry Holzer et al., *Drawing Lessons from Urban Poverty Research*, PERSPECTIVES, Spring 2004, at 8, http://www.rprconline.org/Perspectives/Perspectivesvol2n1.pdf; *Place Matters*, *supra* note 12, at 4 ("There is no silver bullet to address rural poverty because there is no one cause of rural poverty.").

131. Maddox, *supra* note 128, at 1361.

132. Krugman, *supra* note 121, at A27 ("I'd like to believe that Katrina will change everything—that we'll all now realize how important it is to have a government committed to helping those in need, whatever the color of their skin. But I wouldn't bet on it."); *see also* Onwuachi-Willig, *supra* note 121, at 11 ("[A] friend asked whether I thought the tragic events in New Orleans could actually work to improve race relations by bringing to the forefront issues concerning racism in the United States. My immediate response was, sadly enough, no.").

urban—and disfavors its outgroups. In large part, rural poverty has not been remedied because it brings together three outgroups, imposing a "triple-whammy" on those who are minorities, poor, and rural. In particular, the impact of place has continued to be overlooked, thereby permitting the "distancing" of rural poverty to continue.[133]

Perhaps the complete eradication of rural poverty is not a reasonable immediate goal, but in light of the geographic concentrations of rural poverty, perhaps an increased focus on place would be a constructive starting point.[134] The question is whether antipoverty policies should focus on ways to help people, on ways to help improve the conditions of places where poverty is located, or on a combination of both.[135]

Policies and remedies concerning rural poverty typically are "person-based," targeting individuals or households and involving programs such as food stamps, Aid to Families with Dependent Children (AFDC), housing vouchers, training, and job counseling.[136] This is consistent, of course, with the current American tendency to view poverty as the result of deficiencies in an individual's character.[137] Yet these "person-based" programs, despite providing some benefit,

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133. Of course, physical distancing is apparent in discussions of urban as well as rural poverty. We are all familiar with this physical distancing, which is often described as living "in the wrong side of town" or "on the wrong side of the tracks." *See* Richard Morin, *The New Great Divide: More and More, Where You Live Depends on What You're Worth*, WASH. POST, Jan. 18, 1998, at W14, *available at* http://www.innercity.org/columbiaheights/newspaper/divide.html (Quoting demographer Douglas Massey as saying, "We have entered a new age of inequality in which class lines will grow more rigid as they are amplified and reinforced by a powerful process of geographic concentration.").

134. *See* Bruce Weber, *Introduction, Poverty, Policy, and Place: A Symposium*, 28 INT'L REGIONAL SCI. REV. 379, 380 (2005) [hereinafter Weber, *Introduction*] ("The geographic concentrations of poverty in . . . remote rural areas strongly suggest that 'place matters' in generating and maintaining poverty and that policy should pay attention to places as well as people.").

135. *See* David Kraybill & Maureen Kilkenny, *Economic Rationales For and Against Place-Based Policies*, July 2003, at 2-3, http://www.ruralsociology.org/annual-meeting/2003/Kraybill,Kilkenny.pdf ("Sector-based policies target specific industries. People-based policies target specific people (e.g., means-tested income-support programs) or guarantee public goods to all individuals. Place-based policies target recipients in specified places. People-based and place-based policies are not necessarily mutually exclusive. Place-based policies can also target specific people or sectors."); *see also* Partridge & Rickman, *supra* note 24, at 1-2 ("[I]t is surprising that the question of whether persistent pockets of American poverty are more people-based or place-based has been largely ignored.").

136. *See* James H. Spencer, *People, Places and Policy: A Politically-Relevant Framework for Efforts to Reduce Concentrated Poverty and Joblessness* 4-6 (Dec. 2002) (working paper, on file with the Univ. of Haw. at Manoa Coll. of Soc. Sci. Pub. Policy Ctr.), *available at* http://www.publicpolicycenter.hawaii.edu/images/PDF/James_Spencer1.pdf (noting that "[t]he major U.S. antipoverty programs . . . [reflect that] a scholarly dichotomy of people *versus* places has become cemented in the policy imagination.") (italics in original); *see also* William C. Wheaton, Commentary, 2000 BROOKINGS-WHARTON PAPERS ON URB. AFF. 53, 94, *available at* http://muse.jhu.edu/journals/brookings-wharton_papers_on_urban_affairs/v2000/2000.1quigley.pdf (last visited Feb. 3, 2006) ("In theory, person-based policies are aimed at assisting selected categories of individuals—regardless of location.").

137. *See* Lott, *supra* note 56, at 102 ("[T]he tendency in the United States [is] . . . to see poverty as an individual problem and to be preoccupied 'with poor people's behavior, rather than the social and economic arrangements that perpetuate poverty, inequality, and social exclusion.'" (quoting Robert Halpern, *The Societal Context of Home Visiting and Related Services for Families in Poverty*, 3 FUTURE

have eradicated neither urban nor rural poverty. Particularly in light of the geographical and racial concentration of poverty in some areas, a second look is warranted at "place-based" policies and programs such as subsidies, business tax credits, and other tax incentives which target particular poor areas and neighborhoods.[138]

Many economists traditionally have criticized place-based policies, arguing that place-based policies create the potential for (1) benefiting primarily the business owner in the targeted area rather than the rural poor more generally; (2) attracting or trapping poor people in poor areas; and (3) abuse by politicians—themselves, of course, place-based—who may be motivated to push for special projects that benefit particular donors or constituencies, rather than projects that benefit the largest numbers of the rural poor:[139]

> [E]conomists often contend that *place* policies such as subsidies and tax breaks aimed at distressed communities are wasteful. They argue that place-based policies create a culture of dependency that dampens incentives including those that would induce the disadvantaged to relocate to better job opportunities. Though there may be many willing potential workers in a poor community, place-based policy critics also argue that most of the newly created jobs in a poor community would instead go to more qualified commuters and newly relocated residents and not the intended beneficiaries. Instead of place-based policies, they prefer person-based policies such as education and training, job counseling, and relocation assistance.[140]

These traditional economics-based arguments against place-based policies have, however, recently faced vocal and widespread criticism in the context of rural poverty:

OF CHILDREN 157, 160 (1993)); *see also Place Matters*, *supra* note 12, at 6, ("[E]conomists have traditionally been averse to place-based social policies in favor of programs targeting the behavior or needs of individuals, be that through cash assistance or tax relief or the myriad other government supports. Such individual-based policies are motivated by the belief that people are poor because of a human capital deficit.").

138. *See* Spencer, *supra* note 136, at 6; *see also* Mark Drabenstott & Katharine H. Sheaff, *The New Power of Regions: A Policy Focus for Rural America—A Conference Summary*, ECON. REV., 2nd Quarter 2002, at 1, 3, *available at* http://www.kc.frb.org/Publicat/econrev/Pdf/2q02drab.pdf ("Place-based policies . . . focus mainly on infrastructure . . . . People-based policies . . . invest[] in the human capital of rural residents.").

139. *See* MICHAEL E. PORTER, INST. FOR STRATEGY AND COMPETITIVENESS, HARVARD BUS. SCH., COMPETITIVENESS IN RURAL U.S. REGIONS: LEARNING AND RESEARCH AGENDA 61 (Feb. 2004), *available at* http://winwinpartner.com/_downloads/062104_PorterRuralReport.pdf ("[E]conomic development efforts for rural regions have been particularly vulnerable to political pork battles . . . .").

140. Partridge & Rickman, *supra* note 24, at 2-3 (emphasis in original); *see also* Kraybill & Kilkenny, *supra* note 135, at 2 (noting that in discussing rural development policies, "[p]lace orientation is often disparaged, while people orientation is presented as desirable. Economists in the mainstream of the economics discipline have long viewed place-oriented development policies as a form of protectionism promoted by local, landed interests who wished to resist inevitable change. Rather, mainstream economists have generally had a preference for people-oriented policies . . . .").

> Arguing against a people-based approach are several factors . . . . Foremost, disadvantaged households and workers with less human capital are not as geographically mobile. In addition, given the remoteness of many [persistent poverty] counties, greater distance to potential migration destinations increases transport and psychic costs of relocation. Impoverished individuals in [persistent poverty] counties also may simply move to other high poverty counties because that is where low-skilled workers may be most in demand. Thus, unless one accepts that [persistent poverty] county residents have determined that they are currently as well off in their current location as elsewhere, solely relying on people-based policies may be inadequate in addressing the spatial concentration of poverty.[141]

Indeed, the call for place-based rural policies generally, and place-based policies with respect to rural poverty in particular, is coming from so many diverse sources—including international development circles—that it suggests a growing consensus that place-based policies have an important role to play in addressing rural poverty.[142]

Obviously, the person-based policies preferred by economists, such as welfare and food stamps, have failed to eradicate rural (or urban) poverty. And, regardless of economists' views of person-based versus place-based policies as a general matter, the factual reality is that pockets of persistent poverty—places where, over decades, high rates of poverty have remained constant—exist in geographically confined areas.[143] Accordingly, place should become a determining marker

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141. Partridge & Rickman, *supra* note 24, at 2-3.

142. *See, e.g.*, Drabenstott & Sheaff, *supra* note 138, at 13 ("One answer may be to think about more 'place-based' kinds of policy for rural regions."); Kay Humphrey, *Native American Populations Show Strong Community Ties*, INDIAN COUNTRY TODAY, Oct. 24, 2001, at 2, *available at* http://www.indiancountry.com/content.cfm?id=2734&print=yes ("The United States is behind in understanding the value of place-based policies in rural areas."); Stanley Johnson, *Focusing on Differences: A New Approach for Rural Policy?*, MAIN STREET ECONOMIST, July 2001, at 1, 2, *available at* http://www.kc.frb.org/RuralCenter/mainstreet/MSE.0701.pdf (stating that rural policy "should focus on place rather than on sectors"); Partridge & Rickman, *supra* note 24, at 18 ("[P]lace-based economic development policies should be considered as another poverty-fighting tool in conjunction with person-based policies in the most challenging regions."). The recent move toward place-based rural policies is seen in other countries as well. *See, e.g.*, ORG. FOR ECON. CO-OPERATION & DEV., CASE STUDY: PLACE-BASED POLICIES FOR RURAL DEVELOPMENT: THE MICRO-REGIONS STRATEGY, MEXICO 5 (2003), http://www.oecd.org/dataoecd/62/7/34857346.pdf ("The work that the [Organisation for Economic Co-operation and Development] Rural Working Party has carried out in the last years has converged towards the acceptance that traditional top-down approaches and sectoral subsidies to rural areas have not given the expected results and that there is a need for place-based policies which can capture the diversity of rural areas and respond timely to their new challenges."); UNITED NATIONS ECON. COMM'N FOR EUR., THE WYE GROUP HANDBOOK: RURAL HOUSEHOLDS' LIVELIHOOD AND WELL-BEING 19 (2005), *available at* http://www.unece.org/stats/rural/chapterII.pdf (stating that the objectives for rural policies should include "[s]hifting from a sectoral to a place-based approach").

143. *See infra* notes 40-41 and accompanying text (discussing persistent poverty counties); *see also* GLASMEIER ET AL., *supra* note 41, at 22 ("[W]hat is truly remarkable and disturbing is the persistence of [economic] distress in a select set of communities in the U.S."); Stauber, *supra* note 32, at 36 ("[T]here is a continuing pattern of the concentration of [rural] poverty in specific areas.").

and appropriate focus for poverty policymaking. Employing person-based policies as the sole approach to persistent rural poverty inevitably and necessarily encompasses a different, and broader, population and therefore necessarily fails to provide the requisite focus. Like it or not, "rural America needs a policy focused on geography, supporting economic development in defined geographic areas."[144]

Moreover, the tremendous diversity of rural America means that policymakers must examine individually each pocket of persistent rural poverty rather than create a universal policy based on supposed national "norms."[145] When policy has focused on rural sectors, it has typically only focused on farming and agriculture, despite the fact that farm income represents only about 2% of total rural income and farm employment about 7% of rural employment.[146] The failure to acknowledge the diversity of rural America has contributed significantly to the failure of attempts to eradicate rural poverty.[147]

In light of the implications of place discussed in the foregoing sections of this article, the significance of place-based policies and programs, such as economic development policies focusing on rural enterprise and job-creation in isolated, poor rural areas, cannot be overstated. "Rural poverty has always been linked to the limited opportunity structure in rural communities . . . . There is too little work . . . . [P]oor rural areas lack stable employment, opportunities for mobility, diversity of social structure, and investment in community. Instead, these poor

144. Johnson, *supra* note 142, at 2.

145. *See infra* notes 13-16 and accompanying text (discussing the diversity of rural America); Stauber, *supra* note 32, at 48 ("Focusing on the types of areas that represent the complexity of rural America allows policymakers to target desired outcomes and strategies, rather than creating national or state development policy based on inappropriate large-scale norms."); *see also* PORTER, *supra* note 139, at 59 ("There is a pressing need to move beyond discrete recommendations to a more holistic policy framework that would address the specific circumstances of particular [rural] regions.").

146. *See* PORTER, *supra* note 139, at 19; further, less than 10% of the rural population lives on farms. *Id.*

147. *See* Johnson, *supra* note 142, at 2 (noting the failure of current rural policy and stating, "Rural policy has been preoccupied with agriculture and manufacturing, the traditional cornerstones of rural communities. But today's Main Streets are more diverse . . . . For these reasons, industry policies designed to solve past problems may not suit today's realities.").

> In terms of public dollars committed, rural policy now focuses primarily on two areas—agriculture and manufacturing. Neither focus is currently effective. A recent review of the literature revealed not a single study supporting the efficacy of current federal agricultural policy—including producer subsidies, export enhancements, and publicly supported, efficiency-oriented research—as a basis for rural development. This year's direct subsidies are expected to be approximately $25 billion; there is no convincing evidence that they will improve the economic viability of rural communities. In fact, current federal agricultural policies are actually hurting rural communities—by absorbing the vast majority of the resources directed to rural areas, by continuing the myth that rural and agriculture are the same, and by making it difficult for rural communities to develop new areas of competitive advantage.

Stauber, *supra* note 32, at 34.

communities are becoming more isolated economically and socially."[148]

This is not to say that place-based policies and programs should be substituted across the board for existing person-based policies and programs, but simply that multiple strategies are likely necessary to address the varying structural causes of rural poverty.[149] Similarly, to avoid the devolution of place-based poverty programs into mere political "pork," whereby lawmakers push for special projects benefiting only their home districts,[150] place-based programs should satisfy three prerequisites. First, the programs should be restricted initially to persistent poverty counties. Second, the proposed programs should be founded on research and recommendations by recognized and respected rural sociology experts. Third, the proposed programs should address both jobs and supporting infrastructure, such as transportation and child care services. In other words, in recognition of the wide diversity of rural areas and their needs, programs should use multiple methods. In particular, some promising recent sociological research on rural poverty has specifically concluded that persistent poverty counties "are not hopeless poverty traps . . . their deprivation can be reduced with more economic opportunities. Thus, place-based economic development policies should be considered as another poverty-fighting tool in conjunction with person-based policies in the most challenging regions."[151]

Place is a powerful construct that plays an important role in how we identify ourselves, how we relate to others, what opportunities are available to us, and how we live. Hurricane Katrina has provided an opportunity for lawmakers, policymakers, and the public at large to reject the pervasive view that poverty is solely an individual problem in which the poor deserve their lot and instead to recognize the broader structural considerations that result in persistent poverty.[152] To ignore the significance of place is to ignore a real form of discrimination and will serve to relegate the rural poor perpetually to that status.

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148. Tickamyer & Duncan, *supra* note 38, at 81; *see also* JOINT CTR. FOR POVERTY RESEARCH, RURAL DIMENSIONS OF WELFARE REFORM (2000), http://www.jcpr.org/conferences/ruralbriefing.html ("The rural economy offers fewer job opportunities and jobs are often less rewarding.").

149. *See* Miller & Rowley, *supra* note 35, at 12 ("Because the reasons [for rural poverty] are many, the solutions must be multi-faceted. And because the rural context differs from the urban and even among rural areas, the solutions will vary."); *Place Matters*, *supra* note 12, at 4 ("The complexity of rural poverty requires a research strategy that is multi-disciplinary, multi-method, and long-term.").

150. *See* Peronet Despeignes, *By the Numbers*, FORTUNE, Oct. 3, 2005, at 22 (noting that "[s]pending on "pork"-special projects lawmakers push for their home districts-has been rising steadily over the past decade and is at an all-time high . . . ."). *See generally* Ken Silverstein, *The Great American Pork Barrel: Washington Streamlines the Means of Corruption*, HARPER'S MAG., Jul. 1, 2005, at 31 (discussing the development and practice of pork barrel spending).

151. Partridge & Rickman, *supra* note 24, at 18; *see* Weber, *Introduction*, *supra* note 134, at 380 ("To design effective poverty reduction strategies, policy makers need rigorous, multimethod research that identifies place characteristics and mechanisms leading to poverty concentrations."); *see also* Rebecca M. Blank, *Poverty, Policy, and Place: How Poverty and Policies to Alleviate Poverty Are Shaped by Local Characteristics*, 28 INT'L REGIONAL SCI. REV. 441 (2005).

152. *See* Lott, *supra* note 56, at 102 (noting "'the social and economic arrangements that perpetuate poverty, inequality, and social exclusion'" (quoting Halpern, *supra* note 137, at 160)).

CONCLUSION

The distancing of rural poverty, both in terms of physical distancing through its geographic concentration in remote rural areas and in terms of psychological distancing through group identification and stereotypes, has served to keep rural poverty at arm's length, unseen and largely invisible. As a part of social identity and as a potential basis for stereotyping and discrimination, the power of place has generally received little attention. Yet the significance of place in rural poverty is undeniable. Policymakers, lawmakers, and the public at large have insisted on taking a blaming approach to poverty by characterizing the poor as unmotivated and undeserving[153] and using that characterization to justify favoring person-based poverty policies over place-based poverty policies. This article urges increased attention by policymakers and lawmakers to the significance of place in rural poverty and, accordingly, to the potential value of place-based policies and programs as a supplement to person-based policies and programs, in attempts to ameliorate persistent pockets of extensive rural poverty.

153. *See id.* ("[T]he poor are perceived as failing to seize opportunities because they lack diligence and initiative . . . . Poor people and welfare recipients are typically characterized as dishonest, dependent, lazy, uninterested in education, and promiscuous." (quoting Heather E. Bullock, *Class Acts: Middle-Class Responses to the Poor, in* THE SOCIAL PSYCHOLOGY OF INTERPERSONAL DISCRIMINATION 118, 125 (Bernice Lott & Diane Maluso eds., 1995))).