

Discrimination

JUST AS SOCIAL SCIENTISTS HAVE ADVANCED THEORIES to explain why prejudice exists, they have also presented explanations of why discrimination occurs. Social scientists look more and more at the manner in which institutions, not individuals, discriminate. Institutional discrimination is a pattern in social institutions that produces or perpetuates inequalities, even if individuals in the society do not intend to be racist or sexist. Income data document that gaps exist between racial and ethnic groups. Historically, attempts have been made to reduce discrimination, usually through strong lobbying efforts by minorities themselves. Patterns of total discrimination make solutions particularly difficult for people in the informal economy or the underclass. Affirmative action was designed to equalize opportunity but has encountered significant resentment by those who charge that it constitutes reverse discrimination. Despite many efforts to end discrimination, glass ceilings and glass walls remain in the workplace.

Understanding Discrimination

A GLOBAL VIEW

The Roma: A Thousand Years of Discrimination

LISTEN TO OUR VOICES

Of Race and Risk

by Patricia J. Williams

Institutional Discrimination

Low-Wage Labor

RESEARCH FOCUS

Discrimination in Job Seeking

Discrimination Today

Wealth Inequality:
Discrimination's Legacy

Environmental Justice

Affirmative Action

Reverse Discrimination

The Glass Ceiling

Conclusion

Summary

Key Terms

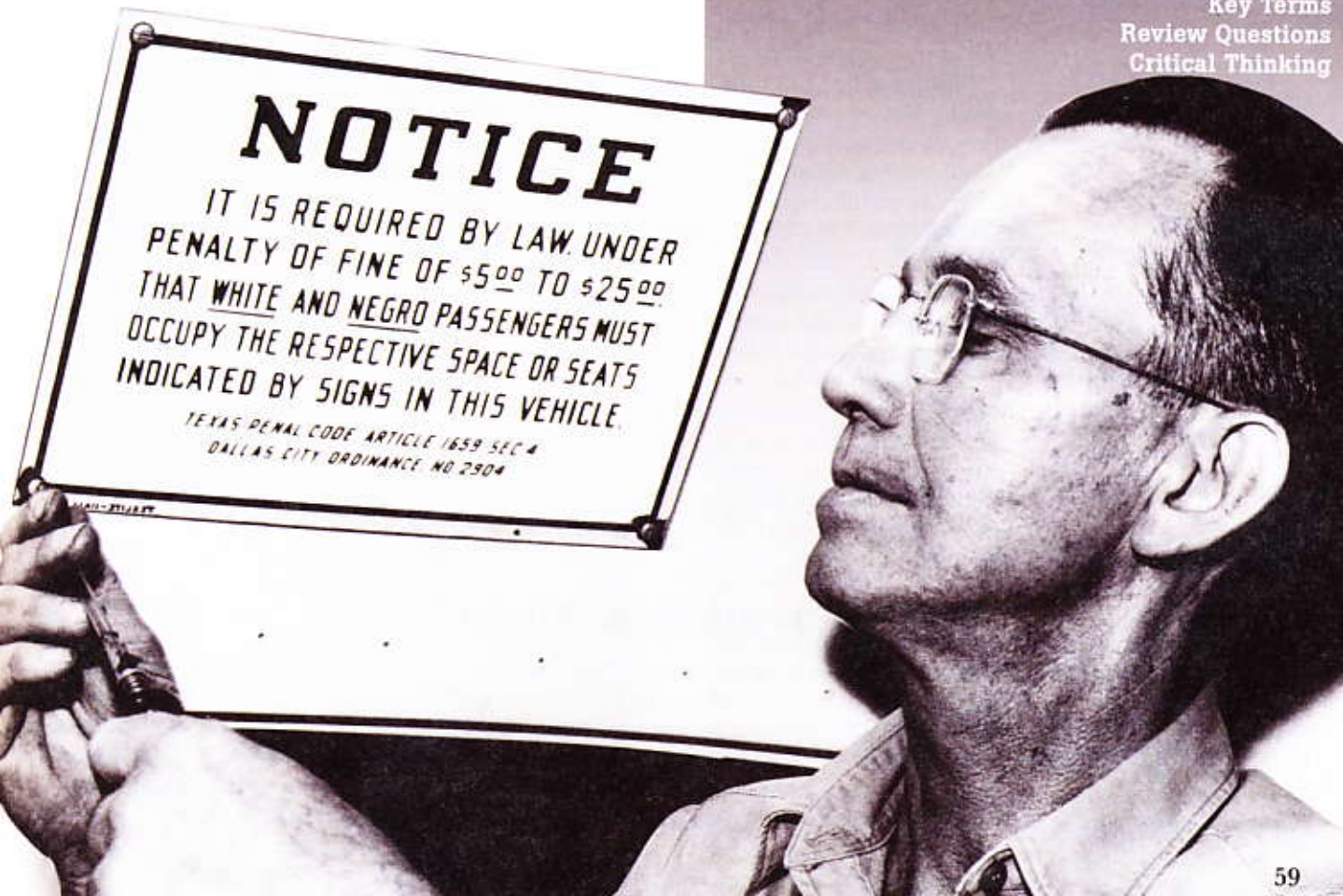
Review Questions

Critical Thinking

NOTICE

IT IS REQUIRED BY LAW UNDER
PENALTY OF FINE OF \$5⁰⁰ TO \$25⁰⁰
THAT WHITE AND NEGRO PASSENGERS MUST
OCCUPY THE RESPECTIVE SPACE OR SEATS
INDICATED BY SIGNS IN THIS VEHICLE.

TEXAS PENAL CODE ARTICLE 1659 SEC 4
DALLAS CITY ORDINANCE NO 2904



The human casualties from natural disasters are well documented. This has been especially true with the impact of Hurricane Katrina on the Gulf Coast in 2005. Also well known now are the ill-planned evacuation plan in New Orleans, the subsequent high death toll, the ineffectiveness of levee construction and maintenance, and the initial slow response and the subsequent prolonged recovery, especially for low-income residents.

The persistent role of discrimination in the aftermath has been less a part of the national consciousness. Although Hurricane Katrina made victims of everyone, poor minority people have been especially victimized. Rural tribal Native American groups and Vietnamese American Gulf residents fell through the cracks of recovery plans. Latino workers who came to the area in the aftermath have been disadvantaged.

The storms destroyed more than 200,000 homes and apartments in Louisiana. Therefore, housing for those who wish to remain or move back is at a premium. But if you are Black and especially of modest means, the ability to reestablish a homestead is much more difficult in metropolitan New Orleans. Courts have had to intervene to restrain St. Bernard Parish, a county just outside New Orleans that is 93 percent White, from limiting rentals to only blood relatives and limiting new residential construction to single-family homes.

On March 8, 2007, an African American responded to a housing advertisement in another area but was told that the owner was out of state and would send information when he or she was back in town and could show the property. Nothing ever happened. A White person responded to the same advertisement the next day and learned from the same person that he or she would be in town that weekend and could arrange to show the property. The absentee landlord told the person that he or she could apply immediately and stated, "We don't want any loud rap music," and "We are looking for people who are more settled."

This is just one example from a study that sent Black and White well-trained testers presenting similar financial circumstances and family types out to attempt to rent housing throughout metropolitan New Orleans. When discrimination appeared to be present, follow-up testing occurred. In the final analysis, in six of every 10 cases, African American testers faced differential treatment. Whites were granted appointments when Blacks were not. Whites were told about available apartments, Blacks were told nothing was available. Blacks were frequently quoted a higher monthly rental charge. White testers' voice mail requests for information were returned whereas many Black testers did not receive call-backs. Recovery is a much harder road if you are a person of color (Greater New Orleans Fair Housing Center 2007; Kao 2006; Simmons 2007; Trujillo-Pagan 2006).

Discrimination has a long history, right up to the present, of taking its toll on people. We will examine the many faces of discrimination, its many victims, and the many ways scholars have documented its presence today in the United States. We will not only return to more examples of discrimination in housing but also look at differential treatment in employment opportunities, wages, voting, vulnerability to environmental hazards, and even access to membership in private clubs.

Understanding Discrimination

Discrimination is the denial of opportunities and equal rights to individuals and groups because of prejudice or for other arbitrary reasons. People in the United States find it difficult to see discrimination as a widespread phenomenon. "After all," it is often said, "these minorities drive cars, hold jobs, own their homes, and even go to college." Many groups worldwide are victims of discrimination. In *Global View*, we consider how the Roma (or Gypsies) have been victimized.

discrimination
The denial of opportunities and equal rights to individuals and groups because of prejudice or for other arbitrary reasons.



A Global View

THE ROMA: A THOUSAND YEARS OF DISCRIMINATION

The Roma people (also referred to as Gypsies) are members of a minority group numbering 12 million to 15 million people who are dispersed over many countries. The people originated in India, but most Roma now live in Europe, with perhaps as many as 1 million in North America. They continue to be characterized by a nomadic lifestyle, often in response to prejudice and discrimination. Certain common activities such as fortune telling, traveling together in large caravans, and arranged marriages create hostile responses to their arrival in communities. Although the Roma speak their own distinctive language, they have usually adopted the religion of their home region, such as Roman Catholic, Orthodox Christian, or Muslim.

The Roma are the largest ethnic minority in the European Union and are the objects of that organization's efforts to address their poor housing levels, little formal schooling, and high levels of unemployment. Progress is evident in a decline in

racially motivated murders of Roma since the early 1990s. Historically, they had been subjected to expulsion, but large numbers died in the Holocaust as a part of Hitler's racial purification efforts.

In addition to the efforts of the European Union, Gypsies themselves have begun to work through established channels to confront discrimination. Simply being Roma makes many authorities assume a child is ill prepared, as in the Czech Republic, where the majority of children in special schools for the learning disabled are Roma. The Roma brought legal action to stop this practice. In a case compared to the 1954 *Brown v. Board of Education* decision in the United States, the European Court of Human Rights ruled in 2007 that the Czech practice was discriminatory with Gypsy children receiving inappropriate placements and substandard education.

Sources: European Roma Rights Centre 2008; Hacek 2008; Schaefer and Zellner 2008.

An understanding of discrimination in modern industrialized societies such as the United States must begin by distinguishing between relative and absolute deprivation.

Relative versus Absolute Deprivation

Conflict theorists have said correctly that it is not absolute, unchanging standards that determine deprivation and oppression. Although minority groups may be viewed as having adequate or even good incomes, housing, health care, and educational opportunities, it is their position relative to some other group that offers evidence of discrimination.

Relative deprivation is defined as the conscious experience of a negative discrepancy between legitimate expectations and present actualities. After settling in the United States, immigrants often enjoy better material comforts and more political freedom than were possible in their old countries. If they compare themselves with most other people in the United States, however, they will feel deprived because, although their standards have improved, the immigrants still perceive relative deprivation.

Absolute deprivation, on the other hand, implies a fixed standard based on a minimum level of subsistence below which families should not be expected to exist. Discrimination

relative deprivation

The conscious experience of a negative discrepancy between legitimate expectations and present actualities.

absolute deprivation

The minimum level of subsistence below which families or individuals should not be expected to exist.



Studies document that African Americans seeking to find housing in New Orleans encounter differential treatment compared to Whites with the same income, financial history, and household size.

does not necessarily mean absolute deprivation. A Japanese American who is promoted to a management position may still be a victim of discrimination if he or she had been passed over for years because of corporate reluctance to place an Asian American in a highly visible position.

Dissatisfaction is also likely to arise from feelings of relative deprivation. The members of a society who feel most frustrated and disgruntled by the social and economic conditions of their lives are not necessarily worse off in an objective sense. Social scientists have long recognized that what is most significant is how people perceive their situations. Karl Marx pointed out that although the misery of the workers was important in reflecting their oppressed state, so was their position relative to the ruling class. In 1847, Marx wrote, "Although the enjoyment of the workers has risen, the social satisfaction that they have has fallen in comparison with the increased enjoyment of the capitalist" (Marx and Engels 1955, 94).

This statement explains why the groups or individuals who are most vocal and best organized against discrimination are not necessarily in the worst economic and social situation. However, they are likely to be those who most strongly perceive that, relative to others, they are not receiving their fair share. Resistance to perceived discrimination, rather than the actual amount of absolute discrimination, is the key.

Total Discrimination

Social scientists—and increasingly policy makers—have begun to use the concept of **total discrimination**, which, as shown in Figure 3.1, refers to current discrimination operating in the labor market, and past discrimination. Past discrimination experienced by an individual includes the poorer education and job experiences of racial and ethnic minorities compared with those of many White Americans. When considering discrimination, therefore, it is not enough to focus only on what is being done to people now. Discrimination is cumulative in its impact over what occurs in one's own lifetime. Sometimes a person may be dealt with fairly but may still be at a disadvantage because he or she suffered from poorer health care, inferior counseling in the school system, less access to books and other educational materials, or a poor job record resulting from absences to take care of brothers and sisters (Pager and Shepherd 2008).

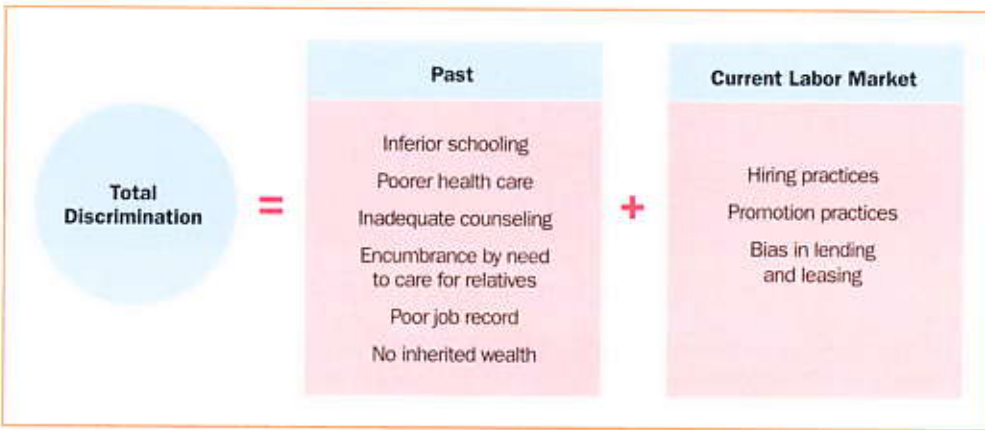
Discrimination casts a wide net. Although the poor and less educated are most vulnerable and unable to access resources that might help them, discrimination also is faced by the affluent with professional degrees. In Listen to Our Voices on page 64, respected law professor Patricia J. Williams, an African American, describes her inability to secure a mortgage despite initial approval after an analysis of her financial status but before the bank realized she was Black. Her recent experience is not unusual and helps to explain the persistence of discrimination.

William's experience is not unusual. A study released by the National Fair Housing Alliance and the federal Department of Housing and Urban Development found that discriminatory housing practices were routine. Consider the sobering results of a two-year study conducted in 12 metropolitan areas with 73 real estate firms: White real estate shoppers are steered away from houses in mixed neighborhoods even when they express interest in integrated areas. Latinos and African Americans looking for housing are steered toward minority neighborhoods even when their incomes justify seeing more-affluent neighborhoods. The challenge to being a minority homebuyer does not stop there. Studies document that Black and Hispanic homebuyers tend to pay higher interest rates than Whites with similar credit ratings. All things are hardly equal in home buying (Bocian, Ernst, and Li 2006).

total discrimination

The combination of current discrimination with past discrimination created by poor schools and menial jobs.

FIGURE 3.1
Total Discrimination



We find another variation of this past-in-present discrimination when apparently nondiscriminatory current practices have negative effects because of prior intentionally biased practices. Although unions that purposely discriminated against minority members in the past may no longer do so, some people are still prevented from achieving higher levels of seniority because of those past practices. Personnel records include a cumulative record that is vital in promotion and selection for desirable assignments. Blatantly discriminatory judgments and recommendations in the past remain part of a person's record.

Institutional Discrimination

Individuals practice discrimination in one-to-one encounters, and institutions practice discrimination through their daily operations. Indeed, a consensus is growing today that this institutional discrimination is more significant than acts committed by prejudiced individuals.

Social scientists are particularly concerned with the ways in which patterns of employment, education, criminal justice, housing, health care, and government operations maintain the social significance of race and ethnicity. **Institutional discrimination** is the denial of opportunities and equal rights to individuals and groups that results from the normal operations of a society.

Civil rights activist Stokely Carmichael and political scientist Charles Hamilton are credited with introducing the concept of institutional racism. *Individual discrimination* refers to overt acts of individual Whites against individual Blacks; Carmichael and Hamilton reserved the term *institutional racism* for covert acts committed collectively against an entire group. From this perspective, discrimination can take place without an individual intending to deprive others of privileges and even without the individual being aware that others are being deprived (Ture and Hamilton 1992).

How can discrimination be widespread and unconscious at the same time? The following are a few documented examples of institutional discrimination:

1. Standards for assessing credit risks work against African Americans and Hispanics who seek to establish businesses, because many lack conventional credit references. Businesses in low-income areas where these groups often reside also have much higher insurance costs.
2. IQ testing favors middle-class children, especially the White middle class, because of the types of questions included.
3. The entire criminal justice system, from the patrol officer to the judge and jury, is dominated by Whites who find it difficult to understand life in poverty areas.
4. Hiring practices often require several years' experience at jobs only recently opened to members of subordinate groups.
5. Many jobs automatically eliminate people with felony records or past drug offenses, which disproportionately reduces employment opportunities for people of color.

institutional discrimination

A denial of opportunities and equal rights to individuals or groups, resulting from the normal operations of a society.



OF RACE AND RISK

Several years ago, at a moment when I was particularly tired of the unstable lifestyle that academic careers sometimes require, I surprised myself and bought a real house. Because the house was in a state other than the one where I was living at the time, I obtained my mortgage by telephone. I am a prudent little squirrel when it comes to things financial, always tucking away stores of nuts for the winter, and so I meet the criteria of a quite good credit risk. My loan was approved almost immediately.

A little while later, the contract came in the mail. Among the papers the bank forwarded were forms documenting compliance with the Fair Housing Act, which outlaws racial discrimination in the housing market. The act monitors lending practices to prevent banks from redlining—redlining being the phenomenon whereby banks circle certain neighborhoods on the map and refuse to lend in those areas. It is a practice for which the bank with which I was dealing, unbeknownst to me, had been cited previously—as well as since. In any event, the act tracks the race of all banking customers to prevent such discrimination. Unfortunately, and with the creative variability of all illegality, some banks also use



Patricia J. Williams

the racial information disclosed on the fair housing forms to engage in precisely the discrimination the law seeks to prevent.

I should repeat that to this point my entire mortgage transaction had been conducted by telephone. I should also note that I speak a Received Standard English, regionally marked as Northeastern per-

haps, but not easily identifiable as black. With my credit history, my job as a law professor, and, no doubt, with my accent, I am not only middle class but apparently match the cultural stereotype of a good white person. It is thus, perhaps, that the loan officer of the bank, whom I had never met, had checked off the box on the fair housing form indicating that I was white.

Race shouldn't matter, I suppose, but it seemed to in this case, so I took a deep breath, crossed out "white" and sent the contract back. That will teach them to presume too much, I thought. A done deal, I assumed. But suddenly the transaction came to a screeching halt. The bank wanted more money, more points, and a higher rate of interest. Suddenly I found myself facing great resistance and much more debt. To make a long story short, I threatened to sue under the act in question, the bank quickly

Institutional discrimination is so systemic that it takes on the pattern of what has been termed "woodwork racism" in that racist outcomes become so widespread that African Americans, Latinos, Asian Americans, and others endure them as a part of everyday life (Feagin and McKinney 2003).

In some cases, even apparently neutral institutional standards can turn out to have discriminatory effects. African American students at a midwestern state university protested a policy under which fraternities and sororities that wanted to use campus facilities for a dance were required to post a \$150 security deposit to cover possible damage. The Black students complained that this policy had a discriminatory impact on minority student organizations. Campus police countered that the university's policy applied to all student groups interested in using these facilities. However, because almost all White fraternities and sororities at the school had their own houses, which they used for dances, the policy affected only African American and other subordinate groups' organizations.

Listen to Our Voices

backed down, and I procured the loan on the original terms. What was interesting about all this was that the reason the bank gave for its newfound recalcitrance was not race, heaven forbid. No, it was all about economics and increased risk: The reason they gave was that property values in that neighborhood were suddenly falling. They wanted more money to buffer themselves against the snappy winds of projected misfortune.

Initially, I was surprised, confused. The house was in a neighborhood that was extremely stable. I am an extremely careful shopper; I had uncovered absolutely nothing to indicate that prices were falling. It took my realtor to make me see the light. "Don't you get it," he sighed. "This is what always happens." And even though I suppose it was a little thick of me, I really hadn't gotten it: For, of course, I was the reason the prices were in peril. . . .

In retrospect, what has remained so fascinating to me about this experience was the way it so exemplified the problems of the new rhetoric of racism. For starters, the new rhetoric of race never mentions race. It wasn't race but risk with which the bank was so concerned. . . .

By this measure of mortgage-worthiness, the ingredient of blackness is cast not just as a social toll but also as an actual tax. A fee, an extra contribution at the door, an admission

charge for the high costs of handling my dangerous propensities, my inherently unsavory properties. I was not judged based on my independent attributes or financial worth; not even was I judged by statistical profiles of what my group actually does. (For, in fact, anxiety-stricken, middle-class black people make good cake-baking neighbors when not made to feel defensive by the unfortunate historical strategies of bombs, burnings, or abandonment.) Rather, I was being evaluated based on what an abstraction of White Society writ large thinks we—or I—do, and that imagined "doing" was treated and thus established as a self-fulfilling prophecy. It is a dispiriting message: that some in society apparently not only devalue black people but devalue themselves and their homes just for having us as part of their landscape.

"I bet you'll keep your mouth shut the next time they plug you into the computer as white," laughed a friend when he heard my story. It took me aback, this postmodern pressure to "pass," even as it highlighted the intolerable logic of it all. For by these "rational" economic measures, an investment in my property suggests the selling of myself.

*Source: Williams. Reprinted with permission from the December 29, 1997, issue of *The Nation*.*

Ten years later, the entire nation scrambled to make aviation safer in the wake of the September 11, 2001, terrorist attacks. The government saw airport security as a weak link and federalized airport screeners under the newly formed Transport Security Administration. Wages improved and training strengthened. The new screeners also had to be U.S. citizens. This latter provision eliminated the many legal immigrants from Asia, Africa, and Latin America who had previously worked as screeners. Airport screening went from overwhelmingly minority to 61 percent White. Clearly, this measure had the unintended consequences of discriminating against people of color (Alonso-Zaldivar and Oldhan 2002).

Even efforts to right injustices can be discriminatory in their outcome. Numerous instances are documented of low-income potential homeowners entering into very undesirable financial agreements when they go to buy that first home, that eventually lead to foreclosure. In an effort to protect people from being taken advantage of, beginning in 2006, the State of Illinois required buyers with poor credit records in certain areas of Chicago to go through mandatory financial counseling. As a result, more than 20 lenders



DISCRIMINATION IN JOB SEEKING

A dramatic confirmation of discrimination came with research begun by sociologist Devah Pager in 2003. She sent four men out as trained “testers” to look for entry-level jobs in Milwaukee, Wisconsin, that required no experience or special training. Each tester was a 23-year-old college student, but each one presented himself as having a high school diploma and similar job history.

The job-seeking experiences with 350 different employers were vastly different among the four men. Why was that? Two of the testers were Black and two were White. Furthermore, one tester of each pair indicated in the job application that he had served 18 months of jail time for a felony conviction (possession of cocaine with intent to distribute). As you can see in Figure 3.2, applicants with a prison record received significantly fewer callbacks. But as dramatic a difference as a criminal record made, race was clearly more important.

The differences were to the point that a White job applicant with a jail record actually received more callbacks for further consideration than a Black man with no criminal record. Whiteness has a privilege even when it comes to jail time; race, it seems, was more of a concern to potential employers than a criminal background.

“I expected there to be an effect of race, but I did not expect it to swamp the results as it did,” Pager told an interviewer. Her finding was especially significant because the majority of convicts who are released from prison each year (52 percent) are, in fact, Black men. Pager’s research, which was widely publicized, eventually contributed to a change in public policy. In his 2004 State of the Union address, and specifically referring to Pager’s work, President George W. Bush announced a \$300 million monitoring program for ex-convicts who are attempting to reintegrate into society.

have curtailed granting home loans in these areas, not wanting to deal with the further restrictions. More than 80 percent of the people in the affected area are Black or Latino. A well-intentioned attempt to help people is making it very difficult for people who want to live in an area that is overwhelmingly populated by racial and ethnic minorities (Umberger 2006).

The 2000 presidential election created headlines because it took weeks to resolve who won—Bush or Gore. Yet for 1.4 million African Americans who were denied the right to vote, this seemed like a national issue that had left them on the sidelines. The prohibition was not because they were Black, which would have been clearly racist and legally discriminatory, but because they were convicted felons. In 11 states, a felony conviction can result in a ban from voting for life, even after a prison sentence is served. Because many of these states are in the South and have large Black populations, the voting prohibition disproportionately covers African American men. Currently, 13 percent of the nation’s Black male population is precluded from voting by such laws. Florida was the deciding state in the close 2000 elections, and more than 200,000 potential Black voters were excluded. This case of institutional discrimination may have changed the outcome of a presidential election (Cooper 2004; Sentencing Project 2008).

Institutional discrimination continuously imposes more hindrances on and awards fewer benefits to certain racial and ethnic groups than it does to others. This is the underlying and painful context of American intergroup relations.

Research Focus

These findings, however, are not isolated to this one study or to one city. Similar studies sending out job applicants have confirmed discrimination in action in Chicago, New York City, San Diego, and Washington, D.C.

Sources: Bordt 2005; Bureau of Justice Statistics 2004; Favreault 2008; Kroeger 2004; Pager 2003, 2007a, 2007b; Pager and Quillian 2005; Pager and Western 2006.

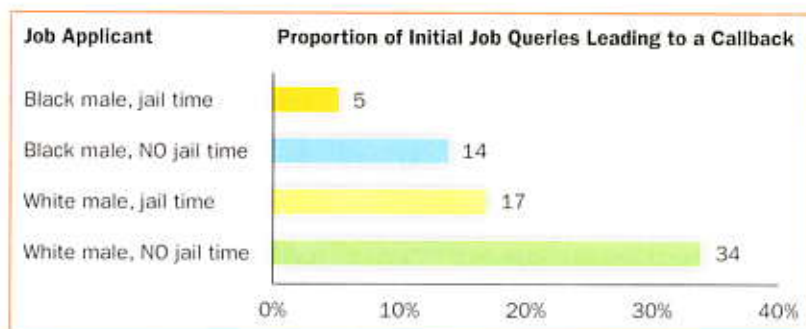


FIGURE 3.2
Discrimination in Job Seeking

Source: Pager 2003, 958. Reprinted by permission of the University of Chicago.

Low-Wage Labor

Disproportionate shares of racial and ethnic minority members are either unemployed or employed in low-wage labor. Much of this low-wage labor is in a part of the labor market that provides little opportunities for improvement during one's working years and virtually no protection in terms of health insurance or retirement benefits.

The secondary labor market affecting many members of racial and ethnic minorities has come to be called the **informal economy** (or **irregular** or **underground economy**) and consists of transfers of money, goods, or services that are not reported to the government. This label describes much of the work in inner-city neighborhoods and poverty-stricken rural areas, which is in sharp contrast to the rest of the marketplace. Workers are employed in the informal economy seasonally or infrequently. The work they do may resemble the work of traditional occupations such as mechanic, cook, or electrician, but these workers lack the formal credentials to enter such employment. Indeed, workers in the informal economy may work sporadically or may moonlight in the regular economy. The informal economy also includes unregulated child care services, garage sales, and the unreported income of craftspeople and street vendors.

According to the dual labor market model, minorities have been relegated to the informal economy. Although the informal economy may offer employment to the jobless, it provides few safeguards against fraud or malpractice that victimizes the workers.

informal economy

Transfers of money, goods, or services that are not reported to the government. Common in inner-city neighborhoods and poverty-stricken rural areas.

irregular or underground economy

See informal economy.



It's never this clear.

Instead, you'll hear things like: "Sorry, we just rented the last apartment." "There are several applications ahead of you." "We seem to have misplaced your application."
Learn the signs of discrimination and fight back.

If you suspect unfair housing practices, contact HUD or your local Fair Housing Center. Everyone deserves a fair chance.



FAIR HOUSING IS THE LAW!

U.S. Department of Housing and Urban Development • 1-800-669-9777 • TDD 1-800-927-9275

Despite numerous laws and steep penalties, discrimination continues in the housing market.

There are also few of the fringe benefits of health insurance and pensions that are much more likely to be present in the conventional marketplace. Therefore, informal economies are criticized for promoting highly unfair and dangerous working conditions. Being consigned to the informal economy is yet another example of social inequality.

Sociologist Edna Bonacich (1972, 1976) outlined the **dual** or **split labor market** that divides the economy into two realms of employment, the secondary one being populated primarily by minorities working at menial jobs. Even when not manual, labor is still rewarded less when performed by minorities. In keeping with the conflict model, this dual market model emphasizes that minorities fare unfavorably in the competition between dominant and subordinate groups.

The workers in the informal economy are ill prepared to enter the regular economy permanently or to take its better-paying jobs. Frequent changes in employment or lack of a specific supervisor leaves them without the kind of résumé that employers in the regular economy expect before they hire. Some of the sources of employment in the informal economy are illegal, such as fencing stolen goods, narcotics peddling, pimping, and prostitution. More likely, the work is legal but not transferable to a more traditional job. An example is an "information broker," who receives cash in exchange for such information as where to find good buys or how to receive maximum benefits from public assistance programs (Pedder 1991).

Workers in the informal economy have not necessarily experienced direct discrimination. Because of past discrimination, however, they are unable to secure traditional employment. Working in the informal economy provides income but does not lead them into the primary labor market. A self-fulfilling cycle continues that allows past discrimination to create a separate work environment.

Efforts to end discrimination continue to run up against discrimination of all sorts. As described in Research Focus, although we can document discrimination in research studies, it is often very difficult to prove, even if we had the time and money to bring the incident to the attention of the legal system.

Not all low-wage laborers are a part of the informal economy, but many workers are driven into such jobs as better-paying jobs either move far away from where African Americans and Latinos live or even abroad as globalization creates more and more of an international labor market.

The absence of jobs casts a wider shadow in poor neighborhoods, beyond the lousy employment opportunities. People in poor urban neighborhoods often live in what have been called "commercial deserts," where they have little access to major grocers, pharmacies, or other retailers but have plenty of liquor stores and fast-food restaurants nearby. This not only affects the quality of life but also exacerbates the exodus of good job opportunities (Gallagher 2005; Shaffer and Gottlieb 2007).

It is commonly believed that there are jobs available for the inner-city poor but that they just do not seek them. A study looked at jobs that were advertised in a help-wanted section of the *Washington Post*. The analysis showed that most of the jobs were beyond the reach of the underclass; perhaps 5 percent of all openings could even remotely be considered reasonable job prospects for people without skills or experience. During interviews with the employers, researchers found that an average of 21 people applied for each position, which typically was filled within three days of the time the advertisement appeared. The mean hourly wage was \$6.12, 42 percent of the jobs offered no fringe benefits, and the remaining positions offered meager fringe benefits after six months or one year of employment. This study, like others before it, counters the folk wisdom that there are plenty of jobs around for the underclass (Pease and Martin 1997).

dual labor market

Division of the economy into two areas of employment, the secondary one of which is populated primarily by minorities working at menial jobs.

Discrimination Today

Discrimination is widespread in the United States. It sometimes results from prejudices held by individuals. More significantly, it is found in institutional discrimination and the presence of the informal economy. The presence of an underclass is symptomatic of many social forces, and total discrimination—past and present discrimination taken together—is one of them.

Measuring Discrimination

How much discrimination is there? As in measuring prejudice, problems arise in quantifying discrimination. Measuring prejudice is hampered by the difficulties in assessing attitudes and by the need to take many factors into account. It is further limited by the initial challenge of identifying different treatment. A second difficulty of measuring discrimination is assigning a cost to the discrimination.

Some tentative conclusions about discrimination can be made, however. Figure 3.3 uses income data to show vividly the disparity in income between African Americans and Whites and also between men and women. This encompasses all full-time workers. White men, with a median income of \$51,509, earn one-third more than Black men and nearly twice what Hispanic women earn in wages.

Why do Asian American men earn so much if race serves as a barrier? The economic picture is not entirely positive. Some Asian American groups such as Laotians and Vietnamese have high levels of poverty. However, a significant number of Asian Americans with advanced educations have high-earning jobs, which brings up the median income. However, as we will see, given their high levels of schooling, their incomes should be even higher.

Clearly, regardless of race or ethnicity, men outpace women in annual income. This disparity between the incomes of Black women and White men has remained unchanged over the more than 50 years during which such data have been tabulated. It illustrates yet another instance of the greater inequality experienced by minority women. Also, Figure 3.3 includes only data for full-time, year-round workers; it excludes homemakers

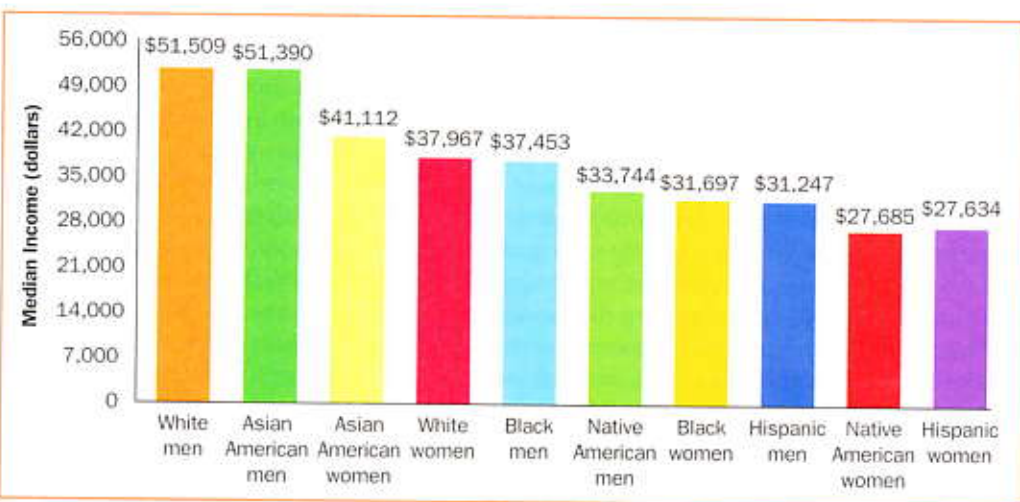


FIGURE 3.3
Median Income by Race, Ethnicity, and Gender

Even at the very highest levels of schooling, the income gap remains between Whites and Blacks. Education also has little apparent effect on the income gap between male and female workers. Even a brief analysis reveals striking differences in earning power between White men and other groups in the United States. Furthermore, the greater inequality is apparent for African American and Hispanic women.

Note: Data released in 2008 for income earned in 2007. Median income is from all sources and is limited to year-round, full-time workers at least 25 years old. Data for White men and women are for non-Hispanics.

Source: DeNavas-Walt, Proctor, and Smith, 2008. For Native Americans, author's estimate based on Bureau of the Census data in Ogunwole 2006.



Many people work in the informal economy with little prospect of moving into the primary, better-paying economy. Pictured is a street vendor selling jewelry in New York City.

and the unemployed. Even in this comparison, the deprivation of Blacks, Hispanics, and women is confirmed again.

Are these differences entirely the result of discrimination in employment? No, individuals within the four groups are not equally prepared to compete for high-paying jobs. Past discrimination is a significant factor in a person's current social position. As discussed previously and illustrated in Figure 3.3, past discrimination continues to take its toll on modern victims. Taxpayers, predominantly White, were unwilling to subsidize the public education of African Americans and Hispanics at the same levels as White pupils. Even as these actions have changed, today's schools show the continuing results of this uneven spending pattern from the past. Education clearly is an appropriate variable to control.

In Table 3.1, median income is compared, holding education constant, which means that we can compare Blacks and Whites and men and women with approximately the same amount of formal schooling. More education means more money, but the disparity remains. The gap between races does narrow somewhat as education increases. However, both African Americans and women lag behind their more affluent counterparts. The contrast remains dramatic: women with a master's degree typically receive \$55,426, which means they earn almost \$7,000 less than men who complete only a bachelor's degree.

Thinking over the long term, a woman with a bachelor's degree will work full-time four years to earn \$180,000. The typical male can work just three years, take the fourth year off without pay, and match the woman's earnings. Women, regardless of race, pay at every point. They are often hired at lower starting salaries in jobs comparable to those held by men. Salary increases come slower. And by their 30s, they rarely recover from even short maternity leaves (Dey and Hill 2007; Gittell and McKinney 2007; Jacobs 2008).

Note what happens to Asian American households. Although highly educated Asian Americans earn a lot of money, they trail well behind their White counterparts. With a doctorate holder in the family, the typical Asian American household earns an estimated \$116,000, compared to \$138,000 in a White household. To put this another way, these highly educated Asian Americans will work six years to earn what Whites do in less than five years.

What do these individual differences look like if we consider them on a national level? Economist Andrew Brimmer (1995), citing numerous government studies, estimates that about 3 or 4 percent of the gross domestic product (GDP, or the value of goods and services) is lost annually by the failure to use African Americans' existing education. There had been little change in this economic cost from the mid-1960s to the mid-1990s. This estimate would be even higher if we took into account economic losses caused by the underuse of the academic talents of women and other minorities.

Now that education has been held constant, is the remaining gap caused by discrimination? No, not necessarily. Table 3.1 uses only the amount of schooling, not its quality. Racial minorities are more likely to attend inadequately financed schools. Some efforts have been made to eliminate disparities between school districts in the amount of wealth available to tax for school support, but they have met with little success.

The inequality of educational opportunity may seem less important in explaining sex discrimination. Although women usually are not segregated from men, educational institutions encourage talented women to enter fields that pay less (nursing or elementary education) than other occupations that require similar amounts of training. Even when they do enter the same occupation, the earnings disparity persists. Even controlling for age, a study of census data showed that female physicians and surgeons earned 69 percent of what their male counterparts did (Weinberg 2007).

TABLE 3.1**Median Income by Race and Sex, Holding Education Constant**

Even at the very highest levels of schooling, the income gap remains between Whites and Blacks. Education also has little apparent effect on the income gap between male and female workers (income values in dollars).

	Race				Sex	
	White Families	Black Families	Asian Families	Hispanic Families	Male	Female
Total	70,999	41,859	78,747	41,590	47,004	36,086
HIGH SCHOOL						
Nongraduate	35,833	22,279	33,597	29,669	29,317	20,398
Graduate	54,147	35,004	47,728	41,695	37,855	27,240
COLLEGE						
Some college	65,750	43,980	70,481	54,308	44,899	32,887
Bachelor's degree	97,570	77,450	98,000	70,631	62,087	45,773
Master's degree	111,000	90,952	114,000	95,599	76,284	55,426
Doctorate degree	138,000	109,000	116,000	99,000	92,089	68,989

Notes: Data released in 2008 for income earned in 2007. Figures are median income from all sources except capital gains. Included are public assistance payments, dividends, pensions, unemployment compensation, and so on. Incomes are for all workers 25 years of age and older. High school graduates include those with GEDs. Data for Whites are for White non-Hispanics. "Some college" excludes associate degree holders. Family data above bachelor's degree are derived from median incomes, and data for doctorate-holders' families are author's estimate.

Source: DeNavas-Walt, Proctor, and Smith 2008 (detailed tables at www.census.gov).

Eliminating Discrimination

Two main agents of social change work to reduce discrimination: voluntary associations organized to solve racial and ethnic problems and the federal government, including the courts. The two are closely related: Most efforts initiated by the government were urged by associations or organizations that represent minority groups, following vigorous protests by African Americans against racism. Resistance to social inequality by subordinate groups has been the key to change. Rarely has any government of its own initiative sought to end discrimination based on such criteria as race, ethnicity, and gender.

All racial and ethnic groups of any size are represented by private organizations that are, to some degree, trying to end discrimination. Some groups originated in the first half of the twentieth century, but most have been founded since World War II or have become significant forces in bringing about change only since then. These include church organizations, fraternal social groups, minor political parties, and legal defense funds, as well as more militant organizations operating under the scrutiny of law enforcement agencies. The purposes, membership, successes, and failures of these resistance organizations dedicated to eliminating discrimination are discussed throughout this book.

Government action toward eliminating discrimination is also recent. Each branch of the government has taken antidiscrimination actions: the executive, the judicial, and the legislative.

The first antidiscrimination action at the executive level was President Franklin D. Roosevelt's 1943 creation of the Fair Employment Practices Commission (FEPC), which handled thousands of complaints of discrimination, mostly from African Americans, despite strong opposition by powerful economic and political leaders and many Southern Whites. The FEPC had little actual power. It had no authority to compel employers to stop discriminating but could only ask for voluntary compliance. Its jurisdiction was limited to federal government employees, federal contractors, and labor unions. State and local governments and any business without a federal contract were not covered. Furthermore, the FEPC never enjoyed vigorous support from the White House, was denied adequate funds, and was part of larger agencies that were hostile to

the commission's existence. This weak antidiscrimination agency was finally dropped in 1946, only to be succeeded by an even weaker one in 1948.

The judiciary, charged with interpreting laws and the U.S. Constitution, has a much longer history of involvement in the rights of racial, ethnic, and religious minorities. However, its early decisions protected the rights of the dominant group, as in the 1857 U.S. Supreme Court's *Dred Scott* decision, which ruled that slaves remained slaves even when living or traveling in states where slavery was illegal. Not until the 1940s did the Supreme Court revise earlier decisions and begin to grant African Americans the same rights as those held by Whites. The 1954 *Brown v. Board of Education* decision, which stated that "separate but equal" facilities—including education—were unconstitutional, heralded a new series of rulings, arguing that distinguishing between races in order to segregate was inherently unconstitutional.

It was assumed incorrectly by many that *Brown* and other judicial actions would lead quickly to sweeping change. In fact, little change occurred initially, and resistance to ending racism continued.

The most important legislative effort to eradicate discrimination was the Civil Rights Act of 1964. This act led to the establishment of the Equal Employment Opportunity Commission (EEOC), which had the power to investigate complaints against employers and to recommend action to the Department of Justice. If the justice department sued and discrimination was found, then the court could order appropriate compensation. The act covered employment practices of all businesses with more than 25 employees and nearly all employment agencies and labor unions. A 1972 amendment broadened the coverage to employers with as few as 15 employees.

The Civil Rights Act of 1964 prohibited different voting registration standards for White and Black voting applicants. It also prohibited discrimination in public accommodations—that is, hotels, motels, restaurants, gasoline stations, and amusement parks. Publicly owned facilities such as parks, stadiums, and swimming pools were also prohibited from discriminating. Another important provision forbade discrimination in all federally supported programs and institutions such as hospitals, colleges, and road construction projects.

The Civil Rights Act of 1964 covered discrimination based on race, color, creed, national origin, and sex. Although the inclusion of gender in employment criteria had been prohibited in the federal civil service since 1949, most laws and most groups pushing for change showed little concern about sex discrimination. There was little precedent for attention to such discrimination even at the state level. Only Hawaii and Wisconsin had enacted laws against sex discrimination before 1964. As first proposed, the Civil Rights Act did not include mention of gender. One day before the final vote, opponents of the measure offered an amendment on gender bias in an effort to defeat the entire act. The act did pass with prohibition against sex bias included, an event that can only be regarded as a milestone for women seeking equal employment rights with men.

The Civil Rights Act of 1964 was not perfect. Since 1964, several acts and amendments to the original act have been added to cover the many areas of discrimination it left untouched, such as criminal justice and housing. Even in areas singled out for enforcement in the act, discrimination still occurs. Federal agencies charged with enforcement complain that they are underfunded or are denied wholehearted support by the White House. Also, regardless of how much the EEOC may want to act in a particular case, the person who alleges discrimination has to pursue the complaint over a long time that is marked by long periods of inaction. Despite these efforts, devastating forms of discrimination persist. African Americans, Latinos, and others fall victim to **redlining**, or the pattern of discrimination against people trying to buy homes in minority and racially changing neighborhoods. Research finds that in 25 metropolitan areas, housing agents showed fewer housing units to Blacks and Latinos, steered them to minority neighborhoods, and gave far less assistance in finding housing that met homebuyer needs. The concept of redlining is now being applied to areas other than home buying.

People living in predominantly minority neighborhoods have found that service deliverers refuse to go to their area. In one case that attracted national attention in 1997, Kansas City's Pizza Hut refused to deliver 40 pizzas to an honor program at a high school

redlining

The pattern of discrimination against people trying to buy homes in minority and racially changing neighborhoods.

in an all-Black neighborhood. A Pizza Hut spokesperson called the neighborhood unsafe and said that almost every city has “restricted areas” to which the company will not deliver. This admission was particularly embarrassing because the high school already had a \$170,000-a-year contract with Pizza Hut to deliver pizzas as a part of its school lunch program. Service redlining covers everything from parcel deliveries to repair people as well as food deliveries. The red pencil appears not to have been set aside in cities throughout the United States (Fuller 1998; Rusk 2001; Schwartz 2001; Turner et al. 2002; Yinger 1995).

Although civil rights laws often have established rights for other minorities, the Supreme Court made them explicit in two 1987 decisions involving groups other than African Americans. In the first of the two cases, an Iraqi American professor asserted that he had been denied tenure because of his Arab origins; in the second, a Jewish congregation brought suit for damages in response to the defacement of its synagogue with derogatory symbols. The Supreme Court ruled unanimously that, in effect, any member of an ethnic minority may sue under federal prohibitions against discrimination. These decisions paved the way for almost all racial and ethnic groups to invoke the Civil Rights Act of 1964 (Taylor 1987).

A particularly insulting form of discrimination seemed finally to be on its way out in the late 1980s. Many social clubs had limitations that forbid membership to minorities, Jews, and women. For years, exclusive clubs argued that they were merely selecting friends, but, in fact, a principal function of these clubs is as a forum to transact business. Denial of membership meant more than the inability to attend a luncheon; it also seemed to exclude certain groups from part of the marketplace, as Lawrence Otis Graham observed at the beginning of this chapter. In 1988, the Supreme Court ruled unanimously in *New York State Clubs Association v. City of New York* that states and cities may ban sex discrimination by large private clubs where business lunches and similar activities take place. Although the ruling does not apply to all clubs and leaves the issue of racial and ethnic barriers unresolved, it did chip away at the arbitrary exclusiveness of private groups (Steinhauer 2006; Taylor 1988).

Memberships and restrictive organizations remain perfectly legal. The rise to national attention of professional golfer Tiger Woods, of mixed Native American, African, and Asian ancestry, made the public aware that there were at least 23 golf courses where he would be prohibited from playing by virtue of race. In 2002, women’s groups tried unsuccessfully to have the golf champion speak out as the Master’s and British Open were played on courses closed to women as members (Scott 2003).

Proving discrimination even as outlined for generations in legislation continues to be difficult. In the 2007 *Ledbetter v. Goodyear Tire and Rubber Co.* ruling, the Supreme Court affirmed that victims had to file a formal complaint within 180 days of the alleged discrimination. This set aside thousands of cases where employees learned their initial pay was lower to comparably employed White or male workers only after they had been in a job for years. Given the usual secrecy in workplaces around salaries, it is now all the more difficult for potential cases of pay disparity to be effectively advanced. Initial efforts by Congress to enact the Lilly Ledbetter Fair Pay Act that give victims more time to file a lawsuit have failed (Hulse 2008).

The inability of the Civil Rights Act, similar legislation, and court decisions to end discrimination does not result entirely from poor financial and political support, although it does play a role. The number of federal employees assigned to investigate and prosecute bias cases is insufficient. Many discriminatory practices, such as those described as institutional discrimination, are seldom subject to legal action.



Although more and more Latinos and African Americans are buying their own homes, the assets of accumulation run well behind those of White households—a legacy, in part, of past and current discrimination.

Wealth Inequality: Discrimination's Legacy

Discrimination that has occurred in the past carries into the present and future. As noted in Figure 3.1, a lack of inherited wealth is one element of the past. African American and other minority groups have had less opportunity to accumulate assets such as homes, land, and savings that can insulate them and later their children from economic setbacks.

Income refers to salaries and wages, and **wealth** is a more inclusive term that encompasses all of a person's material assets, including land, stocks, and other types of property. Wealth allows one to live better; even modest assets provide insurance against the effects of job layoffs, natural disasters, and long-term illness, and they afford individuals much better interest rates when they need to borrow money. It allows children to graduate from college relatively debt free or perhaps without any college loans to pay back. This reminds us that for many people it is not a question of wealth in the sense of assets but wealth as measured by indebtedness.

Studies document that the kinds of disparities in income we have seen are even greater when wealth is considered. In 2004, only 4 percent of homebuyers were African Americans—at least one-third of what we would expect. This makes sense, however, because if individuals experience lower incomes throughout their lives, they are less likely to be able to put anything aside. They are more likely to have to pay interest rather than save for their future or their children's future.

Little wonder then that White children are more likely to surpass parents' income than Black children are. Furthermore, White children are more likely to move up the economic social class ladder than are Black children, who are also more likely to actually fall back in absolute terms.

A close analysis of wealth shows that typically African American families have \$86,000 less in wealth than their White counterparts, even when comparing members of comparably educated and employed households. Evidence indicates that this inequality in wealth has been growing over the last 10 years rather than staying the same or declining (Bureau of the Census 2007a; Economic Mobility Project 2007a; Oliver and Shapiro 2006).

Environmental Justice

Discrimination takes many forms and is not necessarily apparent, even when its impact can be far reaching. Take the example of Kennedy Heights, a well-kept working-class neighborhood nestled in southeastern Houston. This community faces a real threat, and it is not from crime or drugs. The threat that community residents fear is right under their feet in the form of three oil pits abandoned by Gulf Oil in 1927. The residents, mostly African American, argue that they have suffered high rates of cancer, lupus, and other illnesses because the chemicals from the oil fields poison their water supply. The residents first sued Chevron USA in 1985, and the case is still making its way through the courtrooms of no fewer than six states and the federal judiciary.

Lawyers and other representatives for the residents say that the oil company is guilty of environmental racism because it knowingly allowed a predominantly Black housing development to be built on the contaminated land. They are able to support this charge with documents, including a 1954 memorandum from an appraiser who suggested that the oil pits be drained of any toxic substances and the land filled for "low-cost houses for White occupancy." When the land did not sell right away, an oil company official in a 1967 memorandum suggested a tax-free land exchange with a developer who intended to use the land for "Negro residents and commercial development." For this latter intended use by African Americans, there was no mention of any required environmental cleanup of the land. The oil company counters that it just assumed the developer would do the necessary cleanup of the pits (Maning 1997; Sze and London 2008).

The conflict perspective sees the case of the Houston suburb as one in which pollution harms minority groups disproportionately. **Environmental justice** refers to the

income

Salaries, wages, and other money received.

wealth

An inclusive term encompassing all of a person's material assets, including land and other types of property.

environmental justice

Efforts to ensure that hazardous substances are controlled so that all communities receive protection regardless of race or socioeconomic circumstances.



A setback in antidiscrimination lawsuits came when the Supreme Court told Lilly Ledbetter, in effect, she was “too late.” Ledbetter had been a supervisor for many years at the Godsden, Alabama, Goodyear Tire Rubber plant when she realized that she was being paid \$6,500 less per year than the lowest-paid male supervisor. The Court ruled that she must sue within 180 days of the initial discriminatory paycheck even though it had taken years before she even knew of the differential payment.

efforts to ensure that hazardous substances are controlled so that all communities receive protection regardless of race or socioeconomic circumstance. After the Environmental Protection Agency and other organizations documented discrimination in the locating of hazardous waste sites, an executive order was issued in 1994 that requires all federal agencies to ensure that low-income and minority communities have access to better information about their environment and have an opportunity to participate in shaping government policies that affect their communities’ health. Initial efforts to implement the policy have met widespread opposition, including criticism from some proponents of economic development who argue that the guidelines unnecessarily delay or altogether block locating new industrial sites.

Low-income communities and areas with significant minority populations are more likely to be adjacent to waste sites than are affluent White communities. Studies in California show the higher probability that people of color live closer to sources of air pollution. Another study concluded that grade schools in Florida nearer to environmental hazards are disproportionately Black or Latino. People of color jeopardized by environmental problems also lack the resources and political muscle to do something about it (Pastor, Morello-Frosch, and Saad 2005; Pellow and Brulle 2007; Stretesky and Lynch 2002).

Issues of environmental justice are not limited to metropolitan areas. Another continuing problem is abuse of Native American reservation land. Many American Indian leaders are concerned that tribal lands are too often regarded as dumping grounds for toxic waste that go to the highest bidder. On the other hand, the economic devastation faced by some tribes in isolated areas has led one tribe in Utah to actually seek out becoming a depot for discarded nuclear waste (*New York Times* 2005a; Skull Valley Goshutes 2006).

As with other aspects of discrimination, experts disagree. There is controversy within the scientific community over the potential hazards of some of the problems, and there is even some opposition within the subordinate communities being affected. This complexity of the issues in terms of social class and race is apparent, as some observers question the wisdom of an executive order that slows economic development coming to areas in dire need of employment opportunities. On the other hand, some observers counter that such businesses typically employ few less-skilled workers and only make the environment less livable for those left behind. Despite such varying viewpoints, environmental justice is an excellent example of resistance and change in the 1990s that could not have been foreseen by the civil rights workers of the 1950s.

Affirmative Action

Affirmative action is the positive effort to recruit subordinate-group members, including women, for jobs, promotions, and educational opportunities. The phrase *affirmative action* first appeared in an executive order issued by President Kennedy in 1961. The order called for contractors to “take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin.” However, at that time, no enforcement procedures were specified. Six years later, the order was amended to prohibit discrimination on the basis of sex, but affirmative action was still defined vaguely.

Today, affirmative action has become a catchall term for racial preference programs and goals. It has also become a lightning rod for opposition to any programs that suggest special consideration of women or racial minorities.

Affirmative Action Explained

Affirmative action has been viewed as an important tool for reducing institutional discrimination. Whereas previous efforts were aimed at eliminating individual acts of discrimination, federal measures under the heading of affirmative action have been aimed at procedures that deny equal opportunities, even if they are not intended to be overtly discriminatory. This policy has been implemented to deal with both current discrimination and past discrimination outlined earlier in this chapter.

affirmative action

Positive efforts to recruit subordinate group members, including women, for jobs, promotions, and educational opportunities.

So desperate are the economic conditions of isolated Indian tribes that they often seek out questionable forms of economic development. The Skull Valley Goshute Indian Reservation in Utah is trying to attract a nuclear waste dump, and local and state officials are trying to block this possibility.



Affirmative action has been aimed at institutional discrimination in such areas as the following:

- height and weight requirements that are unnecessarily geared to the physical proportions of White men without regard to the actual characteristics needed to perform the job and that therefore exclude women and some minorities;
- seniority rules, when applied to jobs historically held only by White men, that make more recently hired minorities and females more subject to layoff—the “last hired, first fired” employee—and less eligible for advancement;
- nepotism-based membership policies of some unions that exclude those who are not relatives of members who, because of past employment practices, are usually White;
- restrictive employment leave policies, coupled with prohibitions on part-time work or denials of fringe benefits to part-time workers, that make it difficult for the heads of single-parent families, most of whom are women, to get and keep jobs and also meet the needs of their families;
- rules requiring that only English be spoken at the workplace, even when not a business necessity, which result in discriminatory employment practices toward people whose primary language is not English;
- standardized academic tests or criteria geared to the cultural and educational norms of middle-class or White men when these are not relevant predictors of successful job performance;
- preferences shown by law and medical schools in admitting children of wealthy and influential alumni, nearly all of whom are White; and
- credit policies of banks and lending institutions that prevent the granting of mortgages and loans in minority neighborhoods or that prevent the granting of credit to married women and others who have previously been denied the opportunity to build good credit histories in their own names.

Employers have also been cautioned against asking leading questions in interviews such as “Did you know you would be the first Black to supervise all Whites in that factory?” or “Does your husband mind your working on weekends?” Furthermore, the lack of minority-group or female employees may in itself represent evidence for a case of unlawful exclusion (Commission on Civil Rights 1981; also see Bohmer and Oka 2007).

The Legal Debate

How far can an employer go in encouraging women and minorities to apply for a job before it becomes unlawful discrimination against White men? Since the late 1970s, a number of bitterly debated cases on this difficult aspect of affirmative action have reached the U.S. Supreme Court. The most significant cases are summarized in Table 3.2.

TABLE 3.2**Key Decisions on Affirmative Action**

In a series of split and often very close decisions, the Supreme Court has expressed a variety of reservations in specific situations.

Year	Favorable (+) or Unfavorable (–) to Policy	Case	Vote	Ruling
1971	+	<i>Griggs v. Duke Power Co.</i>	9–0	Private employers must provide a remedy where minorities were denied opportunities, even if unintentional.
1978	–	<i>Regents of the University of California v. Bakke</i>	5–4	Prohibited holding specific number of places for minorities in college admissions.
1979	+	<i>United Steelworkers of America v. Weber</i>	5–2	Okay for union to favor minorities in special training programs.
1984	–	<i>Firefighters Local Union No. 1784 (Memphis, TN) v. Stotts</i>	6–1	Seniority means recently hired minorities may be laid off first in staff reductions.
1986	+	<i>International Association of Firefighters v. City of Cleveland</i>	6–3	May promote minorities over more-senior Whites.
1986	+	<i>New York City v. Sheet Metal</i>	5–4	Approved specific quota of minority workers for union.
1987	+	<i>United States v. Paradise</i>	5–4	Endorsed quotas for promotions of state troopers.
1987	+	<i>Johnson v. Transportation Agency, Santa Clara, CA</i>	6–3	Approved preference in hiring for minorities and women over better-qualified men and Whites.
1989	–	<i>Richmond v. Croson Company</i>	6–3	Ruled a 30 percent set-aside program for minority contractors unconstitutional.
1989	–	<i>Martin v. Wilks</i>	5–4	Ruled Whites may bring reverse discrimination claims against Court-approved affirmative action plans.
1990	+	<i>Metro Broadcasting v. FCC</i>	5–4	Supported federal programs aimed at increasing minority ownership of broadcast licenses.
1995	–	<i>Adarand Constructors Inc. v. Peña</i>	5–4	Benefits based on race are constitutional only if narrowly defined to accomplish a compelling interest.
1996	–	<i>Texas v. Hopwood</i>	*	Let stand a lower court decision covering Louisiana, Mississippi, and Texas that race could not be used in college admissions.
2003	+	<i>Grutter v. Bollinger</i>	5–4	Race can be a limited factor in admissions at the University of Michigan Law School.
2003	–	<i>Gratz v. Bollinger</i>	6–3	Cannot use a strict formula awarding advantage based on race for admissions to the University of Michigan.

*U.S. Court of Appeals Fifth Circuit decision.

In the 1978 *Bakke* case (*Regents of the University of California v. Bakke*), by a narrow 5–4 vote, the Court ordered the medical school of the University of California at Davis to admit Allan Bakke, a qualified White engineer who had originally been denied admission solely on the basis of his race. The justices ruled that the school had violated Bakke’s constitutional rights by establishing a fixed quota system for minority students. However, the Court added that it was constitutional for universities to adopt flexible admission programs that use race as one factor in making decisions.

Colleges and universities responded with new policies designed to meet the Bakke ruling while broadening opportunities for traditionally underrepresented minority students. However, in 1996, the Supreme Court allowed a lower court decision to stand: that affirmative action programs for African American and Mexican American students at the University of Texas law school were unconstitutional. The ruling effectively prohibited schools in the lower court's jurisdiction of Louisiana, Mississippi, and Texas from taking race into account in admissions. In 2003, the Supreme Court made two rulings concerning the admissions policies at the University of Michigan. In one case involving the law school, the Court upheld the right of the school to use applicants' race as criteria for admission decisions but ruled against a strict admissions formula awarding points to minority applicants who applied to the university's undergraduate school. Given the various legal actions, further challenges to affirmative action can be expected (Colburn et al. 2008).

Has affirmative action actually helped alleviate employment inequality on the basis of race and gender? This is a difficult question to answer, given the complexity of the labor market and the fact that there are other antidiscrimination measures, but it does appear that affirmative action has had a significant impact in the sectors where it has been applied. Sociologist Barbara Reskin (1998) reviewed available studies looking at workforce composition in terms of race and gender in light of affirmative action policies. She found that gains in minority employment can be attributed to affirmative action policies. This includes both firms mandated to follow affirmative action guidelines and those that took them on voluntarily. There is also evidence that some earnings gains can be attributed to affirmative action. Economists M. V. Lee Badgett and Heidi Hartmann (1995), reviewing 26 other research studies, came to similar conclusions: affirmative action and other federal compliance programs have had a modest impact, but it is difficult to assess, given larger economic changes such as recessions or the rapid increase in women in the paid labor force.

Reverse Discrimination

Although researchers debated the merit of affirmative action, the public—particularly Whites but also some affluent African Americans and Hispanics—questioned the wisdom of the program. Particularly strident were the charges of reverse discrimination: that government actions cause better-qualified White men to be bypassed in favor of women and minority men. **Reverse discrimination** is an emotional term, because it conjures up the notion that somehow women and minorities will subject White men in the United States to the same treatment received by minorities during the last three centuries. Such cases are not unknown, but they are uncommon—fewer than 10 of the race-related complaints to the federal government were filed by Whites, and only 18 percent of gender-related complaints and 4 percent of the course cases were filed by men.

Increasingly, critics of affirmative action call for color-blind policies that would end affirmative action and, they argue, allow all people to be judged fairly. However, will that mean an end to the institutional practices that favored Whites? For example, according to the latest data, 40 percent of applicants who are children of Harvard's alumni, who are almost all White, are admitted to the university, compared to 11 percent of nonalumni children. Ironically, studies show that these children of alumni typically are far more likely than either minority students or athletes to run into academic trouble (*Economist* 2004b; Massey and Mooney 2007; Pincus 2003, 2008).

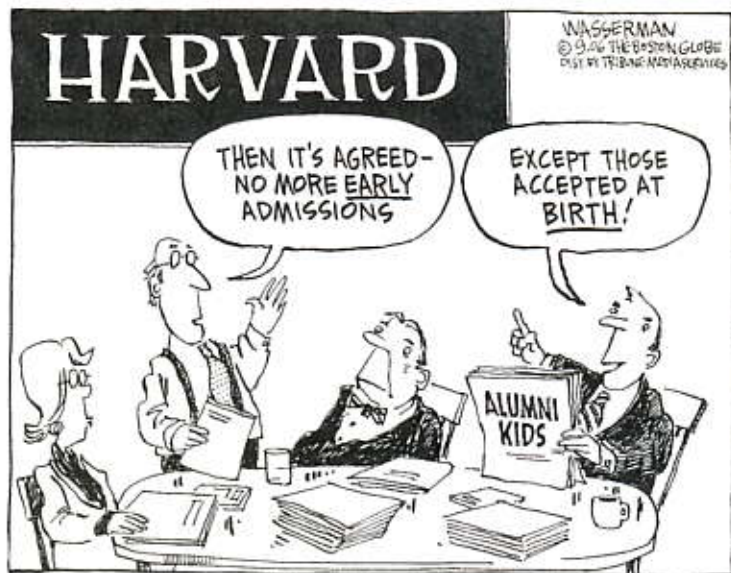
Is it possible to have color-blind policies prevail in the United States in the twenty-first century? Supporters of affirmative action contend that as long as businesses rely on informal social networks, personal recommendations, and family ties, White men will have a distinct advantage built on generations of being in positions of power. Furthermore, an end to affirmative action should also mean an end to the many programs that give advantages to certain businesses, homeowners, veterans, farmers, and others. Most of these preference holders are White (Kilson 1995; Mack 1996).

reverse discrimination
Actions that cause better-qualified White men to be passed over for women and minority men.

Consequently, by the 1990s and into the twenty-first century, affirmative action had emerged as an increasingly important issue in state and national political campaigns. As noted earlier, in 2003, the Supreme Court reviewed the admission policies at the University of Michigan, which may favor racial minorities (see Table 3.2). In 2006, Michigan citizens, by a 58 percent margin, voted to restrict all their state universities from using affirmative action in their admissions policies. Generally, discussions have focused on the use of quotas in hiring practices. Supporters of affirmative action argue that hiring goals establish “floors” for minority inclusion but do not exclude truly qualified candidates from any group. Opponents insist that these “targets” are, in fact, quotas that lead to reverse discrimination (Lewin 2006).

The State of California, in particular, was a battleground for this controversial issue. The California Civil Rights Initiative (Proposition 209) was placed on the ballot in 1996 as a referendum to amend the state constitution and prohibit any programs that give preference to women and minorities for college admission, employment, promotion, or government contracts. Overall, 54 percent of the voters backed the state proposition.

Legal challenges continue concerning Proposition 209, which is being implemented unevenly throughout the state. Much of the attention has focused on the impact that reducing racial preference programs will have in law and medical schools, in which competition for admission is very high. The courts have upheld the measures in California, Michigan, and Washington, and subsequently several other states were considering measures in statewide referenda that would prohibit affirmative action in public realms such as employment, education, and contracting (Dolan 2000; Khadaroo 2008; Schmidt 2007).



Affirmative action is criticized for giving preferential treatment, but colleges have a long history of giving admissions preferences to relatives of past graduates who are much more likely to be White rather than Black or Latino.

The Glass Ceiling

We have been talking primarily about racial and ethnic groups as if they have uniformly failed to keep pace with Whites. Although this notion is accurate, there are tens of thousands of people of color who have matched and even exceeded Whites in terms of income. For example, in 2007, more than 1.4 million Black households and another 1.3 million Hispanic families earned more than \$100,000. What can we say about financially better-off members of subordinate groups in the United States (DeNavas-Walt, Proctor, and Lee 2008, HINC tables)?

Prejudice does not necessarily end with wealth. Black newspaper columnist De Wayne Wickham (1993) wrote of the subtle racism he had experienced. He heard a White clerk in a supermarket ask a White customer whether she knew the price of an item the computer would not scan; when the problem occurred while the clerk was ringing up Wickham's groceries, she called for a price check. Affluent subordinate-group members routinely report being blocked as they move toward the first-class section aboard airplanes or seek service in upscale stores. Another journalist, Ellis Cose (1993), has called these insults the soul-destroying slights to affluent minorities that lead to the “rage of a privileged class.”

Discrimination persists for even educated and qualified people from the best family backgrounds. As subordinate-group members are able to compete successfully, they sometimes encounter attitudinal or organizational bias that prevents them from reaching their full potential. They have confronted what has come to be called the **glass ceiling**. This refers to the barrier that blocks the promotion of a qualified worker because of gender or minority membership (Figure 3.4). Often, people entering nontraditional areas of employment become marginalized and are made to feel uncomfortable, much like the situation of immigrants who feel a part of two cultures, as we discussed in Chapter 1.

glass ceiling

The barrier that blocks the promotion of a qualified worker because of gender or minority membership.



FIGURE 3.4
Glass Ceilings and Glass Walls

Women and minority men are moving up in corporations but encounter glass ceilings that block entry to top positions. In addition, they face glass walls that block lateral moves to areas from which executives are promoted. These barriers contribute to women and minority men not moving into the ultimate decision-making positions in the nation's corporate giants.

The reasons for glass ceilings are as many as the occurrences. It may be that one Black or one woman vice president is regarded as enough, so the second potential candidate faces a block to movement up through management. Decision makers may be concerned that their clientele will not trust them if they have too many people of color or may worry that a talented woman could become overwhelmed with her duties as a mother and wife and thus perform poorly in the workplace.

Concern about women and minorities climbing a broken ladder led to the formation in 1991 of the Glass Ceiling Commission, with the U.S. secretary of labor chairing the 21-member group. Initially, it regarded the following as some of the glass ceiling barriers:

- lack of management commitment to establishing systems, policies, and practices for achieving workplace diversity and upward mobility;
- pay inequities for work of equal or comparable value;
- sex-, race-, and ethnicity-based stereotyping and harassment;
- unfair recruitment practices;
- lack of family-friendly workplace policies;

- “parent-track” policies that discourage parental leave policies; and
- limited opportunities for advancement to decision-making positions.

This significant underrepresentation of women and minority males in managerial positions results in large part from the presence of glass ceilings. Sociologist Max Weber wrote more than 100 years ago that the privileged class monopolizes the purchase of high-priced consumer goods and wields the power to grant or withhold opportunity from others. To grasp just how White and male the membership of this elite group is, consider the following: eighty-two percent of the 11,500 people who serve on the boards of directors of *Fortune* 1,000 corporations are White non-Hispanic males. For every 82 White men on these boards, there are two Latinos, two Asian Americans, three African Americans, and 11 White women (Strauss 2002; Weber [1913–1922] 1947).

Glass ceilings are not the only barrier. There are also glass walls. Catalyst, a non-profit research organization, conducted interviews in 1992 and, again, in 2001 with senior and middle managers from larger corporations. The study found that even before glass ceilings are encountered, women and racial and ethnic minorities face **glass walls** that keep them from moving laterally. Specifically, the study found that women tend to be placed in staff or support positions in areas such as public relations and human resources and are often directed away from jobs in core areas such as marketing, production, and sales. Women are assigned to and, therefore, trapped in jobs that reflect their stereotypical helping nature and encounter glass walls that cut off access to jobs that might lead to broader experience and advancement (Bjerk 2008; Catalyst 2001; Lopez 1992).

Researchers have documented a differential impact that the glass ceiling has on White males. It appears that men who enter traditionally female occupations are more likely to rise to the top. Male elementary teachers become principals, and male nurses become supervisors. The **glass escalator** refers to the male advantage experienced in occupations dominated by women. Whereas females may become tokens when they enter traditionally male occupations, men are more likely to be advantaged when they move out of sex-typical jobs. In summary, women and minority men confront a glass ceiling that limits upward mobility and glass walls that reduce their ability to move into fast-track jobs leading to the highest reaches of the corporate executive suite. Meanwhile, men who do choose to enter female-dominated occupations are often rewarded with promotions and positions of responsibility coveted by their fellow female workers (Budig 2002; Cognard-Black 2004).

glass wall

A barrier to moving laterally in a business to positions that are more likely to lead to upward mobility.

glass escalator

The male advantage experienced in occupations dominated by women.

Conclusion

The job advertisement read “African Americans and Arabians tend to clash with me so that won’t work out.” Sounds like it was from your grandfather’s era? Actually, it appeared on the popular craigslist Web site in 2006 and is just one example of how explicit discrimination thrives even in the digital age (Hughlett 2006).

Discrimination takes its toll, whether or not a person who is discriminated against is part of the informal economy or looking for a job on the Internet. Even members of minority groups who are not today being overtly discriminated against continue to fall victim to past discrimination. We have also identified the costs of discrimination to members of the privileged group.

From the conflict perspective, it is not surprising to find the widespread presence of the informal economy

proposed by the dual labor market model and even an underclass. Derrick Bell (1994), an African American law professor, has made the sobering assertion that “racism is permanent.” He contends that the attitudes of dominant Whites prevail, and society is willing to advance programs on behalf of subordinate groups only when they coincide with needs as perceived by those Whites.

The surveys presented in Chapter 2 show gradual acceptance of the earliest efforts to eliminate discrimination, but that support is failing as color-blind racism takes hold, especially as it relates to affirmative action. Indeed, concerns about doing something about alleged reverse discrimination are as likely to be voiced as concerns about racial or gender discrimination or glass ceilings and glass walls.

Institutional discrimination remains a formidable challenge in the United States. Attempts to reduce discrimination by attacking institutional discrimination have met with staunch resistance. Partly as a result of this outcry from some of the public, especially White Americans, the federal government gradually deemphasized its affirmative action efforts, beginning in the 1980s and into the twenty-first century. Most of the material in this chapter has been about racial groups,

especially Black and White Americans. It would be easy to see intergroup hostility as a racial phenomenon, but that would be incorrect. Throughout the history of the United States, relations between some White groups have been characterized by resentment and violence. The next two chapters examine the ongoing legacy of immigration and the nature and relations of White ethnic groups.

Summary

1. Discrimination has a cumulative effect so that people today are victims of post- and current differential practices.
2. Racial and ethnic minorities are more likely to be unemployed, engaged in low-wage labor, or relegated to the informal (or underground) economy.
3. Institutional discrimination results from the normal operations of a society.
4. Discrimination in hiring is documented through job-testing experiments.
5. Inequality continues to be apparent in the analysis of annual incomes, controlling for the amount of education attained and wealth, and even in the absence of environmental justice.
6. Presidential executive orders, legislative acts, and judicial decisions have all played a part in reducing discrimination.
7. For almost 50 years, affirmative action as a remedy to inequality has been a hotly contested issue, with its critics contending it amounts to reverse discrimination.
8. Upwardly mobile professional women and minority males may encounter a glass ceiling and be thwarted in their efforts by glass walls to become more-attractive candidates for advancement.

Key Terms

absolute deprivation 61
 affirmative action 75
 discrimination 60
 dual or split labor market 68
 environmental justice 74
 glass ceiling 79

glass escalator 81
 glass wall 81
 income 74
 informal economy 67
 institutional discrimination 63

irregular or underground economy 67
 redlining 72
 relative deprivation 61
 reverse discrimination 78
 total discrimination 62
 wealth 74

Review Questions

1. Why might people feel disadvantaged even though their incomes are rising and their housing circumstances have improved?
2. Why does institutional discrimination sometimes seem less objectionable than individual discrimination?
3. In what way does the economy of the United States operate on several economic levels?
4. Why are questions raised about affirmative action although inequality persists?
5. Distinguish among glass ceilings, glass walls, and glass escalators. How do they differ from more-obvious forms of discrimination in employment?

Critical Thinking

1. Discrimination can take many forms. Select a case of discrimination that you think just about everyone would agree is wrong. Then describe another incident in which the alleged discrimination was of a more subtle form. Who is likely to condemn and who is likely to overlook such situations?
2. Resistance is a continuing theme of intergroup race relations. Discrimination implies the oppression of a group, but how can discrimination also unify the oppressed group to resist such unequal treatment? How can acceptance, or integration, for example, weaken the sense of solidarity within a group?
3. Voluntary associations such as the National Association for the Advancement of Colored People (NAACP) and government units such as the courts have been important vehicles for bringing about a measure of social justice. In what ways can the private sector—corporations and businesses—also work to bring about an end to discrimination?