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Localism and Regionalism

RICHARD BRIFFAULT†

Localism and regionalism are normally seen as contrasting, indeed conflicting, conceptions of metropolitan area governance. Localism in this context refers to the view that the existing system of a large number of relatively small governments wielding power over such critical matters as local land use regulation, local taxation, and the financing of local public services ought to be preserved. The meaning of regionalism is less clearly defined and proposals for regional governance vary widely, but most advocates of regionalism would shift some authority from local governments, restrict local autonomy, or, at the very least, constrain the ability of local governments to pursue local interests. Regionalism would move some power to institutions, organizations, or procedural structures with a larger territorial scope and more population than existing local governments. Regionalism appears to be a step towards centralization. As such, it seems to be the antithesis of the decentralization represented by localism.

Yet, in the metropolitan areas that dominate America at the end of the twentieth century, regionalism is not simply the enemy of localism; it is also localism's logical

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extension. Localism is about the legal and political empowerment of local areas. The theoretical case for localism rests on a set of arguments about the role of local governments in promoting governmental efficiency, democracy, and community. But in contemporary metropolitan areas, the economically, socially, and ecologically relevant local area is often the region. Consequently, in metropolitan areas, concerns about efficiency, democracy, and community ought to lead to support for some shift in power away from existing localities to new processes, structures, or organizations that can promote decision-making on behalf of the interests of a region considered as a whole. Regionalism is, thus, localism for metropolitan areas.

Of course, the congruence of the theoretical underpinnings of localism and regionalism does not dispel the real world conflict between them. Localists do not become regionalists simply because they live in metropolitan regions. Indeed, the resistance to regionalism is quite widespread in most metropolitan areas. Localism is not simply a theory of government intended to advance certain normative goals. It is also a means of protecting the interests of those who receive advantages from the existing governance structure, including, but not limited to, local government officials, businesses that reap the rewards of the interlocal competition for commercial and industrial activity, real estate interests that profit from the system's propensity to promote the development of new land, and residents of more affluent areas who enjoy the benefits of ample local tax bases. The relationship between localism and regionalism, and the intense localist resistance to regionalism, tells us as much about the role of local self-interest in promoting localism in practice—and, for that matter, in promoting regionalism—as about the connection between localist values and regionalism in theory.

This Article explores the relationship between localism and regionalism. Part I examines the “what” and the “why” of contemporary regionalism: What does regionalism mean and why has it enjoyed so much attention from academics, urbanists, and policy analysts in recent years? Part II reviews the arguments for localism, and explains how, despite the asserted conflict between localism and regionalism, the theories underlying localism actually make a case for regionalism in contemporary metropolitan areas.

Finally, Part III considers the prospects in practice for moving from localism to regionalism.

I. REGIONALISM: THE WHAT AND THE WHY

A. *What is Regionalism?*

In contemporary discussions, regionalism has three elements. First, and most important, is the idea that a region is a real economic, social, and ecological unit. A metropolitan area is a real unit¹ in the sense that the people who live there do not concentrate their daily lives within any one locality but, rather, regularly move back and forth among multiple municipalities across a region. A person may live in one locality, work in another, shop in a third, seek entertainment or engage in a cultural activity in a fourth, and move through a large number of other localities during the course of his or her daily rounds.² Regions, not the cities within them, function as labor markets and housing markets,³ and businesses look to the region, rather than to the localities in which they are located, for their suppliers, workers and customers. Cultural and educational institutions, like museums, orchestras, and universities, serve broader regions than just their home cities. Environmental and natural resource questions—like air and water quality, water supply, waste disposal, or the availability of open space—affect regions that transcend local boundaries. If we think of a city or a locality as a group of people living near each other, who have common place-based interests, relatively high levels of interaction with each other, and much less intense interactions with residents of other cities, then in the words of David Rusk,

1. The Census Bureau defines a metropolitan area as a “geographic area consisting of a large population nucleus together with adjacent communities which have a high degree of economic and social integration with that nucleus.” BUREAU OF THE CENSUS, U.S. DEPT OF COMMERCE, STATE AND METROPOLITAN AREA DATA BOOK 1991, at 353 (1991).

2. See CARL ABBOTT, *THE NEW URBAN AMERICA: GROWTH AND POLITICS IN SUNBELT CITIES* 186 (rev. ed. 1987) (quoting the statement of a Southern California woman: “I live in Garden Grove, work in Irvine, shop in Santa Ana, go to the dentist in Anaheim . . . and used to be president of the League of Women Voters in Fullerton.”).

3. See generally William N. Goetzmann, et al., *Do Cities and Suburbs Cluster?*, 3 *CITYSCAPE: A J. OF POL’Y DEVEL. & RES.* 193 (1998).

"[t]he real city is the total metropolitan area."⁴

At the end of the twentieth century, the metropolitan area is the dominant form of population settlement in America. In 1990, 193 million people, or seventy-eight percent of the total population of the United States, lived in metropolitan areas.⁵ The twenty-one most populous metropolitan areas (those with two million people or more) included 101 million people, or forty percent of the population. Slightly more than half of all Americans in 1990 lived in the thirty-nine metropolitan areas that contained one million people or more.⁶ Composed of multiple local governments, the metropolitan region falls between city and state. It is usually far larger in area and population than any of the local governments, particularly the municipalities that lie within it.⁷ Yet, the metropolitan region typically accounts for only a portion of the population and land area in a state.⁸

Metropolitan regions usually lack formal legal or political existence. They are generally not chartered, incorporated, or granted home rule.⁹ Not one major metropolitan area is governed by a single all-encompassing general-purpose government. In most metropolitan areas there is no legal or political institution capable of developing and implementing regional policies across a wide range of matters of regional concerns. In many areas, there are special purpose bodies capable of raising funds or

4. DAVID RUSK, *CITIES WITHOUT SUBURBS* 3 (2d ed. 1995); accord Neal Peirce, *Regionalism and Technology*, 85 NAT'L CIVIC REV. 59, 59 (1996) ("[M]etropolitan regions - 'citistates' are the true cities of our time.").

5. See BUREAU OF THE CENSUS, *supra* note 1, at 205.

6. See Eli Ginzberg, *The Changing Urban Scene: 1960-1990 and Beyond*, in *INTERWOVEN DESTINIES: CITIES AND THE NATION* 33, 35-36 (Henry G. Cisneros ed., 1993) [hereinafter "INTERWOVEN DESTINIES"].

7. According to Rusk, out of 320 metropolitan areas, there were only 48 areas, accounting for about eight million people, in which there was one local government that encompassed at least sixty percent of the metropolitan population. In only one metropolitan area was there a local government that served the entire population. See RUSK, *supra* note 4, at 95.

8. Many metropolitan areas are not nested neatly within a single state but, instead, sprawl across state lines. In 1990, 10 of the 30 most populous metropolitan areas, and five of the ten largest, crossed state lines. See *INTERWOVEN DESTINIES*, *supra* note 6, at 23, tbl. 2.

9. An important exception is the region around Portland, Oregon. The Portland Metropolitan Service District received a home rule charter in 1992. The District, however, is not a full-fledged general-purpose government. See RUSK, *supra* note 4, at 104.

delivering services across a region. But as former U.S. Secretary of Housing and Urban Development Henry G. Cisneros once put it, these entities constitute a kind of "things-regionalism" aimed at financing, constructing or operating infrastructure facilities such as highways, mass transit, ports and airports, water supply, and wastewater treatment.¹⁰ Their focus on "system-maintenance functions"¹¹ tends to lead them to frame their missions around engineering or technical questions, rather than the broader economic and social issues implicated by the location and operation of new facilities. Their single-purpose specialization "constrains opportunities for comprehensive regional policy discussions and tradeoffs."¹² These entities provide important services, but they generally do not provide an opportunity to integrate different public concerns, for example connecting location of new roads or sewer lines with the location and affordability of housing.

The sense that legal and political institutions have failed to keep up with the economic, social, and ecological existence of regions drives the second and third components of regionalism—the call for regional policies that reflect regionwide concerns, and the interest in creating new region-level mechanisms that can take a regionwide perspective with respect to issues that affect the region.

The second component—the desire for regional instead of purely local policies—is reflected in the many proposals concerning land use planning, economic development, affordable housing, the financing of public services, and the protection of the regional environment. Many of these proposals would leave local powers and structures in place, but through a combination of incentives or requirements that local actions conform to regional standards, would superimpose on local decision-making regional goals or norms concerning such matters as the management of new growth, the allocation of affordable housing, or the sharing of the local revenue gains from new property tax base growth.

10. Henry G. Cisneros, *Regionalism: The New Geography of Opportunity*, 85 NAT'L CIVIC REV. 35, 37-38 (1996).

11. Oliver Williams, *Life Style Values and Political Decentralization in Metropolitan Areas*, 48 SOUTHWESTERN SOC. SCI. Q. 299, 304-07 (1967).

12. Scott A. Bollens, *Fragments of Regionalism: The Limits of Southern California Governance*, 19 J. URB. AFF. 105, 118 (1997).

The third component of regionalism is the interest in creating new mechanisms that would be able to articulate regional concerns and formulate and implement regional policies. Regional policy-making does not necessarily require regional institutions. Policy proposals can come from existing localities, from private groups or individuals operating within existing localities, or from loose collections of different groups from different localities. Growth management or tax base sharing can be implemented by the state, without the creation of new regional bodies. Many proponents of regional policies see the need for a new, more regional focus to local policymaking, but are wary of placing proposals for regional governance structures on their reform agendas. The long and largely unsuccessful history of efforts to create metropolitan governments¹³ has persuaded some regionalists that governance reform is doomed to failure.¹⁴ Yet, while much of contemporary regionalism is focused on policy, the governance concern is a persistent thread in regionalist proposals. Proposals for full-fledged regional governments are rare,¹⁵ but regionalists regularly call for new regional processes, structures, or institutions that can identify regional problems, formulate regional solutions, implement those solutions, and coordinate regional actions over a wide range of policy domains.¹⁶ These proposals range from reliance on

13. See, e.g., Richard Briffault, *The Local Government Boundary Problem in Metropolitan Areas*, 48 STAN. L. REV. 1115, 1117-20 (1996).

14. See, e.g., DAVID RUSK, *INSIDE GAME/OUTSIDE GAME: WINNING STRATEGIES FOR SAVING URBAN AMERICA* 8-11 (1999) [hereinafter *INSIDE GAME/OUTSIDE GAME*] (commenting that given the unlikelihood in most regions of a regional government, the focus instead should be on regional land use planning, fair share housing, and revenue sharing.); William Dodge, *Regional Excellence*, 85 NAT'L CIVIC REV. 4, 5 (1996); Todd Swanstrom, *Ideas Matter: Reflections on the New Regionalism*, 2 CITYSCAPE: J. POL'Y DEV. & RES. 5, 15 ("Clearly, the age of general-purpose regional governments is past.").

15. David Rusk's *CITIES WITHOUT SUBURBS*, was such a call. Rusk urged the consolidation of existing metropolitan area local governments, or annexation by the central city in the region, as the best means of achieving his metropolitan policy goals of reducing racial segregation, remedying interlocal fiscal imbalance, promoting regional economic development, and implementing regional growth management: "Having a metropolitan government is much better than trying to get multiple local governments to act like a metropolitan government. The former is a more lasting and stable framework for sustained, long-term action." RUSK, *supra* note 4, at 85.

16. See, e.g., MYRON ORFIELD, *METROPOLITICS: A REGIONAL AGENDA FOR COMMUNITY AND STABILITY* 99-103 (1997); Allan D. Wallis, *Regions in Action:*

coalitions of business leaders,¹⁷ or on cross-sectoral alliances of public-private and public-private-nonprofit organizations,¹⁸ to the use of regional councils of local governments,¹⁹ or regional coordinating councils that would have power to provide funds for local development projects that are consistent with regional policies,²⁰ and the creation of an elected metropolitan council with powers to make land use and development policies for the region.²¹ Although regional institutions will not necessarily be effective advocates of the regional perspective,²² regions will require some mechanisms for considering regional issues, debating regional problems, and articulating regional views if regional policies are to be representative of and responsive to the concerns of regional residents.

B. *Why Regionalism?*

After a long period in which regionalism seemed dead, there was a striking upsurge of interest in regionalism in the 1990s.²³ The current attention to regionalism has three strands: a concern about sprawl, a recognition of the concentration of poverty within metropolitan areas, and a

Crafting Regional Governance Under the Challenge of Global Competitiveness, 85 NAT'L CIVIC REV. 15, 18 (1996).

17. See Wallis, *supra* note 16, at 19-21.

18. See *id.* at 21-22.

19. See, e.g., J. Eugene Grigsby III, *Regional Governance and Regional Councils*, 85 NAT'L CIVIC REV. 53 (1996).

20. See ELMER W. JOHNSON, CHICAGO METROPOLIS 2020: PREPARING METROPOLITAN CHICAGO FOR THE 21ST CENTURY 95-101 (1999) (proposing area Regional Coordinating Council for Chicago); cf. INSIDE GAME/OUTSIDE GAME, *supra* note 14, at 201-21 (discussing Dayton area program involving the use of a regional advisory committee to allocate funds for economic development projects in the region).

21. See ORFIELD, *supra* note 16.

22. See *id.* at 123-24, 178-80 (reviewing the mixed record of the Twin Cities Metropolitan Council); cf. Kathryn A. Foster, *Regional Capital*, paper presented at the 1998 Annual Meeting of the American Political Science Association, at 17 (noting that the existence of regional institutions such as special districts is not a good predictor of regional policy outcomes) (on file with the *Buffalo Law Review*).

23. See, e.g., Bruce Katz & Scott Bernstein, *The New Metropolitan Agenda: Connecting Cities and Suburbs*, BROOKINGS REV., Fall 1998, at 4, 5; Janis Purdy, *Introduction*, 85 NAT'L CIVIC REV. 3, 3 (1996) ("regionalism is a hot issue in the 1990s"); Allan D. Wallis, *Filling the Governance Gap* <http://www.citistates.com/Wallis.htm> (collected Jan. 12, 2000 (reviewing recent books by "the new regionalists")) (on file with the *Buffalo Law Review*).

belief that regions will be hampered in their ability to engage in economic competition unless they address their internal economic and social inequities.

First, there is the growing dissatisfaction with the dominant pattern of metropolitan area land use: sprawling low-density development. In nearly all metropolitan areas, the growth in the amount of urbanized land has wildly outpaced the growth in population.²⁴ Over the last quarter-century, the population of the New York metropolitan area grew five percent, but the developed land in the region increased by sixty-one percent;²⁵ similarly, in the 1970s, metropolitan Chicago's population grew just four percent, while its urbanized territory expanded forty-six percent.²⁶ The extension of metropolitan areas consumes open space and degrades environmentally sensitive areas, displacing land uses that contribute to the regional quality of life. Spreading metropolitan areas create a demand for expensive new infrastructure—highways and streets, sewage treatment facilities, fire stations, schools—in growing communities on the urban fringe.²⁷ Sprawl contributes to the dispersed pattern of regional development that effectively precludes the use of mass transit,²⁸ and leads to the loss of many of the social, cultural, and civic benefits that could occur if it were easier for people to come together at central points to discuss matters of community concern.

The existing local governance system contributes to sprawl. Local governments are largely dependent on the taxation of property within local borders for their revenues, much as they are largely dependent on local revenues to fund local services. As a matter of local fiscal policy, each locality has an economic interest in using its planning and zoning powers to exclude new residents and activities that cost more in services than they contribute to the tax base. Local land use regulations can be used to drive up the cost

24. See, e.g., INSIDE GAME/OUTSIDE GAME, *supra* note 14, at 66-69.

25. See NEAL R. PEIRCE, CITISTATES: HOW URBAN AMERICA CAN PROSPER IN A COMPETITIVE WORLD 28 (1993).

26. See *id.*

27. See *id.* at 132 (noting the "immense public cost" of duplicative infrastructures on the metropolitan fringe).

28. See, e.g., ANTHONY DOWNS, NEW VISIONS FOR METROPOLITAN AMERICA 8 (1994); Elliott D. Sclar & Walter Hook, *The Importance of Cities to the National Economy*, in INTERWOVEN DESTINIES, *supra* note 6, at 57.

of housing in a locality, thereby creating a de facto price of entry that serves to exclude potential residents who would not add to the net per capita wealth of the community.²⁹ Local decisions to restrict or exclude particular land uses—like apartment houses, townhouses, or even smaller detached houses—or to drive up the cost of land, as by making large lots a precondition for building, will displace less affluent people to other localities.³⁰ Although an individual locality is unlikely to be able to affect the regional housing market, local land use controls can have a ripple effect across the region. When one locality acts to exclude lower-cost housing, its neighbors may feel compelled to adopt comparable regulations to protect themselves from the growth they fear will be diverted to them by the initial locality's regulation. As a result, exclusionary zoning can spread throughout a metropolitan area, driving up the cost of housing and denying less affluent people the opportunity to live in large numbers of communities within the region.

Exclusionary zoning forces new development away from existing partially developed communities to the exurban and rural communities at the perimeter of the region.³¹ This leapfrog pattern of development results from local fiscal zoning. People who cannot afford housing in more restrictive closer-in communities move to less restrictive outlying areas, and this, in turn, creates sprawl. To be sure, local land use regulation is not the sole, or even the prime, cause of sprawl. New developments in transportation and improved communications technologies have reduced the benefits of central location, while the increased role of information rather than physical inputs in production has loosened the ties of particular firms to particular places, freeing them to relocate to cheaper locations on the metropolitan periphery. Federal subsidies for highways and new suburban infrastructure,³² the failure to price the true

29. They can also use targeted tax cuts, service provision, eminent domain, or land use regulations to attract firms and residents that add to the local tax base.

30. See, e.g., ORFIELD, *supra* note 16, at 58-62 (reviewing locally created barriers to affordable housing).

31. See, e.g., Lawrence Katz & Kenneth T. Rosen, *The Interjurisdictional Effects of Growth Controls on Housing Prices*, 30 J. L. & ECON. 149 (1987).

32. See, e.g., INSIDE GAME/OUTSIDE GAME, *supra* note 14, at 91-92.

costs of driving,³³ and federal tax benefits and mortgage guarantees favoring new single-family homes³⁴ have all promoted the movement of people and firms away from older cities and suburbs.³⁵ Nevertheless, the decentralized and fragmented local government system, which encourages individual localities to use land use policy to pursue local fiscal goals, has had an impact.³⁶ More importantly, the local government system makes it difficult for individual localities to take action to control sprawl. Sprawl is a regional phenomenon: "Therefore, purely local growth management policies . . . cannot succeed without some strong regionwide mechanism for coordinating them."³⁷

The second cause of the current interest in regionalism is the growing concentration of poverty, especially among African-Americans and Hispanics, in metropolitan areas.³⁸ Although metropolitan area incomes are up, and racial housing segregation has modestly declined,³⁹ poor people, particularly poor people of color, are increasingly concentrated in a relatively small number of high-poverty census tracts. These neighborhoods, marked by physical decay and by higher crime, delinquency, drug addiction, and unemployment rates than are found in the rest of the metropolitan area, are in "extreme economic and social

33. See PIETRO S. NIVOLA, *LAWS OF THE LANDSCAPE: HOW POLICIES SHAPE CITIES IN EUROPE AND AMERICA* 83-84 (1999).

34. See *INSIDE GAME/OUTSIDE GAME*, *supra* note 14, at 86-90.

35. There are also undeniable benefits from sprawl for many metropolitan area residents. Those benefits include low density residential lifestyles, relatively easy access to open space both at one's own home and in the countryside, a broad choice of places to work and live, relatively short commuting times for most of those who both live and work in the suburbs, ease of movement except in peak periods, the ability of middle- and upper-income households to separate themselves spatially from problems associated with poverty, and their ability to exercise strong influence on their local governments. Anthony Downs, *How America's Cities Are Growing: The Big Picture*, *BROOKINGS REV.*, Fall 1998, at 8. See also Alan A. Altshuler, *The Ideologies of Urban Land Use Policy*, in *DILEMMAS OF SCALE IN AMERICA'S FEDERAL DEMOCRACY* at 193 (Martha Derthick ed., 1999) (suggesting that sprawl is popular with many metropolitan area residents).

36. See Robert Fishman, *Megalopolis Unbound*, *WILSON Q.*, Winter 1990, at 25, 36.

37. Downs, *supra* note 35, at 9.

38. See *INSIDE GAME/OUTSIDE GAME*, *supra* note 14 at 71-81, 123-25; *ORFIELD*, *supra* note 16, at 15-45, 156-67.

39. See *INSIDE GAME/OUTSIDE GAME*, *supra* note 14, at 72-74.

crisis.”⁴⁰

This concentration of poverty is intertwined with municipal fiscal distress. High-poverty areas require far more municipal services than do other areas, yet their poverty means that they lack the tax base to fund these services. Taxpayers in localities with high concentrations of poor people are likely to be subject to higher local tax rates, but they receive lower quality basic services. The combination of social and economic distress with high tax rates and low service quality leads businesses and middle-income households to move to other areas, “tak[ing] their fiscal resources with them.”⁴¹ This increases the concentration of poverty within the areas they leave, while further reducing the resources in those areas for financing local public services. As a result, “a self-aggravating downward fiscal spiral weakens the ability of core-area governments to provide quality public services and results in grossly unequal environments across our metropolitan areas.”⁴² Although associated with central cities, high poverty districts are not confined to those cities. In most metropolitan areas there are older, inner suburbs whose concentrations of poverty, crime, and fiscal distress exceed those of the central city.

Sprawl and the concentration of poverty are connected. Concentrated poverty operates as a “push” factor, causing those who can leave high poverty areas to do so. Their efforts to move their businesses and find new housing in developing areas contribute to sprawl. Conversely, the availability of commercial and residential sites elsewhere in the metropolitan area—and the ability to obtain better services and avoid the higher tax rates of the poorer localities by moving to new locations—operates as a “pull” factor inducing people to move. This movement, by reducing the middle class population in poorer areas, making many new jobs less accessible to poverty-area residents,⁴³ and weakening the local tax base in those areas, deepens the impoverishment of poorer localities.

40. *Id.* at 79.

41. Downs, *supra* note 35, at 10.

42. *Id.*

43. See, e.g., ORFIELD, *supra* note 16, at 66-68 (reviewing the “spatial mismatch” of new jobs created in the outer suburbs and low-income workers in the central city and inner suburbs).

Again, the concentration of poverty in a relatively small number of metropolitan area census tracts is not a product solely of the local government system. Much broader economic and social factors are at work, and a range of federal policies is implicated.⁴⁴ But the local government system contributes to the problem. By linking both the tax rate and the funds available for local public services to the local tax base, the local government system assures that those with the greatest need for services such as education are likely to receive the worst services, while those taxpayers in poor areas will have the greatest incentive to leave those areas, thus contributing to the concentration of poverty and to the physical and social isolation of poverty district residents. Local fiscal autonomy also propels local land use policies, thereby contributing to local exclusionary regulation. As with sprawl, the consequences of the concentration of poverty for local taxes and services cannot be addressed successfully at the local level alone.⁴⁵

The third, and perhaps the most intriguing, strand in contemporary regionalism is the belief that a more regionalist approach to governance is required by the new global economy.⁴⁶ This argument from competitiveness asserts that in today's economy metropolitan regions are "the units of economic competition,"⁴⁷ and that in order to compete effectively metropolitan areas have to deal with the social and economic problems of their poorer areas. The argument relies on studies that demonstrate that metropolitan areas function as interdependent economic regions in which there are close relationships between the central city and the surrounding area.⁴⁸

These studies find that as interlocal disparities in household income rise, the overall economic health of the

44. See *INSIDE GAME/OUTSIDE GAME*, *supra* note 14, at 107-21.

45. See *id.* at 126-51; HELEN F. LADD & JOHN YINGER, *AMERICA'S AILING CITIES: FISCAL HEALTH AND THE DESIGN OF URBAN POLICY* (1989); ORFIELD, *supra* note 16, at 74.

46. See, e.g., PEIRCE, *supra* note 25; Theodore Hershberg, *Regional Cooperation: Strategies and Incentives for Global Competitiveness and Urban Reform*, 85 NAT'L CIVIC. REV. 25 (1996); see also Kathryn A. Foster, *Regional Impulses*, 19 J. URB. AFF. 375, 375 (1997) (noting the "pressure of global competitiveness and regional excellence" in the "rediscover[y]" of regionalism).

47. Hershberg, *supra* note 46, at 25.

48. See H. V. Savitch et al., *Ties That Bind: Central Cities, Suburbs, and the New Metropolitan Region*, 7 ECON. DEV. Q. 341, 342 (1993).

metropolitan region declines.⁴⁹ One study of metropolitan areas by the National League of Cities found that city-suburb disparities in per capita income correlated negatively with regionwide employment growth. Those areas in which income disparities were narrowest were marked by the greatest overall regional growth, whereas those areas with above-average income inequality had lower employment growth or even declines in employment rates.⁵⁰ A second National League of Cities study found a correlation between suburban income growth and city income growth. Although city income growth generally lagged behind suburban growth, cities and suburbs tended to move in the same direction, and suburbs did best when their cities did best.⁵¹ Another study of metropolitan areas in the northeast and north central regions found that "it is unlikely that a metropolitan area's suburban economic performance, as measured by income growth, is strong relative to other suburban areas if the metropolitan area has declining central city incomes."⁵²

The "high correlation between city and suburban growth, income, and population"⁵³ suggests that the metropolitan area is "an economically and socially integrated urban entity"⁵⁴ whose various components tend to rise and fall together. The economically intertwined nature of localities within a metropolitan area may not be simply a matter of cities and suburbs. In most metropolitan areas, most of the people and many of the jobs are located outside the central city, scattered in localities throughout the region. Firms draw their workers from multiple urban and suburban settings. They depend on localities other than the ones in which the firms are located to educate the next generation of workers and to provide basic public services and amenities to workers and their families. To the extent

49. See, H. V. Savitch et al., *The Regional City and Public Partnerships, in IN THE NATIONAL INTEREST: THE 1990 URBAN SUMMIT: WITH RELATED ANALYSES, TRANSCRIPT, AND PAPERS* 65, 67-69 (Ronald Berkman et al. eds., 1992).

50. See LARRY C. LEDEBUR & WILLIAM R. BARNES, *CITY DISTRESS, METROPOLITAN DISPARITIES AND ECONOMIC GROWTH* 14-16 (1992).

51. See LARRY C. LEDEBUR & WILLIAM R. BARNES, "ALL IN IT TOGETHER": *CITIES, SUBURBS, AND LOCAL ECONOMIC REGIONS* 1 (1993).

52. Richard Voith, *City and Suburban Growth: Substitutes or Complements?*, FED. RESERVE BANK PHILA. BUS. REV., Sept.-Oct. 1992, at 29.

53. *Id.* at 27.

54. Peter D. Salins, *Metropolitan Areas: Cities, Suburbs, and the Ties that Bind*, in *INTERWOVEN DESTINIES*, *supra* note 6, at 149.

that the more fiscally straitened localities of residence are unable to provide proper education, policing, sanitation, and parks to their residents, firms, and the regional economy as a whole, will bear part of the cost. If the fate of the more affluent areas within a region is tied to the well-being of its poorer areas, then the region as a whole may have an interest in addressing the problems of its more impoverished communities.

The competitiveness argument for regionalism is controversial. Although there is evidence that rates of regional growth are inversely correlated with the severity of intraregional disparities, correlation is not causation. Instead of equality facilitating growth, growth may promote equality. High-growth regions may be more internally equal because of the trickle-down effects of growth. Low-growth regions may be more internally unequal not because inequality hampers growth but because lack of growth contributes to inequality.⁵⁵ Nor is it clear that the connection between regional growth and intraregional equality is a constant across the country. One study found that the relationship was particularly significant only in the Northeast and was much weaker elsewhere.⁵⁶

Nevertheless, the competitiveness argument is a significant one in contemporary regionalism. It explains much of the support for regionalism among business groups.⁵⁷ It gives greater weight to the ties that link up the different localities within a region rather than to the forces that drive them apart. And, consistent with the role of local self-interest in reinforcing localism, it tries to make a case for regionalism in terms of the self-interest, albeit the enlightened self-interest, of even the residents of the high tax-base, low-density suburbs that appear to benefit most from the current localist system.

55. See Swanstrom, *supra* note 14, at 8.

56. See Janet Rothenberg Pack, *Metropolitan Areas: Regional Differences*, BROOKINGS REV., Fall 1998, at 26, 29-30.

57. See, e.g., INSIDE GAME/OUTSIDE GAME, *supra* note 14, at 290-99; Wallis, *supra* note 16, at 15-16.

II. FROM LOCALISM TO REGIONALISM

A. *The Case for Localism*

Advocates of the decentralization of power to local governments argue that it promotes allocational efficiency in the provision of public services, democratic citizenship, and self-determination by territorial communities.

1. *Efficiency.* In his contribution⁵⁸ to this Symposium, Alex Anas built on the work of Charles Tiebout,⁵⁹ and effectively argued that local autonomy promotes the efficient provision of public goods and services. This occurs in three ways. First, local autonomy permits public policy decisions to match distinctive local conditions. If all political decisions were taken at a highly centralized level, it would be difficult to vary policies in light of diverse local needs and preferences. Centrally determined policies might leave large numbers of people subject to government decisions they oppose. Decentralization allows local governments to tailor services, regulation and taxation to the needs and desires of their particular constituents.⁶⁰

Second, in Tiebout's model, if there are many localities in a given area, and if people are free to relocate from one locality to another, individuals will be able to select among different localities, each offering its particular package of taxes, services, and regulation. A multiplicity of relatively autonomous localities permits a range of choices and increases the ease of movement among them, enhancing the likelihood that one locality will approximate the mobile "consumer-voter's" preferences.⁶¹ People can sort themselves out by moving, with those having similar preferences for local public goods, services, and taxes settling in the same localities and apart from people with different preferences. Thus, not only can local governments vary their policies in

58. Alex Anas, *The Costs and Benefits of Fragmented Governance and the New Regionalist Policies*, 2 PLANNING & MARKETS, Sept. 1999, available in <<http://www-pam.usc.edu>> (Feb. 11, 2000) (on file with the *Buffalo Law Review*).

59. See Charles M. Tiebout, *A Pure Theory of Local Expenditures*, 64 J. POL. & ECON. 416 (1956).

60. See Anas, *supra* note 58, at 8 (discussing "variety").

61. Tiebout, *supra* note 59, at 417.

light of local preferences or conditions, but also households can choose among local governments and move to, or remain in, the locality that offers the package of government activities that best matches their preferences.

Third, the existence of a large number of localities and the opportunity for exit give citizens greater control over their local governments. If local decisions are inconsistent with a resident's preference, she is not stuck with that outcome. Instead, she can exit to an adjacent locality. Indeed, the mere possibility of exit, and the local government's awareness that local residents can vote with their feet, operate to constrain local government actions. The possibility of taxpayer exit and, conversely, the possibility of drawing in new taxpayers from other localities, mean that local governments will compete for taxpayers, much as firms compete for customers. The resulting interlocal competition checks local taxing, spending, and administrative inefficiency.

2. *Democracy.* The second major argument for local autonomy is democracy. A healthy democracy requires that its citizens have opportunities to participate in the political process. Local government provides citizens with opportunities for participation in public decision-making, opportunities that are simply unavailable in larger units of government. Democratic participation is presumably more possible at the local level, where government bodies and public officials are more accessible and closer to home than they are at the state or national level. The costs of participation in terms of the time, energy, and money needed to reach out, engage, and persuade other members of the polity are likely to be lower in smaller, local units than in larger ones.⁶² Participation may also be more satisfying at the local level. Where the unit is small, each individual can be heard by and potentially influence a significant portion of the polity. There is a greater chance that his or her "action will make a significant difference in the outcome,"⁶³ that is, that he or she will be effective in determining local policy, winning local office, or least in

62. See ROBERT A. DAHL & EDWARD R. TUFTE, *SIZE AND DEMOCRACY* 41-42 (1973).

63. *Id.* at 41.

shaping the local debate.

Local democracy is connected to local autonomy. People will bother to participate in local government decision-making only if local governments have real power over matters important to local people.⁶⁴ Local political participation thus requires local autonomy, much as local autonomy advances the prospects for local democracy.

3. *Community*. A third strand in the argument for local autonomy is the belief that localities are not simply arbitrary collections of small groups of people who happen to buy public services or engage in public decision-making together. They are communities—groups of people with shared concerns and values—distinct from those of the surrounding world and tied up with the history and circumstances of the particular places in which they are located. People live in localities, raise their children there, and share many interests related to their homes, families, and immediate neighborhoods. Much of the power of the idea of local autonomy in our legal and political culture grows out of this connection of government with place-based association.⁶⁵

This is not simply a matter of the efficiency advantages of making decisions concerning public goods or services at the local level, or of the democratic possibilities of allowing people to engage in collective political action at the grass roots. Rather, the argument from community assumes that a locality is a place with a particular history, identifiable characteristics, and a unique identity. If a society values its distinctive communities, local autonomy is important because it allows local communities to govern themselves.

B. *Localism in the Metropolitan Region*

Each of the arguments for localism is seriously undermined by the regionalization of the conditions for and the consequences of local government actions in

64. See Gerald E. Frug, *The City as a Legal Concept*, 93 HARV. L. REV. 1057, 1067-70 (1980).

65. See NICHOLAS K. BLOMLEY, *LAW, SPACE AND THE GEOGRAPHIES OF POWER* 193 (1994) (stating that localities are “valued not as temporary nodes in a continual migratory process, but as ‘life spaces,’ rich with personal and cultural meaning”).

contemporary metropolitan areas. In the metropolitan context, the arguments for localism actually begin to make the case for some kind of region-level policy-making and governance.

1. *Efficiency*. Underlying the efficiency case for local autonomy is the assumption that the costs of local actions are borne primarily by the acting locality, that is, they are internalized. Tiebout makes this premise express: in his model, local government will be efficient only when locally supplied public services "exhibit no external economies or diseconomies between communities."⁶⁶ In metropolitan areas, however, local actions are frequently marked by externalities.

Local borders probably always generated some spillovers, but in the past, when local governments were set farther apart by unincorporated land, and people focused more of their activities within the territorial limits of their particular locality, the spillovers may have been relatively slight compared to the efficiency benefits of decentralized decision-making. The spillover problem is more acute in contemporary metropolitan areas, where local borders frequently abut each other, and people range widely in their daily activities across multiple local boundaries. In metropolitan regions, local governments are sure to generate externalities. As the example of sprawl indicates, these may not involve simply the impact of one particular locality on its neighbor, but may instead be the consequence of the aggregate of local policies across the region. Local land use decisions have regional effects, yet "in arriving at its decisions, the typical locality ignores regional impacts."⁶⁷

The efficiency model relies heavily on interlocal mobility in order to work.⁶⁸ It is interlocal mobility that enables people to select the community that best matches their needs, and it is the possibility of mobility that gives rise to the interlocal competition that promotes efficiency. Yet, in contemporary metropolitan areas, a critical local land use policy, exclusionary zoning, operates to increase

66. Tiebout, *supra* note 58, at 419.

67. Altshuler, *supra* note 35, at 193.

68. See GORDON CLARK, JUDGES AND THE CITIES: INTERPRETING LOCAL AUTONOMY 164 (1985) (stating that mobility is the "crucial lever" of the Tiebout model).

the cost of mobility, if not to frustrate it outright. It denies many people the opportunity to move into a place, because they cannot afford the higher housing costs produced by local regulation. These people may be able to move, but because of local regulations they must pay more or move to locations other than those they would have chosen. Metropolitan area exclusionary zoning flows from the logic of local fiscal autonomy, but it constrains the mobility that is at the heart of the efficiency case for localism.

Finally, the enormous disparities in tax bases and spending among localities in a metropolitan area⁶⁹ call into question the role of localism in promoting "consumer choice."⁷⁰ The efficiency argument for local autonomy assumes that the tax, service, and regulatory differences among localities are the result of variations in "tastes." In theory, the people of one locality might prefer a municipal swimming pool, another might favor a golf course, a third might opt for higher teacher salaries, and a fourth might decide to lower taxes and spend less across the board. In fact, however, local taxing and spending decisions are often based not on idiosyncratic local tastes but on the stark differences in local fiscal capacity that divide localities within a metropolitan area. Moreover, much of the difference in local tax bases is due to the location of commercial and industrial activity, to historic settlement decisions, to the location of highways and natural resources, or to concentrations of the poor rather than to local government efficiency. Even a leaner, more effective government is likely to be incapable of offsetting the disadvantages of poor location, aged infrastructure, or a large, impoverished population. Residents of these poorer locations will have fewer choices, not more, as a result of local fiscal autonomy.

Thus, in metropolitan areas, a purely localist governance structure will fail to provide some of the critical elements of the efficiency model, such as the avoidance of spillovers, the freedom of people to choose their area of residence, and the ability of local governments to respond to the desires of their residents for quality public services.

69. See ORFIELD, *supra* note 16, at 163 (the wealthiest school district in the Chicago area has 28 times the tax base per household as the poorest district and the disparity in annual spending per pupil is three to one).

70. See Anas, *supra* note 58, at 8.

Some regional policies or structures will be needed to deal with the external effects of local actions, to constrain local regulations that impede mobility, and to assure a level playing field among localities of unequal taxable wealth. In metropolitan areas, externalities can be avoided, mobility protected, and the opportunity of poorer localities to make choices among public services secured only at the regional level. In the metropolitan context, then, the efficiency arguments for localism actually indicate the need for some kind of regionalism.

The efficiency concerns suggest the desirability of a combination of localist and regionalist policies or structures. Some localist actions will generate few externalities. Not all localities engage in exclusionary regulation, and not all restrictions on land use are fiscally determined. Some local control over tax levels and service decisions would be necessary if localities are to accommodate the differences in preferences that no doubt exist across sprawling metropolitan areas. The efficiency argument suggests the need for regional policies or structures that can develop norms or guidelines for local decisions; review and veto local decisions that impose unacceptable costs on neighboring localities or on the region as whole, or at least provide a mechanism for obtaining the consent of and providing compensation to those who are adversely affected by local decisions; and provide poorer localities with a share of regional resources so that a broader range of localities will have the fiscal capacity to provide the services their residents want. Yet, these policies or structures could leave many of the basic decisions regarding land use, housing, economic development, tax rates, or public service spending to local governments in the first instance. Regionalism need not wholly displace localism, but the efficiency argument for localism suggests the desirability for some form of regionalism to assure that in metropolitan settings local policies actually promote efficiency.

2. *Democracy.* One central value of democracy is that it enables the people affected by government decisions to participate in the processes by which those decisions are made. Democracy assumes a considerable degree of political equality, that is, of the equal right of those affected by a government's action to participate and be heard. A local

government that permitted only some of its residents to participate in local politics or that gave greater weight to the participation of some over others would fail the basic standard of political equality.⁷¹ The pervasive externalities that undermine the efficiency case for localism, however, mean that many people affected by a local government's action live outside the locality's borders. Local government land use decisions, in particular, regularly affect people outside local borders who are unable to participate in that decision-making process. Exclusionary zoning or local regulations that keep out locally undesirable but regionally necessary facilities frequently affect nonresidents of the acting locality. When localities compete for commercial and industrial taxpayers, local decisions to offer tax breaks or new, subsidized infrastructure to attract these desirable potential residents can have negative effects on residents of other areas who have no right or opportunity to participate in the local decision-making process. The extralocal consequences of local decisions, thus, not only cause inefficiency, but they also undermine the assumption that local actions are democratic.

A second assumption in the democratic case for localism is that local autonomy promotes the sense of citizen effectiveness, that is, that the decentralization of power creates units small enough for the individual to have an impact. In the metropolitan area, however, this argument is undermined by the more limited ability of many local governments to effectively address critical issues of local significance. Local issues like sprawl, the adequacy of local tax bases to local service needs, and economic development may not be capable of successful resolution at the local level. The individual may have a larger role in the formulation of local policies, but in the metropolitan context purely local decisions may be powerless to solve many critical problems. Thus, as with efficiency, the democracy argument actually supports the case for some form of regionalism. In metropolitan areas, democracy requires giving the regional electorate a voice in local decisions that have regional consequences. Only by widening the scale of participation to include all of those affected by local actions can local decision-making in metropolitan regions be made

71. See *Avery v. Midland County*, 390 U.S. 474 (1968) (applying one person, one vote doctrine to general-purpose local governments).

truly democratic. Similarly, action on a regional scale may be necessary to address effectively social, economic, or environmental problems that are regional in scope, and, thus, to make political participation seem worthwhile.

The democracy argument, as well as the efficiency model, suggests the value of a combination of localist and regionalist policies and institutions rather either a totally fragmented localist system or the consolidation of all local government decision-making at the regional level. Because not all local decisions have extralocal consequences, local governments should have power to address purely local matters. Even for regional matters, local decision-making can play an important role in adapting regional norms to different local settings, and local institutions can provide a framework for the development of views about regional matters. Regionalism does create a problem of scale. The sheer size of many metropolitan regions will make it difficult for residents to participate at the regional level. Local institutions can provide residents with a critical forum for the initial discussion of regional problems and a setting for political organization to deal with regional decisions. Democracy requires both grass-roots participation and accountability to the regional electorate interested in and affected by local actions.

An ongoing dialogue between the local and the regional will be necessary to advance the value of democratic participation in public decision-making in metropolitan areas. But given the current entrenchment of local decision-making and the virtual absence of regional policy-making, the significance of the democratic argument for localism in the metropolitan context is that it plainly calls for the creation of some regional processes, structures, or institutions so that the voice of the regional electorate can be heard.

3. *Community.* The argument from community assumes that localities are not simply the land and people contained by artificial lines on a map, but are, instead place-based associations of people who closely interact with each other, have common interests and concerns, and are in some sense bound to each other. In many major metropolitan areas, however, localities are not communities within the traditional sense of the term. They are not the focal points for most of the activities of their residents, that

is, the place where residence, business, friendship, family, and social activities converge. Rather, residents typically live, work, shop, and go to school in different localities. Most metropolitan localities lack their own distinctive local economies⁷² and town centers,⁷³ much as their residents lack "geographic rootedness"⁷⁴ and the sense of shared history and tradition that are part of the notion of community. Only the metropolitan area includes most of the daily activities and social and economic concerns of the residents of a metropolitan area.

Of course, the metropolitan area is hardly a community in the romantic sense of a group of people who feel closely bonded to each other. The enormous territorial scale of the metropolitan region and the heterogeneity of the metropolitan population make the frequent, close interactions and the shared values necessary for the sense of community difficult to achieve. Metropolitan area residents may be economically interdependent and have common interests in such matters as the regional infrastructure, environment, and economy but this is often not enough to create the sense of shared fate associated with the notion of community. Neither the locality nor the metropolitan area may be a true community in the strong sense of the term.

To a considerable extent, the existing localist structure makes recognition of the metropolitan community more difficult. By tying political participation, services, taxes, and land use regulation to existing local governments, localism makes localities the focus of their residents' loyalties, concerns and identities. With local borders narrowing their range of vision, residents of one locality may not recognize that they are affected by the actions of other local governments or have a stake in the well-being of residents of other localities in the metropolitan area. Instead, local boundaries limit the scope of residents' concerns and create a psychological separation among metropolitan area localities that is far more difficult to bridge than physical distance alone. The existing localist structure promotes interlocal conflict and exacerbates

72. See JAMES HOWARD KUNSTLER, *THE GEOGRAPHY OF NOWHERE: THE RISE AND DECLINE OF AMERICA'S MAN-MADE LANDSCAPE* 186 (1993).

73. See PEIRCE, *supra* note 25, at 306.

74. *Id.*

divisions within the metropolitan area, thereby making it more difficult for metropolitan regions to recognize their areas of shared interest and interdependence.

The argument from community does not provide unambiguous support for regionalism. To be sure, the weaker sense of community within localities in a metropolitan area weakens the communitarian case for localism. Moreover, the extent of regular interactions across the metropolitan area, the shared environment, and the tentative evidence of economic interdependence suggest that, objectively speaking, the metropolitan area forms a kind of community that needs legal recognition so that it may act on its own behalf to address its problems. However, most metropolitan areas seem to lack the subjective sense of community—the “empathy and commitment to the common good”⁷⁵ that make people feel they are part of a community.

Perhaps the real connection between community and regionalism is not that a metropolitan region is a community and therefore ought to have regional policies and regional governance, but that some regionalist policy-making and governance is necessary to create the sense of regional community necessary to address regional problems. Metropolitan regions will require a sense of metropolitan community if they are to tackle questions of regional land use regulation, the protection of the regional environment, the availability of affordable housing, the spatial concentration of poverty and its consequences, and interlocal fiscal and service inequalities. Regional growth management laws, regional tax-base sharing, or regional governing councils would be not simply a means of allowing the regional community to control its collective fate, but also a means of bringing the regional community into being.

4. *Equality*. Equality is not an argument for localism, but a concern about equality drives much of the argument that regionalism is really an extension of localism for metropolitan areas. The central failings of localism in metropolitan areas are that its efficiency and democracy benefits are not equally available to all metropolitan area residents, and that, as a result, it treats the residents of poorer localities as less than equal members of the

75. JANE J. MANSBRIDGE, *BEYOND ADVERSARY DEMOCRACY* 275 (1980).

metropolitan community.

The existing localist structure reflects and reinforces economic and social inequalities.⁷⁶ As was previously noted, mobility is at the heart of the Tiebout model. The ability to relocate from one place to another within the metropolitan area is said to enhance "consumer choice," to promote competition, and to protect local residents from their governments. But mobility is not equally available to all local residents. Interlocal movement can be costly. There are out-of-pocket costs of searching for a new place to live, and of picking up and moving oneself and one's family. There are psychic costs of uprooting oneself from a neighborhood and leaving friends, family and neighbors behind. Moreover, most people can reside only where they have access to work. Thus, corporate investment decisions, local zoning regulations, and transportation policies that determine the location of jobs, roads, and the costs of commuting from home to workplace all affect ease of movement. Poorer, less educated potential movers will have fewer options and will be forced to bear more costs if they attempt to move. Similarly, people can reside only where they can afford to reside. For many potential movers, exclusionary zoning sharply limits the range of residential choices.

Mobility is not equally available to all members of the metropolitan area. In general corporations are more mobile than are people. Affluent people are more mobile than are poor people. People without children may be more mobile than families with children. Moreover, localities tend to deploy their powers—land use regulation, taxing, and spending—to recruit the more mobile groups that are also likely to make a greater contribution to the local tax base than they cost in local services. As a result, the benefits of the localist system are unequally available to members of the metropolitan area, with corporations and the affluent more likely to benefit than everyone else.

The localist system gives enormous significance to the differences in local tax bases and the spatial location of local problems. With property wealth and service needs unevenly distributed throughout the region and greater property wealth per household generally concentrated in areas of lower need, there are profound interlocal taxing

76. See, e.g., Altshuler, *supra* note 35, at 225.

and spending inequalities. More affluent localities do very well under this system, but poorer localities do not. The localities whose people are in greatest need are simply unable to meet the needs of their residents or to compete for the tax base that would enhance their fiscal capacity. Some forms of regionalism—such as regional fair-share housing⁷⁷ or regional tax base sharing⁷⁸—are necessary simply to assure the more equal treatment of people and localities within the metropolitan region. Only by giving the region some form of legal and political existence can people act below the state and national level to attend to the education, public safety, housing, and employment needs of residents throughout a metropolitan area.

III. THE PROSPECTS FOR REGIONALISM

Although the values that support localism, and the concern that the benefits of localism ought to be equally available in local governments throughout the metropolitan area provide a theoretical support for regionalism, in practice localism and regionalism tend to be in conflict. Localism is deeply entrenched in our legal and political system, and, despite the steady growth of metropolitan areas as economic, social, and ecological units, regionalism has made relatively little headway in the policies and governance that affect metropolitan areas. New arguments for regionalism are being developed, new alliances have been formed, and regionalist initiatives have met some successes in places like Portland, Oregon, and the Twin Cities. However, in most areas regional policies concerning such crucial questions as growth management, exclusionary zoning and tax base equity are missing, and regional governance structures, other than those related to physical infrastructure, are absent. Some places may even be stepping back from the limited regionalism they practice, as New York State's abrupt, recent elimination of New York City's commuter income tax suggests.⁷⁹

77. See, e.g., *INSIDE GAME/OUTSIDE GAME*, *supra* note 14, at 178-200 (discussing Montgomery County, Maryland's moderately priced dwelling unit policy).

78. See *ORFIELD*, *supra* note 16, at 143-44 (discussing Minnesota's Twin Cities fiscal disparities law); *INSIDE GAME/OUTSIDE GAME*, *supra* note 14, at 201-21 (discussing voluntary tax base sharing in metropolitan Dayton, Ohio).

79. See N.Y. LAWS of 1999, Chap. 5.

Although arguments from efficiency, democracy and community provide the rhetoric for contemporary localists, the resistance to regionalism in the political process is largely a matter of the self-interest of those who benefit from the status quo, such as local elected officials,⁸⁰ land developers,⁸¹ corporations that are the subjects of interlocal bidding, and the businesses and residents located in the high-tax base localities of the metropolitan area. Localism in practice is often less about efficiency, democracy, or community than about preserving existing political control over local resources, protecting residents of high-wealth localities from the needs of their lower-wealth neighbors, and providing opportunities for businesses to take advantage of the interlocal competition for tax base.

Indeed, in apparent response to the self-interest that drives localism, contemporary regionalists have come to give greater weight to arguments from self-interest as well.⁸² The argument from global economic competitiveness is really an attempt to persuade regional residents, and especially the businesses and residents located in high-income areas, that they, too, would benefit from a more regionalist structure and that it is in their self-interest to help address the problems of poorer localities within the region, especially those of the central city. Myron Orfield has developed a different, more confrontational, argument from self-interest. He has sought to persuade the residents of older declining suburbs, who traditionally have resisted regionalism and have looked to localism as a means of preserving their political distance from the central cities, that regionalism, particular regional fair-share housing regulation and regional tax-base sharing is in the self-interest of those communities.⁸³

The central role of self-interest in the determination of whether metropolitan areas will have a localist or more regional shape is certainly not surprising, nor is it

80. See, e.g., *INSIDE GAME/OUTSIDE GAME*, *supra* note 14, at 312-15 (noting the lack of involvement of central city mayors, whose cities suffer under the status quo, in regionalism).

81. See, e.g., Altshuler, *supra* note 35, at 193.

82. See, e.g., Foster, *supra* note 46, at 398 ("Mutual benefit, not altruism governs regional outcomes. [B]argaining parties, strong and weak alike, must be made no worse off by new regional outcomes or such outcomes will not occur.").

83. See ORFIELD, *supra* note 16, at 108-09, 168-69.

necessarily distressing. It is reasonable for people to make decisions concerning public policy and government structure by trying to determine the likely impact of those decisions on their interests. Nor is it uniquely American, as Professor Petersen's analysis in this Symposium of the long and difficult effort to create a relatively modest form of regional planning in the Toronto metropolitan area demonstrates.⁸⁴ It does, however, make it difficult to assess the prospects for regionalism.

As the uncertainty about the extent of intraregional interdependency indicates, it is simply unclear whether the localities within a region rise and fall together. Despite the studies that have found evidence of city-suburb linkages, it is far from certain whether the future economic successes of the more affluent localities in the region—what Orfield calls the “favored quarter”⁸⁵—require that they help address the social and economic problems of areas of concentrated poverty within the region.⁸⁶

Self-interest also is not entirely a matter of objective data concerning income levels and employment rates. Central city officials and residents who would benefit from some forms of regionalism, such as tax base sharing, might be leery of regional initiatives that seem to threaten the autonomy of their communities or weaken their political voices.⁸⁷ This is particularly likely where the central city has a black or Hispanic majority, but where the regional majority is white.⁸⁸ Regional development initiatives, regional growth controls, and regional fiscal equalization may improve the overall economic well-being of a metropolitan area but that argument is likely to have

84. Patricia Petersen, *Co-operating with the Neighbors: Regional Planning in Hamburg and Toronto*, 48 BUFF. L. REV. 39 (2000).

85. ORFIELD, *supra* note 16, at 5-9 (using a term developed by real estate consultants for the portion of the metropolitan area most successful in attracting expensive housing and/or commercial and industrial property with low service demands).

86. Indeed, Foster suggests that uneven levels of growth within a region are likely to be a source of intraregional conflict rather than a spur to regional cooperation. See Foster, *supra* note 46, at 378.

87. As Althsuler notes, “most voters, nearly all of the time, seem to conclude that they are better off with a strong voice in neighborhood decisions than a nearly inaudible voice in regional or statewide decisions.” Althsuler, *supra* note 35, at 211-12.

88. See ORFIELD, *supra* note 16, at 169; John A. Powell, *Race and Space: What Really Drives Metropolitan Growth*, BROOKINGS REV., Fall 1998, at 20.

purchase with metropolitan area residents only if they view themselves as part of a metropolitan area, with concerns in common with residents of other areas in the region, and not simply as members of their own local units. Older suburbs that might benefit from tax base sharing or regional growth management may still be reluctant to cede to a regional authority their power over land development⁸⁹ or to link themselves politically with the central cities.⁹⁰ In order for these older suburbs to become regionalists their residents must cease viewing the central cities as fiscal drains on suburban resources and must begin to perceive that what unites them with the central cities is more important than what divides them.⁹¹ Such perceptions of regional self-interest are not impossible. Developments in places like metropolitan Portland, Oregon, metropolitan Seattle and the Twin Cities metropolitan area suggest that it is possible to think in terms of a regional self—of a regional community. But those examples are relatively rare in American metropolitan areas.

The real challenge for regionalism as we enter the twenty-first century, then, is not the theoretical arguments for localism. Those, as I have suggested, actually tend to cut in favor of regionalism and not against it in our metropolitan areas. Rather, the fate of regionalism will turn on whether regionalists will be able to persuade people that their interests are sufficiently tied in with those of the residents or other communities within the region. The political and legal movement from localism to regionalism

89. As Altshuler notes, localities in general are especially resistant to proposals that would limit their ability to control land development within their borders. Altshuler, *supra* note 35, at 202, 210-11.

90. Indeed, Myron Orfield found that he was able to build suburban support for his Twin Cities area fair share housing proposal only when he was able to demonstrate to state legislators representing the older, inner suburbs that the proposal was in their "self-interest." Because it would limit new low-income housing in their communities, the housing proposal would "protect their communities from an 'unfair' burden of low-income housing and from future neighborhood decline." ORFIELD, *supra* note 16, at 116. "These members were resigned to the fact that their communities had poor people. They believed that the high-tax capacity developing communities must also accept their fair share of poor residents and their accompanying social costs. Otherwise, their older communities would be overburdened by social needs, and decline would accelerate." *Id.*

91. Foster notes that "contrasting perceptions within the region of who is fiscally exploiting whom . . . is itself a source of antiregional impulses between city and suburbs." Foster, *supra* note 46, at 390.

will occur only when people believe that they are part of a region as well as part of a locality, and that their interests will be advanced by supplementing local governance with regional policies and political structures that give effect to those interests and promote the well-being of the region as a whole and of all the localities within it.