CHAPTER OUTLINE

Understanding Discrimination
  A Global View
  *The Roma: A Thousand Years of Discrimination*

Hate Crimes

Institutional Discrimination
  Research Focus
  *Discrimination in Job Seeking*

Discrimination Today

Wealth Inequality: Discrimination’s Legacy
  *Listen to Our Voices*
  *Of Race and Risk*

Environmental Justice

Affirmative Action

Reverse Discrimination

The Glass Ceiling

Conclusion • Summary • Key Terms
Review Questions • Critical Thinking

WHAT WILL YOU LEARN?

- How Can Discrimination Be Understood?
- Why Are There Hate Crimes?
- How Do Institutions Discriminate?
- What Is the State of Discrimination Today?
- How Is Wealth Inequality Discrimination’s Legacy?
- What Is Environmental Justice?
- What Is Affirmative Action?
- What Is Reverse Discrimination?
- What Is the Glass Ceiling?
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. Hate crimes are a particularly violent and personal way by which people are denied their rights. 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.
Il they wanted to do was go for a swim. The 65 children of the Creative Steps Camp of Philadelphia were to swim each summer Monday afternoon at the Valley Club in suburban Huntingdon Village. Upon their arrival at the pool that first Monday in July 2009, some parents called their children out of the pool, fearing it was dangerous. The Creative Step swimmers were almost all either Black or Latino while the Valley Club’s is overwhelmingly White. The next day the Valley Club said the campers were not permitted to return and refunded the camp’s $1,950 without explanation except the club president expressed concern “that a lot of kids would change the complexion . . . and the atmosphere of the club.” Fortunately, another private organization offered its pool, while a U.S. senator called for an investigation into whether the incident violated the civil rights of the children (Lattanzio 2009).

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 well-trained Black and White 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 callbacks. Recovery is a much harder road if you are a person of color (Greater New Orleans Fair Housing Action Center 2007, 2011).

Discrimination has no age restrictions. Here women protest the Valley Club outside of Philadelphia when the club took back a contract they had made to allow a day camp to pay to use their facilities. Unlike the Valley Club, most of the camp’s swimmers were African American and Latino children.
Discrimination has a long history, right up to the present, of taking its toll on people. We examine the many faces of discrimination, its many victims, and the many ways scholars have documented its presence today in the United States. We 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.” In Global View, we consider how the Roma (or Gypsies) have been victimized.

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, healthcare, and educational opportunities, it is their position relative to some other group that offers evidence of discrimination.

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 2011.
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 or individuals should not be expected to exist. Discrimination 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 policymakers—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 healthcare, 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 is not an isolated occurrence today. 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

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**Figure 3.1 Total Discrimination**

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<thead>
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<th>Total Discrimination</th>
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<tr>
<td></td>
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<tr>
<td>Past</td>
</tr>
<tr>
<td>Inferior schooling</td>
</tr>
<tr>
<td>Poorer healthcare</td>
</tr>
<tr>
<td>Inadequate counseling</td>
</tr>
<tr>
<td>Encumbrance by need</td>
</tr>
<tr>
<td>to care for relatives</td>
</tr>
<tr>
<td>Poor job record</td>
</tr>
<tr>
<td>No inherited wealth</td>
</tr>
<tr>
<td>Current Labor Market</td>
</tr>
<tr>
<td>Hiring practices</td>
</tr>
<tr>
<td>Promotion practices</td>
</tr>
<tr>
<td>Bias in lending and leasing</td>
</tr>
</tbody>
</table>
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).

Past experiences carry a heavier burden for racial minorities as is documented in the Research Focus box considering the barriers to job seeking.

### Research Focus

**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.

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.


<table>
<thead>
<tr>
<th>Job Applicant</th>
<th>Proportion of Initial Job Queries Leading to a Callback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black male, jail time</td>
<td>14%</td>
</tr>
<tr>
<td>Black male, NO jail time</td>
<td>34%</td>
</tr>
<tr>
<td>White male, jail time</td>
<td>17%</td>
</tr>
<tr>
<td>White male, NO jail time</td>
<td>5%</td>
</tr>
</tbody>
</table>

**FIGURE 3.2**

Discrimination in Job Seeking

*Source: Pager 2003:958. Reprinted by permission of the University of Chicago.*
We find another variation of this past-in-present discrimination when apparently non-discriminatory 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.

### Hate Crimes

Although prejudice certainly is not new in the United States, it is receiving increased attention as it manifests itself in neighborhoods, at meetings, and on college campuses. The Hate Crime Statistics Act, which became law in 1990, directs the Department of Justice to gather data on hate or bias crimes. The government defines an ordinary crime as a **hate crime** when offenders are motivated to choose a victim because of some characteristic—for example, race, ethnicity, religion, sexual orientation, or disability—and provide evidence that hatred prompted them to commit the crime. Hate crimes are also sometimes referred to as **bias crimes** (Department of Justice 2009).

This law created a national mandate to identify such crimes, whereas previously only 12 states had monitored hate crimes. The act has since been amended to include disabilities, both physical and mental, as well as sexual orientation as factors that could be considered as a basis for hate crimes.

In 2009, law enforcement agencies released hate crime data submitted by police agencies covering 89 percent of the United States. Even though many, many hate crimes are not reported (less than one in seven participating agencies reported an incident), a staggering number of offenses that come to law agencies’ attention were motivated by hate. While most incidents receive relatively little attention, some become the attention of headlines and online sites for days. Such was the case in 2009 when a Maryland man with a long history of ties to neo-Nazi groups walked in the U.S. Holocaust Memorial Museum in Washington, D.C., and opened fire, killing a security guard.

There were official reports of more than 7,700 hate crimes and bias-motivated incidents in 2009. As indicated in Figure 3.3, race was the apparent motivation for the bias in approximately 51 percent of the reports, and religion, sexual orientation, and ethnicity accounted for 11–20 percent each. Vandalism and intimidation were the most common crimes, but in terms of crimes against people, 58 percent of incidents involved assault, rape, or murder.

The vast majority of hate crimes are directed by members of the dominant group toward those who are, relatively speaking, powerless. One in five bias incidents based on race are anti-White. Hate crimes, except for those that are most horrific, receive little media attention, and anti-White incidents probably receive even less. Hostility based on race knows no boundaries (Department of Justice 2009; Witt 2007).

The official reports of hate or bias crimes appear to be only the tip of the iceberg. Government-commissioned surveys conducted over a national cross section indicate that 192,000 people annually report they have been victims of hate crimes, but only half of these are reported to police. Of these, only one out of 10, according to the victims, are confirmed as hate crimes. Although definitions vary, considerable racial hostility in this country becomes violent (Harlow 2005; Perry 2003).

National legislation and publicity have made hate crime a meaningful term, and we are beginning to recognize the victimization associated with such incidents. A current proposal would make a violent crime a federal crime if it were motivated by racial or religious bias. Although passage is uncertain, the serious consideration of the proposal indicates a willingness to consider a major expansion of federal jurisdiction. Currently, federal law prohibits crimes motivated by race, color, religion, or national origin only if they involve violation of a federally guaranteed right such as voting.

Victimized groups are not merely observing hate crimes and other acts of prejudice. Watchdog organizations play an important role in

![Distribution of Reported Hate Crimes](image-url)
Institutional Discrimination

Individuals practice discrimination in one-on-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, healthcare, 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 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.

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.

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.

Discrimination Hits the Wallet

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 3.4 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 $52,273, earn one-third more than Black men and more than twice what Hispanic women earn in wages.

Yet we see Asian American men are at the top edging out White males by a little less than $200 a year. 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 3.4 includes
only data for full-time, year-round workers; it excludes homemakers 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 $57,512, which means they earn more than $8,000 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 three years to earn $151,000. The typical male can work just 28 months, take the 8 months off without pay, and still exceed 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 $112,700, compared to $132,300 in a White household. To put this another way, these highly educated Asian Americans will work six years to earn what Whites do in about five years.

This is the picture today, but is it getting better? According to a Census Bureau report released in 2011, the answer is no. During the early years of the twenty-first century, Blacks were more likely to stay poor than Whites and those African Americans in the top rung

**FIGURE 3.4**
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 2010 for income earned in 2009. 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 2010:PINC-03. For Native Americans, author’s estimate based on American Community Survey, Tables B20017c, B20017H, and B20017I.
Chapter 3  Discrimination

Discrimination of income were more likely to fall than their White counterparts among the wealthy. The inequality is dramatic and the trend is not toward it diminishing (Hisnanick and Giefer 2011).

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).

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

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

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<thead>
<tr>
<th>Race</th>
<th>Sex</th>
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<tbody>
<tr>
<td>White</td>
<td>Black</td>
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<tr>
<td>Families</td>
<td>Families</td>
</tr>
<tr>
<td>Total</td>
<td>68,914</td>
</tr>
<tr>
<td>High school</td>
<td></td>
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<tr>
<td>Nongraduate</td>
<td>33,971</td>
</tr>
<tr>
<td>Graduate</td>
<td>52,926</td>
</tr>
<tr>
<td>College</td>
<td></td>
</tr>
<tr>
<td>Associate degree</td>
<td>70,501</td>
</tr>
<tr>
<td>Bachelor's degree</td>
<td>94,157</td>
</tr>
<tr>
<td>Master's degree</td>
<td>110,068</td>
</tr>
<tr>
<td>Doctorate degree</td>
<td>139,539</td>
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</tbody>
</table>

Notes: Data released in 2010 for income earned in 2009. 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.

purposes, membership, successes, and failures of these resistance organizations dedicated to eliminating discrimination are discussed throughout this book.

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.

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 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 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 lengthy 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.

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, a Pizza Hut in Kansas City refused to deliver 40 pizzas to an honor program at a high school 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.

redlining: the pattern of discrimination against people trying to buy homes in minority and racially changing neighborhoods.
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. Congress later enacted legislation eliminating the 180-day restriction.

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 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 perhaps, 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...
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 would have made it difficult for potential cases of pay disparity to be effectively advanced. Two years later, Congress enacted the Lilly Ledbetter Fair Pay Act, which gives victims more time to file a lawsuit.

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.

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 under the act in question, the bank quickly 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 race. 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.

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.

However, even qualified affluent members of social and ethnic groups cannot accumulate assets. In Listen to Our Voices, pp. 70–71, 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 experience is not unusual and helps to explain the persistence of discrimination. Her situation illustrated how Whites as a group inherited more wealth being homeowners and this deficit continues as a roadblock to accumulating wealth.

Studies document that the kinds of disparities in income we have seen are even greater when wealth is considered. In 2010, only 6 percent of homebuyers were African Americans and another 6 percent Latino. This is, unfortunately, to be expected, because if individuals experience lower incomes throughout their lives, they are less likely to be able to put anything aside for a down payment. They are more likely to have to pay for today’s expenses rather than save for their future or their children’s future.

A 2009 study among the affluent shows the wealth gap will continue. For people earning more than $120,000, Whites typically had set aside $223,000 in retirement accounts—Asian Americans $62,000 less, African Americans $69,000 less, and Latinos $73,000 less.

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 (Ariel/Hewitt 2009; Economic Mobility Project 2007; Lautz 2011; Oliver and Shapiro 2006; Shapiro 2004, 2010).

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 efforts to ensure that hazardous substances are controlled so that all communities receive protection regardless of race or socioeconomic circumstances.
regardless of race or socioeconomic circumstance. After the Environmental Protection Agency and other organizations documented discrimination in the location 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 (Jefferies 2007).

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 John F. 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, color, religion, sex, or national origin.”
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 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.
- 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; see also 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.
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.
During her confirmation hearings in 2009 to become a Justice of the U.S. Supreme Court, Sonia Sotomayor, born in New York City of Puerto Rican parents, did not hide the fact that she benefited from scholarship programs. She eventually graduated *summa cum laude* from Princeton at a time when the university had not a single full-time Latino professor or any classes on Latin America.

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.

Sonia Sotomayor, who joined the Supreme Court in 2009, is only the third woman and the first Latino to ever serve on the high court. She created quite a stir with her past self-descriptions as “an affirmative action baby.” While she acknowledged that her Puerto Rican heritage played a role in college admissions, she did eventually graduate *summa cum laude* from Princeton University and was a top student at Yale Law School (Gomez 2010).

**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 court 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.

By contrast, at the competitive California Institute of Technology, which specifically does not use legacy preferences, only 1.5 percent of students are children of alumni. Ironically, studies show that these children of alumni typically are far more likely than either minority students or athletes to run into academic trouble (Kahlenberg 2010; 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.

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; Mack 1996).

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.

In 2009, the Supreme Court ruled 5–4 in the Ricci v. DeStefano case in favor of White firefighters that many observers saw as recognizing reverse racism. Back in 2003, New Haven, Connecticut, firefighters took an examination to identify possible promotions but no African Americans taking the test qualified to be eligible for advancement. Rather than select all White (including one Hispanic) firefighters, the city threw out the results. The qualifying firefighters sued that they were victims of discrimination and the Court eventually concurred. The decision was limited in its applications since the justices seem to say that possible test bias could be considered in the design stage of a test, but others saw it as “impending” the use of race in hiring even advantaged minorities.

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 2009, 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 Smith 2010; Table HINC-01)?
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 3.5). 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.

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**FIGURE 3.5**

**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
- Limited opportunities for advancement to decision-making positions

This significant derrepresentation of women and minority males in managerial positions results in large part from the presence of glass ceilings. Sociologist Max Weber wrote more than a century 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: 71 percent of the 1,219 people who serve on the boards of directors of Fortune 100 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 (Alliance for Board Diversity 2009; Weber [1913–1922] 1947).

Glass ceilings are not the only barrier. There are also glass walls. Catalyst, a nonprofit 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 than 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).

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. Similar charges have been made concerning “no minorities” wording in housing advertisements. Courts have not held Craigslist responsible and accepted the Web site’s argument that it cannot screen out all racism in online advertising (Hughlett 2006; U.S. Court of Appeals 2008).

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 past and current differential practices.
2. Hate crimes highlight hostility that culminates in a criminal offense.
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 over 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** / 62 the minimum level of subsistence below which families or individuals should not be expected to exist

**affirmative action** / 73 positive efforts to recruit subordinate group members, including women, for jobs, promotions, and educational opportunities

**discrimination** / 61 the denial of opportunities and equal rights to individuals and groups because of prejudice or for other arbitrary reasons

**environmental justice** / 72 efforts to ensure that hazardous substances are controlled so that all communities receive protection regardless of race or socioeconomic circumstances

**glass ceiling** / 78 the barrier that blocks the promotion of a qualified worker because of gender or minority membership

**glass escalator** / 80 the male advantage experienced in occupations dominated by women

**glass wall** / 79 a barrier to moving laterally in a business to a position that is more likely to lead to upward mobility

**hate crime** / 64 criminal offense committed because of the offender’s bias against a race, religion, ethnic/national origin group, or sexual orientation group

**income** / 71 salaries, wages, and other money received

**institutional discrimination** / 65 a denial of opportunities and equal rights to individuals or groups, resulting from the normal operations of a society

**redlining** / 69 the pattern of discrimination against people trying to buy homes in minority and racially changing neighborhoods

**relative deprivation** / 62 the conscious experience of a negative discrepancy between legitimate expectations and present actualities

**reverse discrimination** / 76 actions that cause better-qualified White men to be passed over for women and minority men

**total discrimination** / 62 the combination of current discrimination with past discrimination created by poor schools and menial jobs

**wealth** / 71 an inclusive term encompassing all of a person’s material assets, including land and other types of property
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 may national income data point to discrimination?
4. Why are questions raised about affirmative action even though 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?
Watch. Explore. Read. MySocLab is designed just for you. Each chapter features a pre-test and post-test to help you learn and review key concepts and terms. Experience Racial and Ethnic Relations in action with dynamic visual activities, videos, and readings to enhance your learning experience.

Here are a few activities you will find for this chapter:

- **Watch on mysoclab.com** Video clips feature sociologists in action, exploring important concepts in the study of Ethnicity. Watch:
  - Economics of the African-American Family

- **Explore on mysoclab.com** Social Explorer is an interactive application that allows you to explore Census data through interactivemaps. Explore the Social Explorer Report:
  - Social Explorer Activity: Redlining: Discrimination Among Minorities

- **Read on mysoclab.com** MySocLibrary includes primary source readings from various noted sociologists from around the world. Read:
  - Fences and Neighbors: Segregation in 21st Century America