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RACIAL INEQUALITY

Race and racial inequality have powerfully shaped American history from its beginnings. Americans like to think of the founding of the American colonies and, later, the United States, as driven by the quest for freedom—initially, religious liberty, and later, political and economic liberty. Yet, from the start, American society was equally founded on brutal forms of domination, inequality, and oppression that involved the absolute denial of freedom for slaves. This is one of the great paradoxes of American history—how could the ideals of equality and freedom coexist with slavery? We live with the ramifications of that paradox even today.

In this chapter we explore the nature of racial inequality in America, from its historical variations to the contemporary realities. We begin by clarifying precisely what we mean by race, racial inequality, and racism. We then briefly examine the ways that racism harms many people within racially *dominant* groups, not just racially oppressed groups. It might seem a little odd to raise this issue at the beginning of a discussion of racial inequality, for racial inequality surely is more damaging to the lives of people within the oppressed group. We do this because we feel this issue is one of the critical complexities of racial inequality, and it needs to be part of our understanding even as we focus on the more direct effects of racism. This topic is followed by a more extended discussion of historical variations in the forms of racial inequality and oppression in the United States. The chapter concludes with an exploration of the empirical realities today and prospects for the future.

This chapter focuses primarily on the experience of racial inequality of African Americans, although in the more historical section we briefly discuss specific forms of racial oppression of Native Americans, Mexican Americans, and Chinese Americans. This focus on African Americans does not imply that the forms of racism to which other racial minorities

have been subjected are any less real. And certainly the nature of racial domination of these other groups has also influenced the character of contemporary American society.

WHAT IS RACE?

Many people think of races as "natural" categories reflecting important biological differences across groups of people whose ancestors came from different parts of the world. Because racial classifications are generally tied to observable physical differences between people, the apparent naturalness of race seems obvious to most people. This conception reflects a fundamental misunderstanding about the nature of racial classifications. Race is a social category, not a biological one. Racial classifications generally use inherited biological traits as criteria for classification; nevertheless, how those traits are treated and how they are translated into the categories we call races is defined by social conventions, not by biology.

In different times and places, racial boundaries are drawn in very different ways. In the United States, people are considered black if they have any African ancestry. This extreme form of binary racial classification reflects the so-called one-drop rule that became the standard system of racial classification in the United States after the Civil War. Imagine how different the meaning of race would be in the United States if the one-drop rule were reversed: anyone with any European ancestry would be classified as white. In Brazil, in contrast to the United States, racial classifications are organized on a more continuous spectrum. In the United States, all East Asians are considered a single racial category; in East Asia, on the other hand, Chinese, Japanese, Koreans, and Vietnamese are considered separate races. The United States Immigration Commission in 1911 considered people of Irish, Italian, Polish, and English descent to be distinct races, and the 1924 Immigration Act passed by Congress restricted immigration of what were termed inferior races from Southern and Eastern Europe. In Germany under the Nazis, Jews were considered a distinct race, not merely a religious group or an ethnic group. In Africa today, Tutsi and Hutu have sometimes been regarded as distinct races. Racial classifications are thus never simply given by biological descent, even if they always invoke biology; they are always constructed through complex historical and cultural processes.

Racial *classifications* do not logically imply racial *oppression* (i.e., a social injustice backed by power). Consider how ethnic distinctions are sometimes

experienced: to be of Irish or Swedish or Italian descent in America today is to share a certain cultural identity, and perhaps to participate in certain cultural practices as well, but these identities do not imply any forms of oppression involving these categories. Ethnic difference can be just that: differences. Racial classifications could in principle be simply a way of noting physical differences of various sorts that are linked to biological descent. However, in practice racial classifications are almost always linked to forms of unjust economic and social inequality, domination, and exclusion, as well as to belief systems that assign superior and inferior statuses and attributes according to race. Indeed, as a sociological generalization we can say that racial classifications become salient in people's lives primarily to the extent that they are linked to forms of socioeconomic inequality and oppression.[1] The term *racism* designates this intersection of racial classification with oppression.[2]

RACISM AND THE LIVES OF WHITE AMERICANS

To study race in American society, then, is to investigate the ways in which racial classifications are linked to historically variable forms of oppression. At the moral core of such an analysis is an understanding of the ways that racial oppression harms the people in the racially oppressed category. Nevertheless, it is a mistake to think of racism as something that negatively affects only the lives of African Americans, Native Americans, Asian Americans, Hispanic Americans, and other racially defined "minorities." Racism has profoundly shaped American society and politics in ways that adversely affect the lives of many white Americans as well, particularly the lives of working-class and poor whites.

Racism harms disadvantaged groups within the white population in two principal ways. First, racism has repeatedly divided popular social and political movements, undermining their capacity to challenge prevailing forms

[1] Once a racial category becomes historically rooted and part of people's daily lives, it can also become an ethnicity—a category of people with shared historical experience, cultural practices, and identities. This fusion of race and ethnicity adds to the complexity of race as a form of social division.

[2] The word *racism* is sometimes used more narrowly to refer simply to beliefs and ideologies that have a racist content. We use the term in a more encompassing way to include the social relations as well as the systems of belief that link forms of socioeconomic injustice to racial classifications.

of power and inequality. Ruling elites have often used race as part of a strategy of "divide and conquer" to protect their class interests. Numerous examples can be cited:

- In the 1880s and 1890s, a radical political movement of workers and small farmers—the Populists—emerged in the Midwest and the South. For a time it appeared that black tenant farmers and white farmers in the South might be able to make common cause against large landowners and Southern elites. At its height the Populist movement appeared to pose a potentially serious challenge to the dominant political parties of the period and even to the interests of dominant classes. Racial conflict eventually tore apart the agrarian unity of the Populists and contributed to the decline of the movement overall.
- Throughout the late nineteenth century and the first part of the twentieth century, employers used racial minorities as strikebreakers in industrial strikes. This tactic significantly weakened the ability of unions to win strikes and contributed to deep resentments against blacks and other minorities within the white working class.
- In the late 1960s and early 1970s, in response to the civil rights movement, the Republican Party under Nixon adopted what came to be known as the "Southern Strategy," in which racial fears were deliberately used to get white working-class voters to switch political allegiance from the Democrats to the Republicans. Many scholars credit this strategy with ushering in an era of conservative politics that ultimately significantly harmed the economic interests of white workers by weakening unions, lowering the minimum wage, and reducing job security.
- Research on wage inequality has demonstrated that in those cities and regions of the United States where the black-white wage difference is the greatest, it is also the case that the wages of white workers are the lowest and inequality among whites is greatest.[3] This finding suggests that racial divisions within the working class weaken the ability of workers as a whole to bargain for higher wages with their employers. White workers, in the long run, would be better off economically if there was less inequality and more solidarity between white and black workers.

[3] See Michael Reich, *Racial Inequality: A Political-Economic Analysis* (Princeton, NJ: Princeton University Press, 1981).

In the absence of racial divisions and racial conflict, popular social forces would in general have been stronger and more capable of influencing political parties and challenging dominant class interests.

The second way that racism has negatively affected the interests of less-advantaged segments of the white population is by undermining universalistic aspects of the welfare state. Universal programs apply to all people. They are contrasted with targeted programs that apply only to special, designated groups. In general, as we noted in our discussion of poverty, universalistic programs tend to be better funded than targeted programs and more robustly improve the life conditions of people at the bottom of the class structure. In the critical period in the 1930s when the American welfare state was initially created through the New Deal, Southern Democrats strongly opposed universalistic policies because of the ways such policies would benefit black Americans as well as white Americans.[4] Despite widespread poverty in the South, Southern Democrats were extremely conservative on social welfare issues and effectively blocked the possibility of national universalistic programs because of racism. For example, in the legislation that set the basic framework for labor law and the rights of unions, these Democrats insisted on including provisions that would effectively exclude most black labor from union rights; Social Security initially excluded domestic workers and agricultural labor for the same reasons. Universal health insurance was off the table at least in part because of opposition to universalism. Many such exclusions of the New Deal have since been eliminated, but they nevertheless helped create a type of welfare state averse to the kind of universal programs that we see in most developed capitalist democracies. Racism played an important role in producing this outcome, which has harmed the interests of the majority of whites.

THE HISTORICAL TRAJECTORY OF RACIAL OPPRESSION

As we have just explained, racism may harm significant segments of the racially dominant group in American society. Nevertheless, racism is above all a form of domination that harms the racially oppressed groups. These harms have been a core part of American history, and not merely of distant

[4] For a discussion of the role of the racial politics of Southern Democrats in shaping the New Deal, see Ira Katznelson, *Fear Itself: The New Deal and the Origins of Our Time* (New York: Norton, 2013).

history. It is hard to overstate this point: only in the most recent past has the classical liberal idea of equality before the law been extended to include racial minorities, and even today, in many critical respects, such equality remains more promise than reality.

In this section, we explore historical variations in the distinctive forms of racial oppression in the United States. This will, of necessity, be a highly simplified and stripped-down historical account. Its purpose is to help give specificity to the current problem of racial inequality in American society by seeing what has changed and what remains. We focus on five primary forms of racial oppression that have occurred in U.S. history: genocide and geographical displacement, slavery, second-class citizenship, noncitizen labor, and diffuse racial discrimination. These forms constitute an overlapping historical sequence in which various racially defined groups are the primary subjects of different forms of racism in different historical periods.

Genocide and Geographical Displacement

When European settlers came to North America, they encountered an indigenous population that effectively controlled the most important economic resource of the time: land. From very early on, the central ways of dealing with the inevitable conflicts over this resource were genocide and displacement, first by the British colonies and later by the U.S. government. The nineteenth-century folk saying attributed to General Phil Sheridan, "The only good Indian is a dead Indian," reflects the moral monstrosity of these policies. Such sentiments were not on the margins of American culture; they were echoed by prominent figures. In a speech in 1886, Theodore Roosevelt stated, "I suppose I should be ashamed to say that I take the Western view of the Indian. I don't go so far as to think that the only good Indians are the dead Indians, but I believe nine out of every ten are, and I shouldn't inquire too closely into the case of the tenth. The most vicious cowboy has more moral principle than the average Indian."[5]

Most often the land was simply confiscated by force, and the indigenous inhabitants were driven off or killed. Occasionally, Native American tribes formally ceded land through treaties in the aftermath of military defeat. When treaties occurred, they guaranteed the native people making the treaty certain rights in exchange for the agreement. Often these rights were subsequently ignored.

[5] Thomas Gossett, *Race: The History of an Idea in America* (New York: Oxford University Press, 1997), p. 238.

Such displacements were claimed to be justified on the grounds that the native people were uncivilized "savages" and did not really "own" the land because they were often nomadic or seminomadic; they had no permanent settlements and did not permanently cultivate particular pieces of land. But even where Native Americans were agriculturalists and did have such settlements, there was little hesitation in forcibly evicting them from the land. The removal of the Cherokee Nation from the Southeastern United States by Andrew Jackson in the 1830s is the best-known instance. The Cherokees had deliberately adopted a policy of assimilation into American ways of life: they lived in settled communities, practiced extensive farming, and even owned slaves. Despite the Cherokees' efforts, Andrew Jackson used the military power of the federal government to force the Cherokees and the other Native American peoples of the Southeast to move west of the Mississippi.

By the end of the nineteenth century this displacement was complete, and Native Americans were largely confined to bounded geographical spaces called Indian reservations. The precise legal standing of these reservations has varied over time, but generally they have been accorded semisovereign status with at least some rights of self-government. In the twenty-first century, Native Americans are no longer required to live on Indian reservations. They are now full American citizens and can move freely about the country. Nevertheless, the lives of many Native Americans are still deeply marked by the legacy of the severe forms of racial oppression and geographical isolation to which they were historically subjected. As a group, they are among the most economically deprived segments of the American population, particularly when they live on reservations.

Slavery

Everyone knows that most people with African ancestors living in the United States today are the descendants of people who were the property of white Americans. Everyone knows this, but it is easy to lose sight of what it really means. Human beings were *property*: They were owned in the same sense as a horse can be owned. They could be whipped and branded and in other ways physically harmed with virtually no legal restrictions. The killing of a slave by a slave master was almost never punished. The rape of slaves was a common practice. Slave owners were free to split up families and to sell the children of slaves.

The fact that slave owners had absolute power over their slaves, of course, does not mean that all slave masters ruthlessly abused their slaves. Many

slave owners accepted a paternalistic ideology in which slaves were regarded as children for whom they had moral responsibility, and certainly some slave owners tried to live up to that ideal. More importantly, slave owners were businesspeople for whom slaves were an important investment, and the value of that investment needed protection. Just as farmers have an incentive to be sure their horses are well fed and not overworked to the point of threatening their health and productivity, so slave owners had incentives to take care of their investments in the bodies of their slaves. Particularly after the international slave trade was banned at the beginning of the nineteenth century and thus the price of slaves increased, slave owners took measures to keep the value of their investments from deteriorating. As a result, by the time of the Civil War the calories consumed and material standard of living of American slaves was not very different, and perhaps even a little higher, than that of poor peasants and unskilled workers in many parts of Europe.

Some scholars have argued on the basis of these facts about improving standards of living of slaves in the nineteenth century that slavery was not as oppressive as often thought.[6] This claim minimizes the impact of such radical and complete unfreedom and the deep, symbolic degradation of slavery. By its nature, the social structure of slavery meant that significant physical brutality was ubiquitous despite the modestly improving standard of living of slaves and the ideology of paternalism. Because slavery was a lifetime condition, slaves had very little positive incentive to work hard. The prosperity of slave owners depended on the effort of their slaves, so this meant that slave owners had to rely heavily on negative incentives—force and the threat of force—to extract such effort. As a slave owner in Arkansas stated, "Now, I speak what I know, when I say it is like 'casting pearls before swine' to try to *persuade* a negro to work. He must be *made* to work, and should always be given to understand that if he fails to perform his duty he will be punished for it."[7] Even slave owners who sincerely believed in their paternalistic responsibilities to care for their slaves justified this harsh treatment on the grounds that the childlike nature of their black slaves meant that force was the only thing they understood.

The pervasive domination and exploitation of slavery was accompanied by pervasive forms of resistance by slaves. The most common form of resistance

[6] The best-known defense of this view is by Robert Fogel and Stanley Engerman, *Time on the Cross: The Economics of American Negro Slavery*, 2nd ed. (New York: W. W. Norton, 1995).

[7] Quoted by Kenneth Stamp in *The Peculiar Institution: Slavery in the Ante-Bellum South* (New York: Knopf, 1975), p. 171.

occurred in the mundane activities of the slave plantation: poor work, occasional sabotage, passivity. Runaway slaves were a chronic problem, and political conflict over how to deal with slaves who escaped to the North was one source of the tension that led to the Civil War. Occasionally there were violent slave revolts; though rare, they fueled an underlying fear of blacks among whites in the South and contributed to the massively repressive and violent apparatus of the slave state.

Slavery came to be restricted to the South over the course of the nineteenth century, but it would be a mistake to see this form of racial oppression as exclusively affecting the South. The economy of the North was deeply linked to Southern slavery in the colonial period, particularly through the notorious "triangular trade": slaves were purchased in Africa with European goods, they were sold in the Caribbean and North America, and the profits were used to ship tobacco, rum, and cotton back to Europe. Some have argued that the direct and indirect profits from this trade were the single most important source of capital accumulation in the colonies, including in New England.[8] At the time of the Constitutional Convention, slaves were owned by Northerners as well as Southerners, and many of the founding fathers were slave owners. In the early years after the revolution, slavery was still legal in a number of Northern states. In New York there were still 10,000 slaves in the 1820 census, and significant numbers of slaves were reported as late as the 1840 census in New Jersey. Right up to the Civil War, the Northern economy continued to be linked to slavery through textile manufacturing. Even after slavery was outlawed in the Northern states beginning in the late eighteenth century, the North collaborated with the South in allowing escaped slaves to be captured and returned to the South, particularly after the *Dred Scott* decision of the U.S. Supreme Court.[9] And though it was true that in the years leading up to the Civil War abolitionist sentiment grew steadily in the North, many people in the North were perfectly content to let slavery continue in the South.

By the time of the Civil War, nearly 4 million slaves were living in the United States—accounting for about 13 percent of the total U.S. population. In the fifteen states where slavery was legal, just over one in four white

[8] See, for example, David Eltis, *Economic Growth and the Ending of the Transatlantic Slave Trade* (New York: Oxford University Press, 1987).

[9] In the *Dred Scott* decision of 1856, the Supreme Court ruled that an escaped slave remained the property of the original slave owner even if the slave managed to get to a state where slavery was illegal, and thus it was legal for the slave owner to recapture the slave.

families were slave owners.[10] This figure is higher than the proportion of families who hired maids and servants in the non-slave states.[11] In Mississippi, 49 percent of households owned slaves in 1860.[12] Though most of these Southern slave-owning families owned just a few slaves, these percentages mean that the direct experience of owning another person of a different race was widespread in the South. For the white population in the antebellum South, the racial oppression of blacks was not simply part of the social environment in which they lived; it was a significant part of their daily routines.

Slavery ended with the Civil War a century and a half ago, but of course its impact did not disappear simply because this form of racialized class relations had been destroyed. Slavery contributed to an especially pernicious and durable form of racist beliefs that continues to influence American culture today. Slavery posed a deep cultural problem for the United States after the American Revolution: How could a country founded on the principles of "life, liberty, and the pursuit of happiness" accommodate slavery? How was it possible to reconcile the devotion to liberty and democracy with the treatment of some people as the property of others? The solution to this deeply contradictory reality was the elaboration of racial ideologies of degradation and dehumanization of blacks as intellectually and morally inferior and thus not worthy of treatment as full persons. The attribution of intellectual inferiority meant that blacks were seen as lacking intellectual capacities for rational action; thus, as in the case of children, choices should be made on their behalf by responsible adults. The attribution of moral inferiority supported the view of blacks as inherently dangerous, ruled by passions, both aggressive and sexual, and thus incapable of exercising liberty. These beliefs constituted the core of the racist culture forged under slavery. And though such beliefs were increasingly challenged in the last decades of

[10] According to Gavin Wright, a leading authority on slavery, "As of 1860, in the cotton-growing areas approximately one half of the farms did not own slaves; for the South as a whole, the percentage of slave-owning families declined from 36 in 1830 to 25 in 1860." Gavin Wright, *The Political Economy of the Cotton South* (New York: W. W. Norton, 1978).

[11] In the 1860 census, in the non-slave states, 506,366 people were classified as private household workers (housekeepers, laundresses, and other). The population of the non-slave states in 1860 was 19,110,197. Because, on average, households at that time consisted of about 5.3 people, this means there were approximately 3,640,000 households in the non-slave states in the United States in 1860. The maximum percentage of these households that could have employed a private household worker was 14 percent, if (implausibly) no household employed more than one such worker.

[12] These figures come from 1860 census data reported on "The Civil War Home Page" at http://www.civil-war.net/pages/1860_census.html (accessed Sept. 16, 2009).

the twentieth century and are no longer seen as respectable, they continue to influence race relations to the present.

Second-Class Citizenship

Slavery was abolished after the Civil War, but this did not mean a complete dismantling of legally enforced racial oppression. On paper, the Fourteenth Amendment to the U.S. Constitution, ratified in 1868, guaranteed equal protection of the law and full rights to all citizens. The Fifteenth Amendment, passed two years later, explicitly specified these rights applied to all people regardless of race or color. If these amendments had been taken seriously and rigorously enforced, then racial oppression could not have taken the form of second-class citizenship.

Second-class citizenship refers to a situation in which some categories of citizens have fewer rights than others. This can take the form of either an official, legally defined denial of some rights or a less formal, practical denial of rights. Laws that prohibit people who have been convicted of felonies from voting are an example of legally defined second-class citizenship that is still common in the United States today.[13] Police practices that target certain groups of people for stricter law enforcement, or judicial practices that systematically impose stiffer sentences on particular categories of people, are examples of unofficial second-class citizenship. Public policies that treat some categories of citizens as more worthy of respect than others can also be seen as creating a kind of second-class citizenship. Margaret Somers has argued that the public disrespect of poor African Americans reflected in the abandonment of the people left behind in New Orleans during Hurricane Katrina is a striking example of the denial of their full recognition as equal citizens.[14]

[13] In the United States today, there is considerable variation across the fifty states in the political rights of ex-prisoners. According to *The Sentencing Project* (http://www.sentencing project.org/), 35 states prohibit felons from voting while they are on parole; 30 of these states exclude felony probationers as well. In most states, once a person has completed a prison sentence and parole, all their rights are restored and they become full citizens once again. Two states deny the right to vote to all ex-offenders who have completed their sentences. Nine others disenfranchise certain categories of ex-offenders and/or permit application for restoration of rights for specified offenses after a waiting period (e.g., five years in Delaware and Wyoming, and two years in Nebraska). Not surprisingly, the harshest rules denying political rights to ex-prisoners can be found in the Southern states.

[14] Margaret Somers, *Genealogies of Citizenship* (Oxford, UK: Cambridge University Press, 2008).

Official second-class citizenship became the pivotal form of racial oppression in the United States, especially in the South, in the decades following the Civil War. The emancipation of slaves in the South posed a serious problem for large landowners who had previously relied almost entirely on slave labor for their incomes. Most slaves wanted to become small farmers, and there were moments when the promise of "forty acres and a mule" seemed to open the possibility of former slaves becoming a yeoman class of independent farmers. For this dream to have become a reality, however, widespread dispossession of large Southern landowners of their land would have been necessary. And despite having just waged the Civil War, in which large Southern landowners almost universally supported the Confederacy, the federal government was loath to violate the rights of private property owners to this extent. As a result, few ex-slaves were in a position to acquire land.

Large Southern landowners thus retained possession of the land, but they no longer owned the labor to work the land. In terms of the concept of class we discussed in Chapter 12, the landowners effectively hoarded the economic opportunities represented by land, but they no longer had complete control over a supply of labor to exploit. What these landowners needed, then, was a new system to tie ex-slaves to the land that would give planters effective control over their labor. In the decades following the Civil War, Southern planters experimented with different arrangements and finally settled on a system called sharecropping. *Sharecropping* is a form of agriculture in which tenant farmers pay rent to landowners in the form of a certain percentage of the total crop grown on the land. The profitability of landowning depends on what that percentage is, and this in turn depends on the bargaining power of the tenant farmers. It is of considerable advantage to landowners, therefore, to have a politically weak and economically vulnerable population available to be tenant farmers. This is what the denial of full political and legal rights to blacks in the South accomplished. This new form of racism, which came to be known as Jim Crow, played a central role in consolidating the new agrarian social order in the South by the end of the nineteenth century.

The rules of racially based, second-class citizenship in the South had a number of key components. The most obvious, of course, were the laws that effectively denied blacks the right to vote. Typically these took the form of literacy tests that were much more strictly enforced against blacks than against whites; but at various times and places in the South, other devices

were used to accomplish this black disempowerment. Harsh vagrancy laws in the South were also used to prevent blacks from seeking better employment. Although officially such laws did not have a racial character, their application was directed primarily against blacks and significantly impeded their movement. These kinds of directly repressive laws were reinforced by a wide range of segregationist laws that excluded African Americans from white schools and universities, barred them from white hotels and restaurants, and relegated them to segregated facilities in public transportation. And lurking in the background of all these forms of legal segregation was widespread legal and extralegal violence directed against blacks. The Ku Klux Klan was tacitly supported by the state and allowed to terrorize black communities. Lynchings, the most extreme form of such violence, were a common event in parts of the South from the 1880s through the first decades of the twentieth century (Figure 15.1). Violence against blacks was not simply tolerated by state authorities in the South; it was official state policy. Legally enforced public violence against blacks is revealed starkly in the statistics on executions for rape by race in the period before the 1960s (Figure 15.2). In the United States from 1930 to 1960, between 5 and 25 black men—nearly all in the South—were executed annually for rape; for whites the numbers were never more than four, and in most years zero or one.

In 1900 roughly 90 percent of the black population in the United States lived in the South, mainly in rural areas. In the North, African Americans were not denied the right to vote, but it would be incorrect to see second-class citizenship as exclusively a Southern problem. Even though there were generally laws prohibiting school segregation in Northern states (except in Indiana, the one Northern state that allowed local school districts the legal option to officially segregate their schools), in practice many school boards in the North enforced racial segregation. The landmark Supreme Court case against school desegregation—*Brown v. Board of Education*—was a case brought in Kansas, not a Southern state. Laws against interracial marriage were present in thirty-six states in the 1920s and were still in place in nearly half the states in the 1950s. The federal government itself supported segregationist principles, in both the civil service (after Woodrow Wilson imposed segregation in the civil service in 1913) and in the military until Harry Truman desegregated the armed forces in 1948. During the New Deal, some of the landmark federal legislation—for example, Social Security and labor rights laws—explicitly excluded coverage of types of jobs that were predominantly filled by blacks. Thus, although the most restrictive forms of second-class citizenship for African Americans occurred in

FIGURE 15.1—Lynchings of blacks per year, 1882–1956
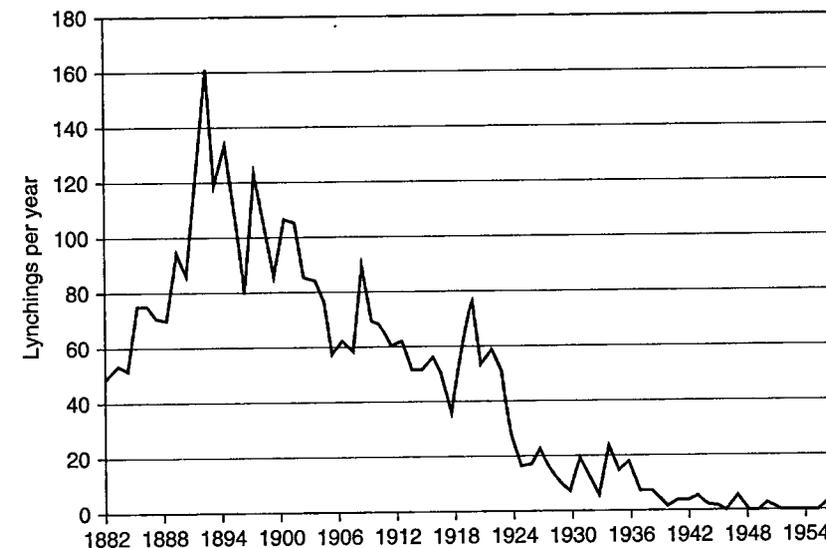
Source: University of Missouri–Kansas City School of Law, http://www.law.unkc.edufaculty/projects/ftrials/shipp/lynchstats.html (accessed Sept. 16, 2009). Data from the Archives of Tuskegee University.

FIGURE 15.2—Executions for rape by race in the U.S., 1930–1964
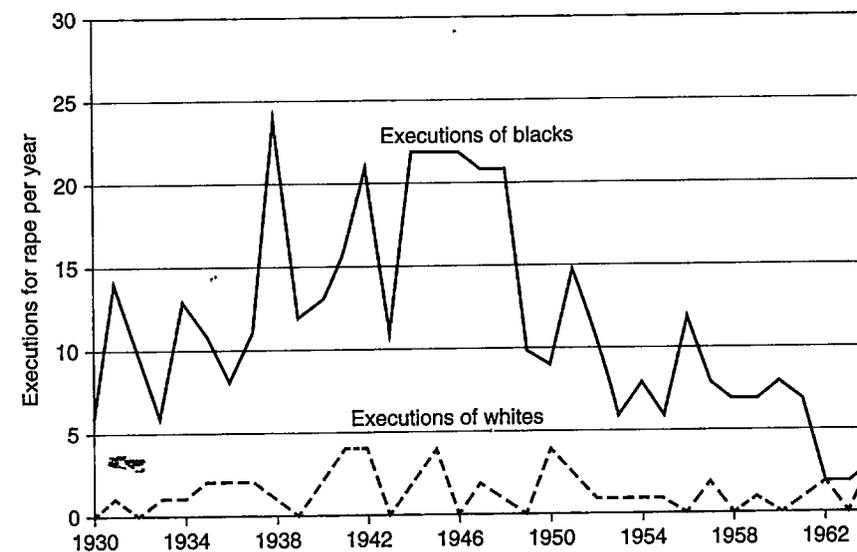
Source: U.S. Department of Commerce (Bureau of the Census), *Historical Statistics of the United States, Colonial Times to 1970* (Washington, DC: U.S. Government Printing Office, Series H 1155–1167, 1975).

the South, the problem was national. Until the 1960s, racism in the United States was a system of explicit legal denial of equality to people based on their race.

Just as slavery was met with resistance by slaves and political opposition by abolitionists, the legalized segregation of second-class citizenship also met with resistance from African Americans as well as white supporters of civil rights. Such opposition to segregation was often met with extreme forms of violence. Lynching of blacks was a common occurrence in the South, and rarely were perpetrators punished. Efforts at passing national antilynching laws failed. Segregationist laws and practices were maintained by violence and terror through the first decades of the twentieth century.

After World War II, things began to change. A number of factors were important. First, the United States had just fought a war against the Nazis; due to the extreme racist ideologies of the Nazis, state-supported racism had been significantly discredited. Secondly, in the context of the Cold War and the effort by the United States to be the "leader of the free world," the racist legal institutions of second-class citizenship were an international embarrassment, particularly given American efforts to gain influence in the newly independent ex-colonies of Africa and Asia. Third, during the 1930s and 1940s there had been large-scale migration of African Americans to the North, where they became a more important voting bloc; thus the issue of civil rights could more easily be translated into national politics. Finally, due to mechanization of agriculture and other economic changes, sharecropping had sharply declined in the South beginning in the 1930s, so that by the mid-1950s it was no longer a central element of the Southern economy. This meant that one of the crucial economic reasons for the highly coercive system of racial domination in the South no longer mattered very much.[5] Taken together, these factors meant that even though the struggles against segregationist laws in the South continued to be met with strong, often violent resistance by Southern whites and their state governments, the civil rights movement gained considerably greater national support than it had earlier. By the late 1950s and early 1960s the federal government began to back these efforts, which resulted in the landmark civil rights legislation of the mid-1960s.

[5] For an excellent discussion of the importance of the decline of sharecropping for the eventual destruction of segregation, see David James, "The Transformation of the Southern Racial State: Class and Race Determinants of Local-State Structures," *American Sociological Review* 53 (1988):191–208.

Segregationist laws were eliminated in the 1960s, but legacies of these legal forms of second-class citizenship still exist today. In some parts of the United States a variety of rules concerning voter registration, for example, have the practical effect of reducing the rate of voter registration among African Americans. Most notorious are rules that permanently prevent people convicted of felonies from voting, even after they have fully served their time in prison and on probation or parole. Such rules do not explicitly link disenfranchisement to race; however, they were initially passed, usually at the end of the nineteenth century, as part of the effort of excluding African Americans from the electorate. And they continue to create a lower tier of citizenship closely connected to race because of the much higher rates of imprisonment of African Americans than of whites. Registration rules that require government-issued voter IDs and that raise the costs of voting for poor people also disproportionately affect African Americans. Again, these rules are not officially framed in racial terms, but they have systematic racial effects and the support for such rules is at least in part due to racial hostility. Police practices continue to target racial minorities, especially young African American men, and courts continue to give harsher punishments to African Americans. A young black man driving a car in a white suburb is much more likely to be stopped by police for questioning than is a white man. This is sometimes jokingly referred to as a DWB offense—driving while black. Equally important, a wide range of public policies—from the location of toxic dumps to the funding of education—continue to implicitly assign greater value to the well-being and interests of some citizens over others. As in the case of police practices, such policies are never explicitly framed in racial terms. In these and other ways, vestiges of state-backed second-class citizenship continue to play a role in the structure of racial inequality in the United States.

Noncitizen Labor

The fourth form of racial oppression in American history involves the linkage between race and legal citizenship status. As everyone knows, the United States is a country of immigrants. Aside from Native Americans, everyone who lives in the United States is descended from people who came to North America from other continents sometime in the last few centuries. Starting in the middle of the nineteenth century, some categories of these immigrants

were denied legal access to citizenship status. The first instance of this was the importation of Chinese "coolie" labor on the railroads. Large numbers of poor Chinese were brought to the United States by labor recruiters as a source of cheap labor to work on building the railroads in the West and on other large-scale infrastructure projects. Anti-Chinese feelings were generated by the repeated use of Chinese labor as a way of cutting wages of native-born white workers and breaking strikes. Eventually political mobilization against Chinese immigrants led to the Chinese Exclusion Act, which blocked the further immigration of nearly all Chinese and made those Chinese already in the United States permanent aliens, prohibited from obtaining U.S. citizenship. In 1924 other severe restrictions on immigration were enacted, especially focused on prohibiting legal immigration from Asia, Africa, and Latin America. For forty years, until immigration reform in 1965, legal immigration to the United States was almost entirely white.

In the twentieth century, the most important category of racialized non-citizen labor was Hispanic, especially from Mexico. In the period from the early 1940s until 1964, a formal "guest worker program" for Mexican labor existed. The program, generally called the *bracero* (Spanish for "day laborer") program, involved bringing Mexican workers to the United States on contracts to work mainly in agricultural jobs on a seasonal basis without the prospect of becoming citizens. Since the 1970s an increasing flow of illegal immigrants (also called undocumented workers), again particularly from Latin America, have provided a cheap source of labor for American employers. These undocumented workers, who lack full citizenship rights, are particularly vulnerable to extreme forms of exploitation because they cannot join unions or defend themselves in court for various kinds of abuse—from mistreatment on the job and violations of safety conditions to wage violations.[16]

Not all undocumented workers are racial minorities. Canadians and white Europeans are also working in the United States without

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[16] For a thorough documentation of violations of workplace regulations by employers of undocumented immigrants, see the report by Annette Bernhardt, Siobhan McGrath, and James DeFilippis, *Unregulated Work in the Global City: Employment and Labor Law Violations in New York City* (New York: Brennan Center for Justice, New York University, 2007). The report documents the following violations: wage and hour violations, health and safety violations, workers' compensation violations, retaliation and violation of the right to organize, independent contractor misclassification, employer tax violations, discrimination, and trafficking and forced labor.

legal status. Nevertheless, the intersection of illegal status with race is especially salient because an identifiable racial minority who is an illegal worker is likely to be much more vulnerable. Pressures on employers not to hire illegal immigrants, and on the government to deport them, contribute to more diffuse hostility toward the racial minorities associated with illegal immigration.

Diffuse Discrimination

In a certain sense, all forms of racism involve racial discrimination—that is, treating people differently by virtue of their race. Here we use the term more narrowly to refer to situations in which such discriminatory action is not directly backed by the legal powers of the state. These situations include a wide range of specific practices: employers not hiring or promoting someone on the basis of race, landlords renting only to people from certain racial groups, banks making it more difficult for racial minorities to get loans, salespeople in a store treating African American customers differently from white customers, and so on. Often this kind of private discrimination is difficult to detect because it occurs informally, behind the scenes in the interpersonal encounters and decisions made in everyday life. In contemporary American society, many such behaviors are in fact illegal. They are also very hard to prove, so laws against private discrimination are usually difficult to enforce. Half a century after the passage of civil rights legislation abolishing segregation and guaranteeing voting rights for African Americans, racial discrimination is still a reality in the United States.

Though most white Americans probably regard private acts of discrimination as undesirable, whites generally believe that racial discrimination is largely a thing of the past and that it no longer significantly affects people's lives. Figure 15.3 presents responses by whites and African Americans from 1985 through 2008 to a survey question concerning the importance of discrimination in explaining black-white differences in jobs, income, and housing. For both blacks and whites, the percentage saying that these differences were mainly due to discrimination has declined over time. Yet most blacks still respond yes to this question, compared to only 30 percent of whites. White Americans generally reject the idea that continuing forms of discrimination really constitute a form of oppression requiring serious public

FIGURE 15.3—Black and white attitudes toward the importance of discrimination, 1986–2010
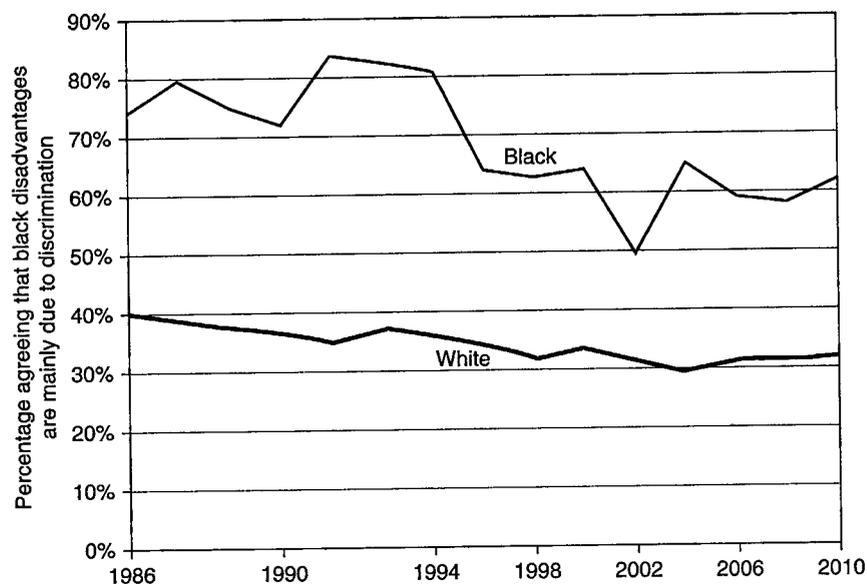
Note: Survey question asked, "On the average (negroes/blacks/African Americans) have worse jobs, income, and housing than white people do. Do you think these differences are mainly due to discrimination?" Percentage who responded yes.

Source: General Social Survey.

policy for its elimination: If African Americans are disproportionately poor, it is because of their behavior and culture, not because of discrimination. If they drop out of school more than whites, it is because of peer pressure and lack of motivation. If young African American men are in prison at six times the rate of young white men, it is because they proportionately commit more crimes. Most white Americans believe that discrimination at most plays a marginal role in any of these conditions.

It is, of course, difficult to get evidence demonstrating precisely how much of the racial inequality we observe is the result of discrimination. We will not attempt to solve this problem here.[17] What we will do in the next section is provide evidence for the continuing importance of discrimination affecting the lives of racial minorities in the United States today.

[17] Sometimes social scientists try to get a handle on this problem by examining all of the measurable factors that might affect forms of racial inequality and then treating the amount of inequality left "unexplained" as being the result of direct discrimination. This research strategy is not very convincing, because the results are highly sensitive to how well different factors are measured.

CONTINUING REALITIES OF RACIAL DISCRIMINATION IN THE TWENTY-FIRST CENTURY

The realities of racial relations in the United States at the beginning of the twenty-first century are the result of the civil rights movement, the dismantling of the apparatus of legal segregation in the 1950s and 1960s and subsequent erosion of many of the cultural and economic supports of racial domination. As we discuss here, racial discrimination remains a significant problem, but it must be understood against the background of extraordinary progress since the 1950s.[18]

Consider the transformations of cultural representations of African Americans. By the 1980s the media began to routinely display positive images of African Americans in television programs like *The Cosby Show*. Black sports stars, singers, and actors had become celebrities within the white population as well as among African Americans. By the 1990s, African Americans began to appear regularly in advertisements sentimentally depicting people in middle-American families, laughing, loving, working, playing. African Americans also began to appear in television programs in roles traditionally filled only by whites—doctors, lawyers, scientists—and in story lines in which race as such was not a central focus. In a popular 2003 movie, *Bruce Almighty*, the black actor Morgan Freeman played God. Books endorsed by Oprah Winfrey became instant best sellers.

Consider the transformation of the economic situation of African Americans. In 1954 the median annual income for black men was 49.8 percent of the median for white men, and the median income for black women was 54.2 percent of the median for white women. In 2012 the comparable figures were 69.8 percent for black men and 91.7 percent for black women.[19]

[18] The most influential discussion of the erosion of the structures of racial domination since the 1960s is William Julius Wilson's *The Declining Significance of Race* (Chicago: University of Chicago Press, 1978). Wilson's argument has sometimes been mischaracterized as the emerging insignificance of race, but that is not his claim. Rather, he argues that the lives of disadvantaged African Americans are increasingly shaped by brutal class realities that are rooted in urban economic structures and dysfunctional labor markets rather than directly in forms of racial exclusion and domination.

[19] In the years just before the financial crisis of 2008, the ratios of black:white median annual income reached its highest point: the median annual income of black men was 74 percent of the median for white men in 2006, and the median income for black women was 99.4 percent of the median for white women in 2002. Data are from U.S. Census Bureau—Income. Historical Tables: People. https://www.census.gov/hhes/www/income/data/historical/people/ (accessed March 26, 2014).

The education gap between blacks and whites has narrowed significantly (Figure 15.4): in 1957 whites twenty-five years and older had a high school graduation rate over twice as high as that for blacks—43.3 percent versus 18.4 percent; by 2012 the black rate was nearly the same as the white rate—85 percent compared to 88 percent. A similar pattern occurs for college degrees: in 1957, just before the major breakthroughs of the civil rights era, 11 percent of whites between the ages of twenty-five and twenty-nine had completed four years of college, compared to 4 percent of blacks; just over half a century later, in 2012, the figures were 31.3 percent and 21.2 percent. The occupational distributions of blacks and whites have also become much more similar since the middle of the twentieth century (Table 15.1). In 1950 only 2 percent of black men in the labor force and 1.3 percent of black women were in managerial jobs, compared to 12 percent of white men and 5 percent of white women. Among men, therefore, blacks were about one-fifth as likely to be managers as whites; among women, blacks were about one-fourth as likely. By 2012, the percentage of black men in the labor force who were managers had risen to 7.6 percent, just over half the percentage for white men; the percentage of black women in managerial jobs had risen to 9.2 percent, about three-fourths of the figure for

FIGURE 15.4—Black and white education levels, 1957–2012
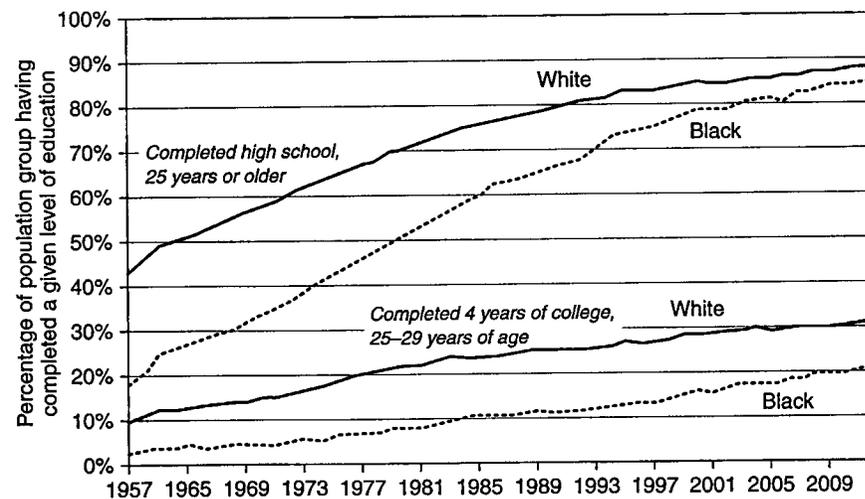
Source: "Table A-2. Percent of People 25 Years and Over Who Have Completed High School or College, by Race, Hispanic Origin and Sex: Selected Years 1940 to 2012" *Current Population Survey, Social and Economic Supplements.*

TABLE 15.1—Occupational distributions within race and gender categories, civilian labor force, 1950–2012 (percentage)

	1950	1960	1970	1980	1990	2000	2012
White Men							
Managerial	11.9	11.9	12.7	12.4	13.3	13.6	14.2
Professional and Technical	6.8	9.1	11.2	13.2	15.2	16.4	17.1
Administrative Support	7.5	7.2	7.4	6.6	6.5	7.4	7.3
Skilled Manual	12.1	13.4	13.4	12.6	11.0	10.6	8.6
Construction, Transport, Extractive	21.0	20.9	20.3	22.4	21.1	20.2	20.1
Unskilled Manual	13.5	13.5	12.2	9.4	7.4	6.6	5.3
Services and Sales	12.2	14.3	16.4	18.5	21.2	21.3	23.1
Farm	15.2	9.7	6.5	4.9	4.3	3.9	4.3
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Black Men							
Managerial	2.1	1.7	3.4	5.0	6.1	6.6	7.6
Professional and Technical	2.0	2.8	4.3	7.0	8.5	9.8	11.5
Administrative Support	3.3	5.0	7.5	8.7	9.7	10.9	10.9
Skilled Manual	3.9	5.2	8.5	8.7	8.0	8.6	6.5
Construction, Transport, Extractive	34.5	35.4	30.6	29.6	27.4	25.1	23.3
Unskilled Manual	13.8	15.8	18.0	14.6	10.6	9.4	7.0
Services and Sales	15.2	18.1	19.7	22.2	26.2	26.6	30.5
Farm	25.1	16.0	8.0	4.1	3.4	2.8	2.7
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
White Women							
Managerial	4.9	3.8	4.9	7.0	10.9	11.2	12.2
Professional and Technical	13.1	12.4	13.4	15.9	18.9	22.9	25.6
Administrative Support	29.2	31.9	32.5	30.4	28.0	25.6	21.9
Skilled Manual	2.2	4.2	1.6	1.9	1.7	1.9	1.7
Construction, Transport, Extractive	1.1	0.9	1.7	3.4	3.1	2.5	2.3
Unskilled Manual	19.3	14.1	14.0	8.8	5.9	4.4	2.5
Services and Sales	26.4	30.7	30.8	31.3	30.5	30.6	32.7
Farm	3.8	2.2	1.2	1.3	1.1	1.0	1.1
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Black Women							
Managerial	1.3	1.0	2.3	4.0	6.9	8.0	9.2
Professional and Technical	6.1	6.9	9.1	13.0	14.6	17.2	19.3
Administrative Support	3.9	6.5	17.5	23.7	24.6	23.9	20.8
Skilled Manual	1.1	1.9	1.4	1.9	1.8	2.0	1.6
Construction, Transport, Extractive	1.9	1.5	2.1	4.5	3.8	3.4	3.3
Unskilled Manual	16.3	13.7	16.7	12.9	9.6	7.0	3.7
Services and Sales	58.3	58.1	47.5	38.9	38.1	38.2	41.9
Farm	11.2	10.4	3.4	1.1	0.6	0.4	0.3
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Source: Analysis by Matías Cociña of microdata samples from the Census of population 1950, 1960, 1970, 1980, 1990, and 2000; and microdata samples from the American Community Survey (ACS) 2012, which is the last available data. Variables are used as harmonized by Steven Ruggles, J. Trent Alexander, Katie Genadek, Ronald Goeken, Matthew B. Schroeder, and Matthew Sobek. *Integrated Public Use Microdata Series: Version 5.0* [Machine-readable database]. Minneapolis: University of Minnesota, 2010. Data downloaded from https://usa.ipums.org/usa/ (accessed August 13, 2014).

white women. A roughly similar pattern occurred for other higher-status and desirable occupations.

Consider the transformation of the political role of African Americans. In 1964 there were only 103 black elected public officials in the United States. By 1970, after the main legislation of the civil rights era had been passed, this figure had increased to 1,469. In 2013 there were over 10,500 black elected officials, or about 2 percent of all elected officials. Of these, 641 served in state legislatures, 42 in the U.S. House of Representatives, and 3 in the U.S. Senate. The rest were city and country elected officials.[20]

And the most stunning development of all: the election of Barack Obama as president in 2008. Forty-three percent of white voters voted for a black president. This outcome would have been utterly unthinkable just a few decades earlier.

These are all significant developments. They are not simply superficial, cosmetic changes; they constitute a profound erosion of the structures of racial domination and oppression. An erosion, yes, but not an elimination. In the next section we focus on the incomplete transformation of racial inequality by examining continuing socioeconomic disadvantages of African Americans and certain other racial minorities. We then examine the various forms of discrimination that underwrite these disadvantages. The chapter concludes with a discussion of the problem of affirmative action and the politics of racial equality in the twenty-first century.

Stagnation in the Erosion of Racial Inequality

Some of the figures we have just cited clearly demonstrate the incompleteness of the social transformation of racial inequality and oppression. It is true that in the four decades following the voting rights bill of 1964, black elected officials increased from virtually none to almost 2 percent of all elected officials; however, African Americans constitute about 13 percent of the population, so this is still a large underrepresentation. Occupational distributions among whites and blacks are more similar today than in the 1950s, but there are

[20] The 1964 figure comes from an article by Don Sneed, "Has Anything Changed in 20 Years?" *Chicago Tribune*, July 2, 1988. The 1970 figures come from *The 2010 Statistical Abstract of the United States*, available at http://www.census.gov/compendia/statab/2010/cats/elections /elected_public_officials-characteristics.html (accessed August 13, 2014). The figure for total elected officials in 2013 of 10,500 is based on the number for 2011 in the Black Elected Officials Roster prepared by the Joint Center for Political and Economic Studies. The figures for specific offices in 2013 were provided by the Joint Center for Political and Economic Studies.

still significant gaps among desirable jobs. Furthermore, much of the convergence in distributions occurred in the 1960s and 1970s. Since the 1980s, progress has been much slower. Figure 15.5 illustrates this progress for a number of desirable occupations. For example, the ratio of the percentage of black men in

FIGURE 15.5—Changes in the underrepresentation of African Americans in desirable occupational categories
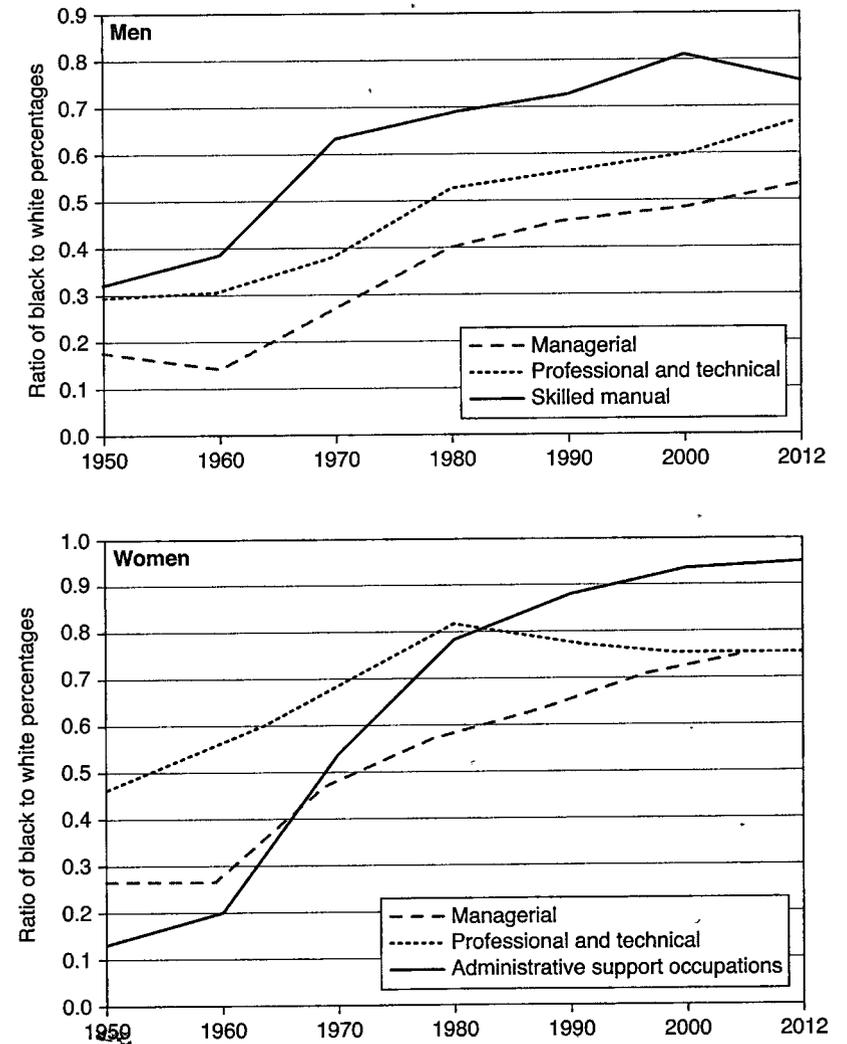

Note: The numbers indicate how likely, within a given gender category, it is for a black compared to a white to be in a given occupation. Thus, 1.0 means that, within a given gender category, it is just as likely for a black to be in a given occupation as for a white; 0.3 means that, within a gender category, the percentage of a given occupation among blacks is only 30 percent the percentage among whites.

Sources: See Table 15.1.

managerial jobs to white men in managerial jobs increased from 17.6 percent to 40.3 percent between 1950 and 1980, and then increased only to 53.5 percent by 2012; for black women, their percentage in managerial jobs relative to white women increased from 26.5 percent in 1950 to 57.1 percent in 1980 and then to 75.4 percent in 2012. In professional and technical jobs the relative percentage of black women actually declined from 1980 to 2012, from 81.8 percent to 75.4 percent.

In terms of economic standing, median income for black families increased from around 50 percent of the median for white families in 1947 to 60 percent in 1967, but it has not changed much since (Figure 15.6). The ratio of black to white wealth, as indicated in Figure 15.7, has improved slightly from the early 1980s to the early 1990s but has declined since then. As of 2010, this was actually slightly lower than it had been three decades earlier.[21] Finally, as we saw in Chapter 13, although the difference in poverty rates among blacks and among whites declined between 1973 and 2000, poverty rates among blacks remain much higher than among whites. Poverty rates for black children remain especially high (Figure 15.8): in 2011, 43 percent of

FIGURE 15.6—Black median family income as a percentage of white median family income, 1947–2010
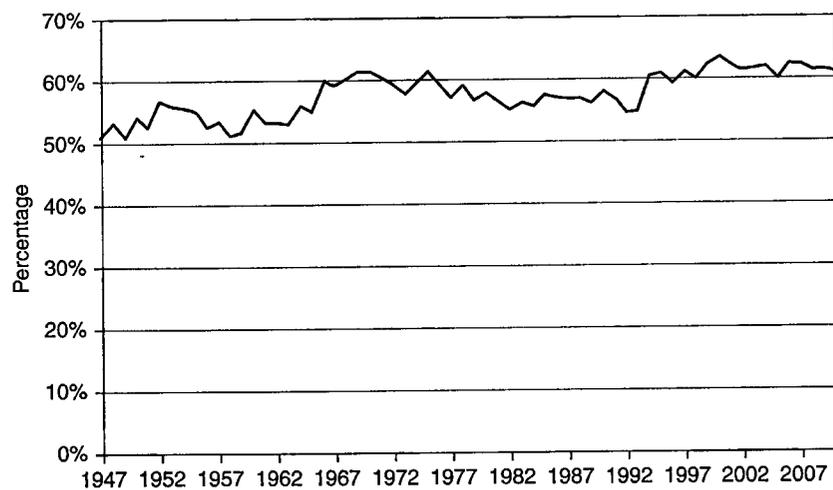
Source: "Black median family income, as a share of white median family income, 1947–2010," *The State of Working America, 2012*, Figure 2D.

[21] Racial disparities in financial wealth, which exclude home equity, are even greater than disparities in overall net worth: Black median financial wealth reached a peak of 3 percent of white median financial wealth in 2001, only to decline to well under .5% in 2010. Wolff, Edward N. 2012. "The Asset Price Meltdown and the Wealth of the Middle Class." NBER Working Paper Series 18559, http://www.nber.org/papers/w18559 (accessed April 16, 2014).

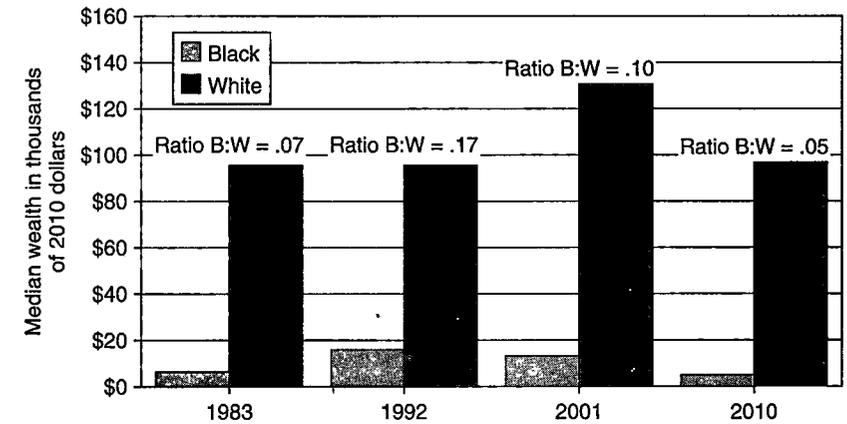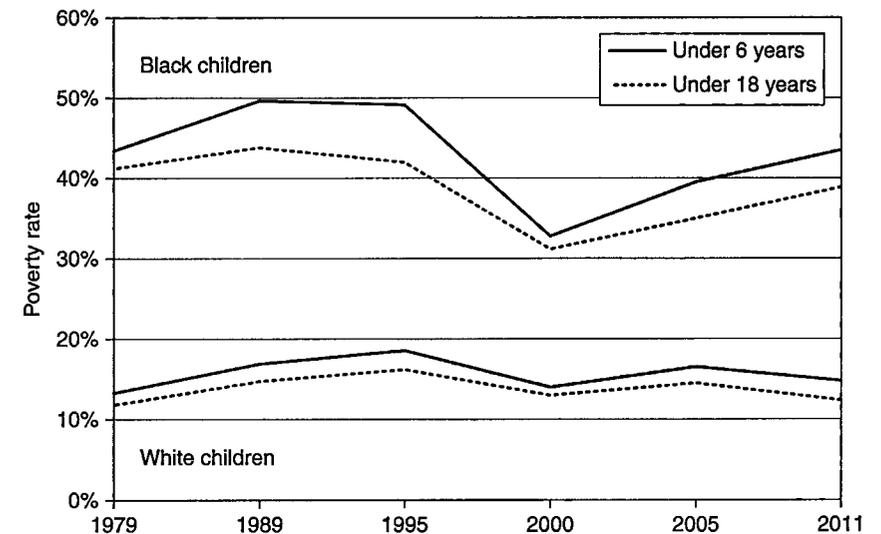**FIGURE 15.7—Median net worth by race, 1983–2010**

FIGURE 15.8—Child poverty rates by race, 1979–2011

Note: The data for children under age six were unavailable for 2005. The figure reported here is for 2003.

Source: *The State of Working America, 2006/2007*, Table 6.3; and *The State of Working America, 2012*, Figure 7D.

black children under age six lived below the poverty line, compared to 15 percent of white children.

Taken together, these figures reveal a stark reality in the United States today: tremendous progress has been made in ending racial injustice, but the economic inequalities between blacks and whites remain substantial. The causes for this situation are complex. Some of the inequalities are without doubt simply "legacies" of past injustices. If up to a particular point in

time the inequalities were due to legally enforced forms of oppression, and then those legal forms were destroyed, it would still take an extended period of time for the inequalities to disappear *even if* there was no ongoing discrimination. This fact has led many people to believe that discrimination is no longer a significant issue in American life. As we shall see, however, that is not the case.

Contexts of Racial Discrimination

Racial discrimination remains a daily and pervasive fact of life in the United States today. It occurs in a wide variety of institutional contexts and takes many forms. Here we will focus on several contexts of discrimination: mundane micro-interactions, "driving while black," housing, credit markets, employment, education, and the criminal justice system.

■ *Mundane Micro-interactions*

Perhaps the most pervasive form of discrimination occurs in the context of ordinary, daily interactions on the street, at work, in stores, or in classrooms. This kind of discrimination is often difficult for an outside observer to detect, but it can be acutely felt by the person being subjected to it. A Gallup poll conducted in 1997 reported that about half of black respondents said that in the previous month they had experienced at least one form of such discrimination in daily interactions, and according to a 2012 *Newsweek/Daily Beast* poll, 74 percent of blacks have personally felt they were being discriminated against because of their race.[22] Here are some well-documented forms that this discrimination can take:[23]

[22] Survey by Gallup Organization, January 4–February 28, 1997. Reported by Christopher Doob in "On Race, Americans Only Talk a Good Game; For Whites, Confusion," *New York Times*, November 19, 1997. The *Newsweek/Daily Beast* poll is reported at http://www.thedailybeast .com/articles/2012/04/07/newsweek-daily-beast-poll-finds-majorities-of-americans-think -country-divided-by-race.html (accessed August 12, 2014).

[23] These examples are drawn mainly from the following sources: Devah Pager and Hana Shepherd, "The Sociology of Discrimination: Racial Discrimination in Employment, Housing, Credit, and Consumer Markets," *Annual Review of Sociology* 34 (2008): 181–209; Joe R. Feagin, "The Continuing Significance of Race: Antiblack Discrimination in Public Places," *American Sociological Review* 56, no. 1 (1991): 101–16; and William A. Smith, Walter R. Allen, and Lynette L. Danley, "'Assume the Position . . . You Fit the Description': Psychosocial Experiences and Racial Battle Fatigue among African American Male College Students," *American Behavioral Scientist* 51 (2007) 551.

- In stores, black customers are more likely than are white customers to be monitored and treated with suspicion by store employees concerned about shoplifting. This is not simply the case for teenagers, but also for middle-class, well-dressed African Americans.
- White people walking on city streets frequently cross the street when there is a black man behind them or to avoid passing a black man.
- Many middle-class blacks report the experience of having to wait longer to be served in restaurants than do white customers who arrive after them.
- In a study of black male college students at elite, historically white universities, the research participants reported many incidents of surveillance by campus police in which they were treated with suspicion and asked for their IDs.
- It takes, on average, longer for a black man to get a taxi than it does for a white man. This can happen even when the man is well dressed and clearly affluent. A famous incident was reported in the *New York Times*: "But the actor Danny Glover was not laughing last month when several taxis declined to pick him up in Manhattan, presumably because Mr. Glover is black and stands 6 feet 4 inches tall. In lower Manhattan, the actor was forced to hide in the shadows while his daughter did the hailing. The driver had to be cajoled into unlocking the doors."

Any given incident may seem petty, but cumulatively these kinds of interactions constitute a stream of lived experiences that communicate denigration and a lack of social respect. Psychological research shows that these kinds of experiences can have a significant impact on morale and self-esteem. In perhaps the best-known experiment on the impact of discrimination and denigration, Jane Elliott, then a schoolteacher in Iowa, subjected students in her elementary class to systematic discrimination on the basis of eye color: brown eyes were superior, blue eyes inferior. After two days of this treatment, the blue-eyed group performed much more poorly on a simple math test than did the advantaged group. When the same experiment was conducted using adults, the results were the same.[24] The experience of repeated social disrespect generates forms of stress, anxiety, and self-doubt that significantly undermine performance.

[24] Jane Elliott's experiments are presented in two documentary films: *Eye of the Storm* and *A Class Divided*. For a discussion of these films, see a review by Anthony J. Cortese in *Teaching Sociology* 15, no. 4 (1987): 450–52.

■ "Driving while Black"

One of the best-documented forms of ongoing discrimination is traffic stops by police for the "offense" that is ironically called DWB—driving while black. A report by the Leadership Conference on Civil Rights provides systematic evidence that this practice is widespread:[25]

- Under a federal court consent decree, traffic stops by Maryland Police on Interstate 95 were monitored. In the two-year period from January 1995 to December 1997, about 70 percent of the drivers stopped and searched by the police were black, while only 17.5 percent of overall drivers—as well as speeders—were black.
- In Volusia County, Florida, in 1992, nearly 70 percent of those stopped on a particular interstate highway in Central Florida were black or Hispanic, although only 5 percent of the drivers on that highway were black or Hispanic. Moreover, minorities were detained for longer periods of time per stop than were whites, and 80 percent of the cars that were searched after being stopped had nonwhite drivers.
- A study of traffic stops on the New Jersey Turnpike found that 46 percent of those stopped were black, although overall only 13.5 percent of the cars had a black driver or passenger, and there was no significant difference in driving patterns of white and nonwhite motorists.
- A Louisiana State Police Department training film specifically encouraged the department's officers to initiate pretextual stops against "males of foreign nationalities, mainly Cubans, Colombians, Puerto Ricans and other swarthy outlanders."
- In 1992, as part of a report by the ABC news program 20/20, two cars—one filled with young black men, the other with young white men—navigated the same route, in the same car, at the same speed through L.A. city streets on successive nights. The car filled with young black men was stopped by the police several times during the drive; the white group was not stopped once, despite observing police cars in their immediate area no less than sixteen times during the evening.
- A July 2008 New York Times/CBS News poll asked a national random sample of adults, "Have you ever felt you were stopped by the police

[25] Justice on Trial: Racial Disparities in the American Criminal Justice System (Washington, DC: The Leadership Conference on Civil Rights, 2000), 2. The sources for each of these examples are given in the report.

because of your race or ethnic background?" Sixty-six percent of black men responded affirmatively, compared to only 9 percent of white men.

This kind of racial profiling subjects many innocent people to the humiliating experience of being hassled by the police for no good reason. It also contributes to the disproportionate arrest of young black men for nonviolent drug crimes, because these racially motivated traffic stops are frequently accompanied by searches that result in arrests that otherwise would not have occurred.

■ Housing

Housing segregation is a reality in the United States. In northern cities in the 1980s, on average over 80 percent of people would have had to move to different neighborhoods in order for their city to have random housing patterns.[26] In 1990 the levels of segregation were as high as they had been at the beginning of the twentieth century.[27] Although research indicates that since 1980 residential segregation has declined slightly, most American cities remain highly segregated along racial lines. This pattern of segregation is the result of four interconnected factors.

First, there is certainly some historic inertia from past practices. Until the civil rights era, in many cities real estate agents would simply refuse to show blacks houses in white neighborhoods. Until the 1974 Equal Opportunity Credit Act, redlining (the practice of banks not making loans to people in certain parts of cities) was legal in the United States, and this factor certainly contributed to housing segregation. Even with no further discrimination, these past practices would account for some of the existing segregation of American cities.

Second, a certain amount of self-segregation also occurs. African Americans may buy houses in predominantly black neighborhoods because it is more socially comfortable, less of a struggle, less likely to involve hostile interactions with neighbors. Although self-segregation does not directly involve discrimination in the housing market as such, nevertheless it reflects the ongoing realities of racial hostility. According to Lincoln Quillian, "On surveys, most

[26] Douglas S. Massey and Nancy A. Denton, American Apartheid: Segregation and the Making of the Underclass (Cambridge, MA: Harvard University Press, 1993), p. 63.

[27] Pager and Shepherd, "The Sociology of Discrimination," p. 188.

Whites say they prefer neighborhoods that are less than 30% Black. . . . African Americans, on the other hand, strongly prefer neighborhoods that are 50% Black. These surveys suggest that Blacks prefer much more integrated neighborhoods than do Whites, but not entirely White neighborhoods."[28]

Third, housing segregation is generated by what is known as *white flight*—the tendency for whites to move out of a neighborhood once a few black families move in. White flight need not indicate that most whites are averse to living in a neighborhood with some black residents, but simply that they do not want to live in a neighborhood with many black neighbors. The reasons for these preferences are varied: For some it is directly a question of racist attitudes, but for many the issue may be more about concerns for long-term housing values. Even if many white homeowners have no personal problem at all with living next to African American families, they may worry that increasing black residency will depress home prices; and given that homes are for most people their only form of wealth, this concern may lead them to move. As a result, once African Americans begin moving into a previously all-white neighborhood, there can be a cascade of white exits.[29] Even though the "tipping point" for white flight may have changed—there was a time when having a single black family on a block could trigger an exodus of white families—white flight remains a continual problem in the segregation of neighborhoods in many cities.

Finally, there is strong evidence that active discriminatory practices continue to exist in housing markets. This ongoing discrimination is best demonstrated by what are called housing audit studies. In this kind of research, home buyers of different races, but with identical credit ratings and income, go to real estate agents for help in buying a house. The key issue is whether, and in what ways, these prospective home buyers receive

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[28]Lincoln Quillian, "Why Is Black-White Residential Segregation So Persistent? Evidence on Three Theories from Migration Data," *Social Science Research* 31 (2002): 199.

[29]This kind of cascade was first systematically analyzed by the economist Thomas Schelling. Suppose there is a distribution of preferences within an all-white community about how many black residents are acceptable. Some white residents say they will leave if any blacks move into the neighborhood, some will leave if there are 3 percent blacks, and for others the thresholds are 5 percent, 10 percent, 20 percent, and so on. Depending on the distribution of such thresholds, a single black moving into a neighborhood can set in motion a cascade of exits, so eventually the entire neighborhood shifts from all white to all black. See Thomas Schelling, "A Process of Residential Segregation: Neighborhood Tipping," in *Racial Discrimination in Economic Life*, ed. A. Pascal (Lexington, MA: D.C. Heath, 1972), pp. 157–84.

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differential treatment on the basis of race. Devah Pager and Hana Shepherd summarize the results of a series of large housing audit studies by the U.S. Department of Housing and Urban Development:

> The study results reveal bias across multiple dimensions, with blacks experiencing consistent adverse treatment in roughly one in five housing searches and Hispanics experiencing consistent adverse treatment in roughly one out of four housing searches (both rental and sales). Measured discrimination took the form of less information offered about units, fewer opportunities to view units, and, in the case of home buyers, less assistance with financing and steering into less wealthy communities and neighborhoods with a higher proportion of minority residents.[30]

■ Credit Markets

We have already shown that as a category, white Americans are much wealthier than African Americans: whites have greater savings, they own more stocks, they have greater equity in their homes. Because assets that can be used as collateral play an important role in getting loans, this wealth difference would be expected to directly translate into racial differences in the credit market. In addition to this situation, however, there is good evidence that African Americans face discrimination in acquiring loans. Again, audit studies are the clearest evidence for this practice. Black testers with the same credit histories, wealth, and income as white testers are

> less likely to receive a quote for a loan than are white testers and . . . are given less time with the loan officer, are quoted higher interest rates, and are given less coaching and less information than are comparable white applicants. . . . In two audit studies in which creditworthy testers approached subprime lenders, whites were more likely to be referred to the lenders' prime borrowing division than were similar black applicants. Further, subprime lenders quoted the black applicants very high rates, fees, and closing costs that were not correlated with risk.[31]

Similar problems exist in credit markets for small business loans.

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[30]Pager and Shepherd, "The Sociology of Discrimination," p. 188.

[31]Ibid., p. 190.

■ Employment

Employment discrimination is difficult to demonstrate because hiring decisions are made in private. Large-scale statistical studies attempt to compare the probabilities of people of different races holding a given kind of job, adjusting these probabilities for a long list of characteristics—age, education, skills, test scores, gender, and so on. Generally, even after applying a long list of controls, these studies find that whites are advantaged relative to blacks. Critics of such research, however, can always say that some unmeasured, salient characteristic of the people explains the racial gap.

This is why audit studies of hiring are valuable, for they make it possible to more carefully control for individual characteristics other than race. In one well-known study, racially identifiable names were used as the way to signal race to prospective employers. As the title of the published paper from the research asked, "Are Emily and Greg more employable than Lakisha and Jamal?"[31] Résumés that were otherwise substantively identical were sent to employers to see how they would react to the different names. The callback rate for white names was 50 percent higher than for black names. Even more surprisingly, this difference increased with the level of qualifications of the résumés—the racial gap in callbacks increased with skill level.

In a second study, Devah Pager trained black and white male testers to apply in person for entry-level, low-wage jobs in Milwaukee, Wisconsin.[32] Half of the testers had résumés indicating that they had served eighteen months in prison for a nonviolent drug offense, and half did not. In other respects the résumés indicated equal education and job experience. The study thus involved four "types" of people: white felons, black felons, white non-felons, and black non-felons. Again, the empirical question is, how different across these categories are the rates at which the applicants were called back for an interview? Figure 15.9 presents the results: 34 percent of the whites without prison records received callbacks, compared to 17 percent of the whites with prison records, 14 percent of the blacks without records, and 4 percent of the blacks with records. In other words, in the labor market a white male with a prison record and a black male without a prison record have roughly the same disadvantages.

[31] Marianne Bertrand and Sendhil Mullainathan, "Are Emily and Greg More Employable than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination," NBER Working Paper 9873 (Cambridge, MA: National Bureau of Economic Research, 2003).

[32] Devah Pager, Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration (Chicago: University of Chicago Press, 2007).

FIGURE 15.9—The effects of race and criminal record on employment
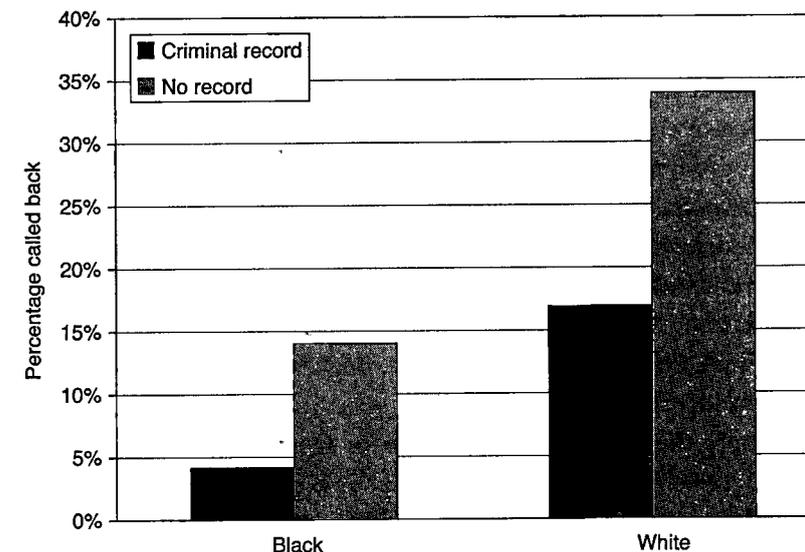
Note: The graph presents the percentage of job applicants to entry-level unskilled jobs who were called back for an interview depending upon their race and criminal record (nonviolent drug conviction).

Source: Devah Pager, Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration (Chicago: University of Chicago Press, 2007).

These studies unequivocally indicate that active discrimination exists in labor markets. This does not mean that the employers in question personally dislike African Americans, or even that they believe people of one race are somehow inferior to another. Much of this discrimination is probably what economists call *statistical discrimination*. Employers believe that the average black worker will be less capable or reliable than the average white worker. This view need not be due to the employers' belief in the inherent intellectual inferiority of blacks. It can be because they believe the quality of schooling of the average black worker is inferior to that of the average white worker. The important point is the employers' belief that the average member of one racial category is less desirable as an employee than the average member of another category. Because it is difficult and costly to get accurate information about the actual reliability and competence of any given individual, employers rely on these perceived group differences to make individual hiring decisions. This strategy is perfectly rational and economically efficient, even if it is morally unjustified and harmful. The result is discrimination.

■ *Education*

Education has always been at the heart of conflicts over race. The key civil rights decision by the Supreme Court in the 1950s was over racial segregation in schools. In that decision, *Brown v. Board of Education* (1954), the Court rejected decisively the doctrine of "separate but equal" education for black and white children, arguing that *separate* was inherently unequal.

More than half a century after the end of legal segregation, schools in many American cities remain sharply segregated, largely as a by-product of extreme residential segregation. This problem is particularly evident in large American cities, where the confluence of race and poverty means that inner-city schools typically have much higher concentrations of poor minority students than do suburban schools. Equally troubling, however, is not simply the racial concentration of schools, but the differences in funding between the schools of many poor black children and those of white children that are linked to this spatial segregation. This is not a simple matter to measure. If we look at average spending per pupil across school districts within states, weighted by the number of students in different racial and ethnic groups, then it seems that on average most states show no difference in the per-pupil spending on black and white children.[34] This method assumes, however, that within districts all students receive the same per capita funding. This is simply not the case. A study of within-district spending on specific schools in Baltimore, Cincinnati, and Seattle "indicated district funding differences for high- and low-poverty schools ranging from $400,000 to $1 million."[35] These discrepancies were explained this way:

> Districts often allocate a certain number of staff to a school, rather than giving schools a per student amount for staff compensation. As teachers gain experience, they often take advantage of seniority rules to move to more affluent schools where students are perceived as easier to teach. . . . This can lead to more experienced teachers clustering at low-poverty schools with vacancies at schools serving underserved populations filled by new teachers. As a result, new teachers (who have much lower salaries than experienced teachers) work disproportionately in schools in the poorest neighborhoods. Because of the large range in staff pay, schools with the

[34] Kim Rueben and Sheila Murray, "Racial Disparities in Education Finance: Going Beyond Equal Revenues" (Washington, DC: Tax Policy Center, Urban Institute, and Brookings Institution, Discussion Paper No. 29, November 2008), p. 5.

[35] Ibid., p. 7.

highest needs within a district often receive substantially less funding because they employ the least experienced teachers.[36]

As a result, even though spending per pupil may be roughly equalized across districts within a state,

> resources (including experience and qualification levels of teachers) vary dramatically across schools serving high- and low-income (and white and nonwhite) students. Schools serving low-income students typically have a larger percentage of inexperienced and non-credentialed teachers, and the variation in teacher qualifications is greater in large urban districts than in the state as a whole.[37]

The national per-pupil spending between blacks and whites also masks very large discrepancies between wealthy white suburban school districts and urban districts with high concentrations of poor black students.[38] Figure 15.10 illustrates this discrepancy for wealthy suburban schools and urban schools in New York and Chicago in 2010–2011. This large funding gap is partially the result of lower property values and thus less tax resources as these factors intersect patterns of housing segregation and discrimination. School funding, however, is never such a simple matter; it also depends on the balance of political forces over how schools should be funded. As long as schools are funded substantially by local property taxes, wealthy communities will have better-funded schools than will poor communities. The unwillingness of state legislatures to fundamentally rethink the way schools are funded and create a genuinely uniform, egalitarian structure of funding is partially the result of ideological commitments to local control, but it is also shaped by the racial and class implications of creating more universalistic principles. However, even if the underlying motives of politicians and voters are not themselves shaped by racial considerations, the effect is serious discrimination in the opportunities for good-quality education of black children.

[36] Ibid., p. 8.

[37] Ibid.

[38] The issue here is that schools are considerably cheaper to run in small towns and cities than in large cities—not because the quality of education being provided is lower, but because the cost of living is lower and thus salaries and other expenses are lower. Black children are concentrated in large cities where costs of living and teacher salaries are higher. On a statewide level, high-spending white suburban districts are counterbalanced by lower-spending white school districts in smaller cities and towns, thus making it seem that overall per capita spending on black and white children is about the same.

FIGURE 15.10—Per-pupil education spending in core cities and wealthy suburbs, New York City and Chicago areas, 2010–2011
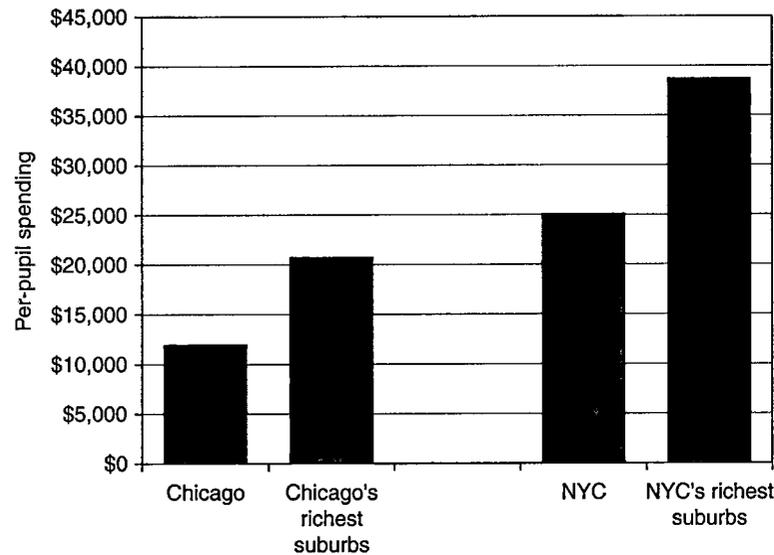
Notes: (1) All figures are per-pupil total spending in 2010/11 dollars. Total spending includes both instructional spending and noninstructional spending. (2) *Richest suburbs* are defined as the highest-spending 5 percent of districts in New York and in Illinois. These turn out without exception to be districts in relatively close proximity to New York City and Chicago, respectively, and are thus designated the rich suburbs in the graph. (Analysis provided by Edo Navot.)

Source: National Center for Education Statistics, U.S. Department of Education, Institute of Education Sciences, "Common Core of Data" for academic year 2010–11, *Data sheet: "School expenditure per pupil."* http://nces.ed.gov/ccd/elsi/expressTables.aspx (accessed August 25, 2014).

Criminal Justice

Of all the domains in which we have discussed the persistence of discrimination, the criminal justice system is perhaps the most difficult to nail down. Here is the problem: it is easy enough to demonstrate that African Americans are arrested for criminal activity, convicted, and sent to prison at much higher rates than are whites, but it is more difficult to demonstrate that racial discrimination inside of the criminal justice system is directly implicated in each of these disparities. African American men have nearly seven times the rate of imprisonment of white men, but theoretically this could simply be because they commit proportionately seven times as many crimes. Racism could still be implicated in shaping the social and economic conditions that lead to such criminal behavior, but racial discrimination inside of the criminal justice system would not be a significant factor. We

will first look at the basic data on racial disparities, and then examine the problem of discrimination.

Figure 15.11 presents imprisonment rates by race in 2010. Overall, the rate for blacks is 2.2 percent (2,207 prisoners per 100,000 people), 5.8 times greater than the white rate of 0.38 percent. The racial disproportion is even greater among men—especially young men between ages twenty-five and twenty-nine, for whom the imprisonment rate among blacks is 8.9 percent, 6.2 times greater than the 1.4 percent rate for white men in the same age group. If the rates that occurred in the last quarter of the twentieth century were to persist into the future, the lifetime probability of an African American man spending time in prison would be 32 percent, compared to 11 percent for all men (Figure 15.12).

These incarceration rates reflect the outcome of the process through which people move through the criminal justice system. This process has four principal steps: first, an offender needs to be arrested; second, an arrested person needs to be charged and prosecuted or released without charge; third, a prosecuted person need to be tried and convicted or acquitted;

FIGURE 15.11—Incarceration rates by race and age, 2010
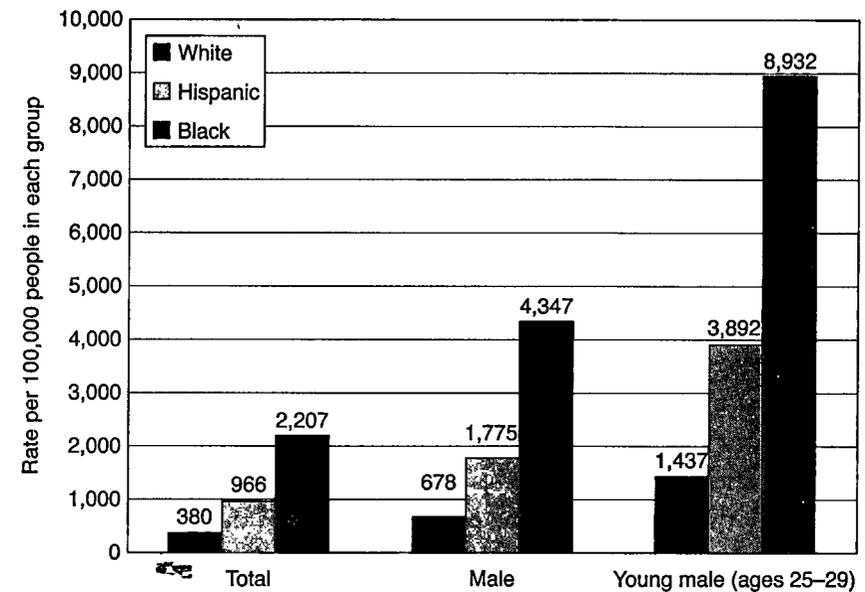
Source: Peter Wagner, "Incarceration is not an equal opportunity punishment," Prison Policy Initiative (2012). http://www.prisonpolicy.org/articles/notequal.html (accessed March 24, 2014).

**FIGURE 15.12—Lifetime chances of being sent to prison**
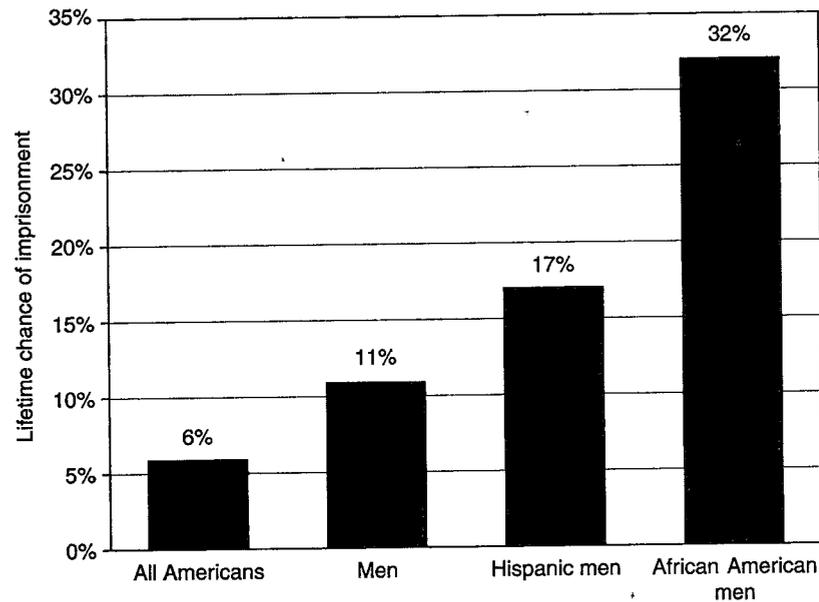
Note: These estimates of the lifetime chance of imprisonment are based on the rates of imprisonment for different groups of people during the last quarter of the twentieth century. Of course, if these rates were to change significantly, then these estimates would need to be revised.

Source: Thomas P. Bonczar, "Prevalence of Imprisonment in the U.S. Population, 1974–2001," Bureau of Justice Statistics Special Report NCJ 197976 (August 2003), available at http://bjs.ojp.usdoj.gov /content/pub/pdf/piuspor.pdf (accessed August 13, 2014).

and fourth, a convicted felon needs to be sentenced to prison or probation. Figure 15.13 shows the percentage of African Americans at some of these steps for drug offenses. The proportion of regular users of illegal drugs who are black is very close to the proportion of the population as a whole who are black: In 2012, blacks were roughly 13 percent of the U.S. population and about 14 percent of regular drug users in 2011. When we look at the percentages for people within the criminal justice system, the picture is entirely different: 32 percent of people arrested for drug offenses, 41 percent of the people convicted of drug crimes, and 43 percent of the people sent to prison for those offenses in 2011 were black.[39] Blacks clearly have a much higher probability than do whites of being sent to prison if they are arrested for drug offenses.

[39] The figure for drug offense convictions is for 2008, the most recent year for which that information is available.

FIGURE 15.13—Black share of drug use and punishment, 2011
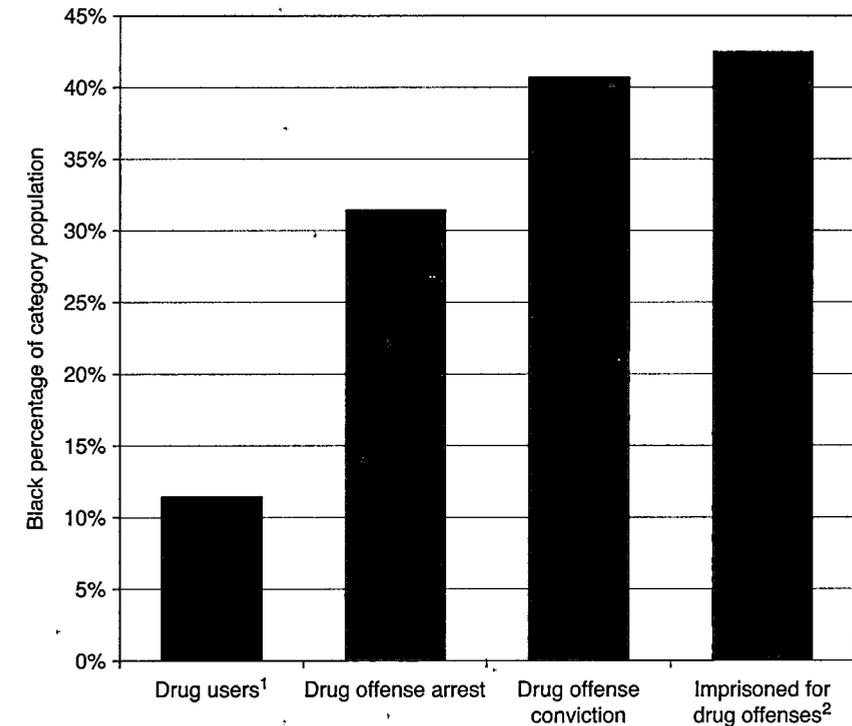
Notes: (1) Data for drug users are for 2012. (2) Percentage for imprisonment for drug offenses calculated over white, black, and Hispanic population only.

Sources: Drug use: drugwarfacts.org. "Drug Use Estimates." http://www.drugwarfacts.org/cms /Drug_Usage#Demographic (accessed August 22, 2014). Drug offense arrest: Snyder, H. and Mulako-Wangota, J., Arrest Data Analysis Tool at www.bjs.gov. Bureau of Justice Statistics, Washington, D.C. http://www.bjs.gov/index.cfm?ty=datool&surl=/arrests/index.cfm# (accessed August 23, 2014). Drug offense convictions: Carson, Ann E. and Daniela Golinelli. 2013. "Prisoners in 2012—Advance Counts," Bureau of Justice Statistics. http://www.bjs.gov/content/pub/pdf/p12ac.pdf (accessed August 23, 2014). Imprisoned for drug offenses: Carson, Ann E. and Daniela Golinelli. 2013. "Prisoners in 2012. Trends in Admissions and Releases, 1991–2012," Table 8. http://www.bjs.gov /content/pub/pdf/p12tar9112.pdf (accessed August 23, 2014).

These data certainly show large racial disparities throughout the process that leads to incarceration. Racial discrimination of various forms could play an important role in generating these disparities at every step of the process: racial biases and racial profiling by police could lead to disproportionate surveillance and arrests of blacks, racial biases during the processing of arrests could lead to more prosecutions of blacks, racial biases within court proceedings could lead to more convictions, and racial biases in sentencing could lead to more incarceration. But it is not easy to get solid,

unequivocal statistical evidence for the magnitudes of such possible effects of racial bias. And even with good data, it is often very difficult to draw solid inferences about discrimination and bias from the results. Here is one illustration of the interpretative problem: Studies of racial bias in sentencing generally include some measure of the "prior record" of offenses of a convicted felon. It seems perfectly reasonable, after all, that a person with a longer record of criminal convictions should receive a harsher sentence. On this basis, it is assumed that if a black defendant and a white defendant who are convicted of the same crime with the same prior record get the same sentence, then no racial bias was involved in sentencing. This result would not, of course, rule out biases at earlier stages in the process; but at the stage of sentencing itself, there would be no bias. However, if significant racial biases are found in patterns of arrest, filing charges, prosecution, and conviction, and on average they generate longer prior records for blacks than for whites, then the sheer fact that prior records are treated in the same way for blacks and whites itself embodies a racial bias. The judge in the courtroom who hands out the sentence may personally not be racially biased in any way, but the basis on which the sentence is made could still embody a racial bias.[40]

Given this kind of difficulty, it is important to be cautious in interpreting the results of statistical analyses of convictions and sentencing, and it should not be surprising that the results of different studies are inconsistent. A comprehensive review of this research, published in 2000, characterizes the problem this way:

> Critics of the sentencing process contend that crimes by racial minorities are punished more harshly than similar crimes by equally culpable whites. Other scholars challenge this assertion. They contend that the harsher sentences imposed on racial minorities reflect the seriousness of their crimes and prior criminal records as well as other legally relevant factors that judges consider in determining the appropriate sentence.

[40] The problem of interpretation here is similar to some issues in assessing the relationship between test scores and admissions to academic programs. Suppose, for example, that middle-class students who take the SAT test have all taken expensive private courses on how to do well on the test, and these courses on average raise test scores by 100 points, while poor students never get such special training. If an admissions committee at a university treats the scores of these students identically, a good argument can be made that this treatment of test scores constitutes a class bias in admissions. A score of 1400 for the middle-class student *means* "1300 + a Kaplan course," whereas the same score for a poor student means "1400." The same can be said about prior criminal records for black and white defendants.

The findings of more than 40 years of research examining the effect of race on sentencing have not resolved this debate. Some studies have shown that racial/ethnic minorities are sentenced more harshly than whites, even after crime seriousness, prior criminal record, and other legal variables are taken into account. Other studies have found either no significant racial differences or that blacks are treated more leniently than whites. Still other research has concluded that race influences sentence severity *indirectly* through its effect on variables such as bail status, type of attorney, or type of disposition, or that race *interacts* with other variables and affects sentence severity only in some types of cases, in some types of settings, or for some types of defendants.[41]

Still, despite these problems and inconsistencies, this review concludes that the preponderance of evidence suggests racial biases within the criminal sentencing:

> The findings of these studies suggest that race and ethnicity do play an important role in contemporary sentencing decisions. Black and Hispanic offenders—and particularly those who are young, male, or unemployed—are more likely than their white counterparts to be sentenced to prison; in some jurisdictions, they also receive longer sentences or differential benefits from guideline departures than do similarly situated white offenders. There is evidence that other categories of racial minorities—those convicted of drug offenses, those who accumulate more serious prior criminal records, those who victimize whites, or those who refuse to plead guilty or are unable to secure pretrial release—also are singled out for harsher treatment.[42]

In some special instances, clear and unequivocal evidence of racism within the criminal justice system can be found. One of these we have already noted: the research on systematic police biases in disproportionately stopping black motorists. Because the offense in these cases is easy to observe—speeding or erratic driving—it is possible to directly measure the extent to which police treat black and white motorists differently. The evidence is unequivocal: though they were not more likely to speed than were white drivers, black drivers were much more likely to be stopped and questioned by the police.

[41] Cassia C. Spohn, "Thirty Years of Sentencing Reform: The Quest for a Racially Neutral Sentencing Process," *Criminal Justice* 3 (2000): 429. (Internal references have been deleted from the passage.)

[42] Ibid., pp. 481–82.

A second powerful piece of evidence comes from a study of the death sentences in murder convictions. In this research, photos of convicted murderers in death penalty states were obtained, and people unconnected with the research were asked to rate the photos in terms of how stereotypically "black" they looked. The defendants were then divided into two categories: those who closely fit the stereotype of a black appearance and those who less closely fit the stereotype. The question then was whether these two groups of convicted murderers differed in the likelihood of getting a death sentence. The analysis adjusted these likelihoods for six nonracial factors that are known to strongly affect death sentences, including aggravating and mitigating circumstances, the severity of the murder, and various personal characteristics. The results are striking (Figure 15.14): when the victim is white, 57.5 percent of the black defendants whose appearance more closely fit the black racial stereotype were given the death sentence compared to only 24.4 percent of black defendants whose appearance fit that stereotype less well. When the victim was black, there was no difference in the percentages of these two categories receiving the death sentence.

Beyond the question of the forms of possible racial discrimination within the internal operation of the criminal justice system, one other critical problem of racial bias has powerfully affected the rate of incarceration of African American men during the last two decades of the twentieth century: the "war on drugs" and the targeting of minority communities for drug-related

FIGURE 15.14—Black racial stereotypes and the death sentence
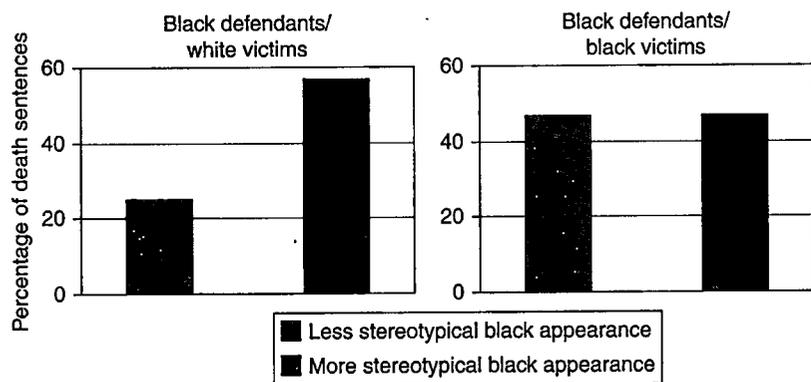
Source: Jennifer L. Eberhardt, Paul G. Davies, Valerie J. Purdie-Vaughns, and Sheri Lynn Johnson, "Looking Deathworthy: Perceived Stereotypicality of Black Defendants Predicts Capital-Sentencing Outcomes," *Psychological Science* 15, no. 5 (2006): 383–86.

arrests. The war on drugs was a centerpiece of the get-tough-on-crime policies championed by conservative political forces beginning in the 1970s and gaining ascendancy in the 1980s. A strong belief in the effectiveness of highly repressive strategies in combating crime and disorder is a hallmark of conservative politics. In the last quarter of the twentieth century, all aspects of a repressive response to crime increased: prison sentences became more likely for convictions; sentences became longer, particularly for repeat offenders; parole violations were more harshly punished; judicial discretion for mitigating circumstances was reduced. The result was a rapid, massive increase in the prison population in the United States (Figure 15.15). In the half century before 1980 the incarceration rate was relatively stable, hovering

FIGURE 15.15—U.S. incarceration rates and total number of inmates. Sentenced inmates in prisons (1925–2012) and total population in custody in jails and prisons (1980–2011)
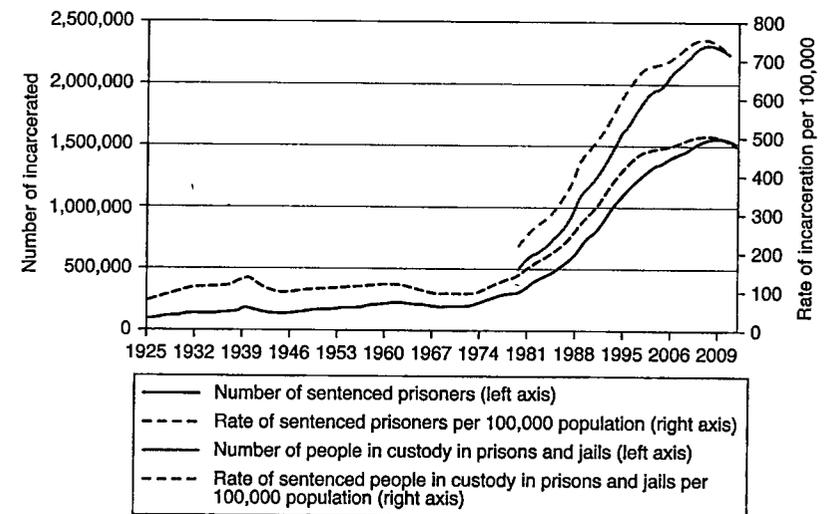
Note: Rates for prison and jail inmates are not reported in the original series for years prior to 1990. The series is thus imputed for 1980–1989 by dividing the data on number of people in custody series by the population total. The population total is implicit in the sentenced prisoners series and can be obtained by dividing the number of sentenced prisoners by the rate of sentenced prisoners, times 100,000.

Source: "Sourcebook of Criminal Justice Statistics Online." http://www.albany.edu/sourcebook/, Table 6.13.2011 "Number and rate (per 100,000 U.S. residents) of persons in custody of state and federal prisons and local jails, U.S. 1985, 1990–2011"; Table 6.1.201 "Adults on probation, in jail or prison, and on parole, U.S. 1980–2011"; Table 6.28.2012 "Number and rate (per 100,000 resident population in each group) of sentenced prisoners under jurisdiction of state and federal correctional authorities on December 31, by sex, U.S. 1925–2012." Earlier version of graph from Bruce Western, *Punishment and Inequality in America* (New York: Russell Sage Foundation, 2006), p.13.

around 100 prisoners per 100,000 population. This rate changed dramatically around 1980, rising rapidly to well over 500 prisoners per 100,000 by the early 2000s. If jail inmates are added to this calculation, the total incarceration rate increased from around 200 to over 700 in this same period.

The law enforcement policies that fueled this rise in the prison population affected all categories of crime, but the increased severity of punishment was most dramatic for offenses connected to the war on drugs. In the 1980s, arrests for drug offenses rose by 125 percent, over four times as much as for other crimes. Even more critically, the rate of prison admissions per arrest for drug crimes increased much more rapidly than for other crimes (Figure 15.16): In 1980, only 2 out of every 100 people arrested for a drug crime were sent to prison. This figure increased fivefold to 10 prison admissions for every 100 arrests in 1990. In comparison, for violent crimes in this period, the increase was from 13 to 17 prison admissions per 100 arrests; for property crime, the increase was from 6 to 10 admissions. As a result, the incarceration rate for drug offenses soared from 8 prisoners per 100,000 population in 1980, to 59 in 1990, to 86 in 2001, and then to 101 in 2010—more than 12 times the rate in 1980. By comparison, incarceration rates for property crimes in 2010 were only 2.7 times greater than three decades earlier and incarceration rates for violent crimes four times greater.[43]

In principle, this increased repressiveness of the criminal justice system directed against drug use need not have disproportionately affected blacks. After all, the black population does not use drugs at higher rates than does the white population. Research on self-reported drug use by high school students from 1980 to 2000 consistently shows significantly higher rates of use among white students than among black students, and studies of hospital emergency room visits for drug-related emergencies indicate that "whites had roughly twice to three times the number of drug-related emergency room visits than blacks."[44] So, if the law enforcement efforts were strictly a response to drug activity, then the impact would not have been so focused on blacks and other minorities.

Figures 15.17 and 15.18 show the disproportionate impact of the war on drugs on African Americans. The graph in Figure 15.17 shows that in the

[43]Data from Bruce Western, *Punishment and Inequality in America* (New York: Russell Sage Foundation, 2006), chap. 1; and from "Correctional Populations in the United States, 2010" (Washington, DC: Bureau of Justice Statistics).

[44]Western, *Punishment and Inequality in America*, p. 47.

FIGURE 15.16—Indicators of increasing intensity of punishments for drug offenses

Prison admissions per 100 arrests


Crime-specific incarceration rate
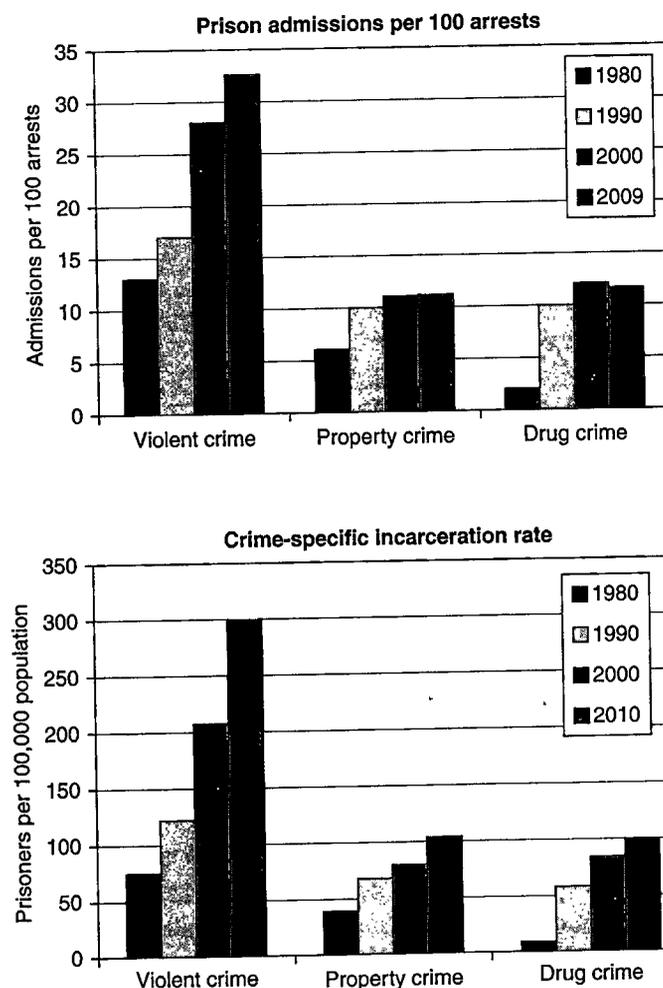
Note: Prison admissions data are from 2009.

Source: 1980–2000 data are from Bruce Western, *Punishment and Inequality in America*, p. 45. 2010 data: Arrest data are from *Crime in the United States: 2010* (U.S. Department of Justice, Criminal Justice Information Services Division); prison population and admissions data are from *Correctional Populations in the United States, 2010* and *Prison Admissions, 2009* (Washington, DC: Bureau of Justice Statistics).

mid-1970s, the black-white ratio for drug arrests was less than 2:1. Beginning around 1980, this inequality rose rapidly, so that by 1990 the ratio was over 4:1. This increased inequality in arrest rates, combined with the general increased likelihood of prison sentences for drug convictions, led to a strong rise in racial inequality in imprisonment for drug crimes. Figure 15.18

**FIGURE 15.17—Arrests for drug offenses, 1965–2012**
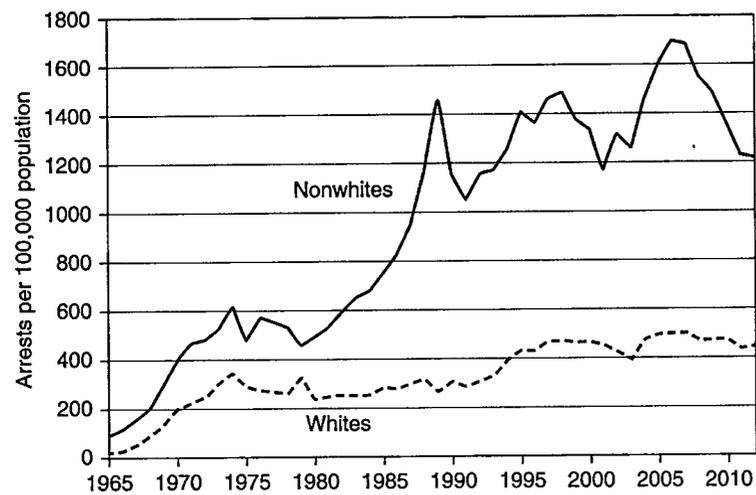
Note: In order to calculate the ratio, the FBI provides the population coverage of their crime data. The coverage data are not available after 2001. We thus impute the population coverage by using the average coverage for previous years. From 1995 to 2001 the U.S. population covered by the Uniform Crime Reporting (UCR) statistics averages 74.14 percent, which is the rate we use for 2002–2012.

Source: 1965–1992 series: Federal Bureau of Investigation. 1993. "Age-Specific Arrest Rates and Race-Specific Arrest Rates for Selected Offenses 1965–1992." https://www.ncjrs.gov/pdffiles1/Digitization/148356NCJRS.pdf (accessed June 12, 2014). 1993–2001 series: Federal Bureau of Investigation. 2003. "Age-Specific Arrest Rates and Race-Specific Arrest Rates for Selected Offenses 1992–2001." http://www.fbi.gov/about-us/cjis/ucr/additional-ucr-publications/age_race_arrest93-01.pdf (accessed April 21, 2014). 2002–2012 series computed by the authors using data on "Total Arrests, Drug Abuse Violations" from the FBI, http://www.fbi.gov/about-us/cjis/ucr/ucr-publications#Crime (accessed April 21, 2014); data on total population by race from the Census. Earlier version of graph from Western, *Punishment and Inequality in America*, p.46.

presents trends in racial disparities in prison admissions for new sentences for four broad categories of crime: violent crimes, robbery and burglary, theft, and drug offenses. In the early 1980s, the black rates of new prison admissions for all these categories were around seven times the rates for whites. In the second half of the 1980s, as the war on drugs intensified, the rate changed dramatically for drug offenses—the rate of black admissions to prison rose to nearly twenty times the white rate by the early 1990s. This increase was largely the result of two factors: changes in laws that imposed harsh mandatory sentences on certain kinds of drug offenses, most notably on offenses connected to drugs commonly used in minority communities (e.g., crack cocaine), and policing practices that targeted drug enforcement on minority communities.

FIGURE 15.18—Black-to-white disparity in prison sentences by offense group
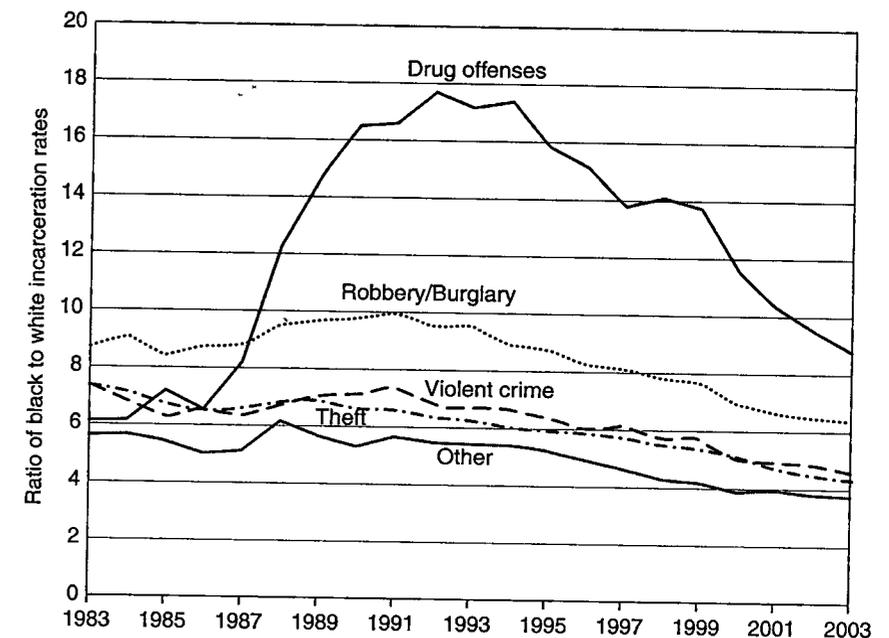
Source: Calculated by Pamela E. Oliver from National Corrections Reporting Program. States with full NCRP data only.

Cocaine, heroin, and certain other illegal drugs are, of course, a serious problem. Their use and the violence associated with their distribution can have a devastating impact on individuals and communities. There are, however, a variety of possible collective responses to this problem. Instead of mass incarceration of people convicted of nonviolent crimes associated with illegal drugs, large-scale resources could have been put into residential and community drug treatment programs in combination with serious job creation and urban revitalization projects. The fact that the war on drugs targeted minority communities and included arrest and prison at the center of the policy reflected a political strategy, not simply a natural response to a pressing social problem. "Law and order" has always been a slogan of conservative political forces because it reinforces fear, and fear tends to push people in a politically conservative direction. The politics of fear undermines political efforts at social and economic justice. In the historical context of the United States in the 1970s and 1980s, the war on drugs combined classic law-and-order themes with fears rooted in racial threats. The result

was a set of highly repressive policies that significantly contributed to the increasing disproportion of blacks in American prisons. These policies embody racial bias even if, at the final stage of the process, when a judge imposes a prison sentence, race plays no direct role in the decision.

PROSPECTS FOR THE FUTURE: THE POLITICS OF RACIAL EQUALITY

The situation of race in America at the beginning of the twenty-first century can be characterized by three central features:

1. Considerable real progress has been made in the decades since the civil rights victories of the 1960s on many aspects of racial inequality. These gains have led to the emergence of a solid black middle class of educated workers, professionals, and owners of small businesses, as well as a significant presence of African Americans within the corporate, cultural, and political elite.

2. Discrimination continues to exist, both in mundane social interactions and in the major institutional contexts in which lives and opportunities are formed. These discriminatory practices harm people, they violate values of fairness, and they block the further advance of racial equality. They affect all African Americans—including the wealthy and middle class—even if the consequences are most damaging for the poor.

3. Acute poverty and economic marginalization continue to characterize the lives of many African Americans and certain other minority groups. The intersection of the sharp deprivations generated by economic marginalization and continuing discrimination underwrites racial oppression in the United States today, as reflected in the devastating rates of incarceration of young black men. The mass incarceration of poor young black men in turn deepens their marginalization from the labor force and stable employment. As a broad generalization, compared to the middle of the twentieth century, at the beginning of the twenty-first century race has become less salient and life defining within the educated middle class and elite; but race continues to intensively reinforce the deprivations and disadvantages of acute poverty.

Any serious political project attempting to address these issues must deal directly with the problems of both economic deprivation and continuing discrimination. We have already discussed ending poverty in Chapter 14. That chapter describes an array of proposals designed to reduce economic inequality and eliminate poverty; those policies would also have a large impact on economic aspects of racial inequality, particularly if combined with a shift away from mass incarceration as a way of dealing with crime. Such policies might also indirectly reduce the impact of the various forms of diffuse racial discrimination in American society, but they do not directly address racial discrimination itself.

How, then, should we think about policies that might counter ongoing discrimination? One remedy, of course, is the courts—at least for those contexts in which discriminatory behavior is technically illegal. The examples of housing, lending, and employment discrimination we have just discussed mostly reflect behaviors that violate legal prohibitions on discrimination. So, one solution is for the targets of such discrimination to sue the discriminator.

In most situations, this solution is simply not possible in practice. Hiring decisions are made behind closed doors. The rejected candidate has no way of knowing who the other candidates were, what their relative qualifications were, and so on. After all, in the Milwaukee audit study, 69 percent of whites without prison records also did not get a callback, so on what basis could a black applicant make the claim of discrimination? Even in cases where the discrimination is more blatant, as happens sometimes in discrimination over promotion or pay, it is extremely difficult and costly for an individual to bring a suit against an employer. In the discrimination that takes place in real estate offices and lending institutions it is equally hard, if not impossible, to prove discrimination.

The principal alternative to using the courts to counter discrimination has been a set of policies known as affirmative action. *Affirmative action* refers to a family of policies that give some kind of preference in a context of scarce resources to a traditionally disadvantaged category of people. The main contexts in which such policies have been implemented are admission to higher education and hiring and promotions in jobs, but rules that require a certain proportion of contracts by cities to be issued to minority businesses would also constitute a form of affirmative action. Many specific devices are possible. The simplest is a quota system in which, for example, a certain proportion of the students admitted to a program are required to be

African American or other groups that were historically discriminated against. More complex systems allocate points to a wide variety of criteria relevant to admissions: test scores, interviews, extracurricular activities, special talents, economic disadvantage, and so on. Race could be one criterion in such a list. This is not a quota system, but a system for giving some weight to race. A third strategy is to adopt selective admissions criteria that are anchored in some condition highly correlated with race, but not race itself. Extra admissions points, for example, can be given to a student who comes from a school with a high poverty rate, because the students in such schools will be disproportionately minorities. But regardless of the specific mechanism, all of these are devices that would enable more African Americans and other historically disadvantaged groups to be admitted.

Many people strongly object to affirmative action on the grounds that it is "reverse discrimination"; contrary to what is often thought, opinion polls consistently indicate that most Americans support at least some forms of affirmative action. In a 2013 Gallup poll, for example, in response to the question, "Do you generally favor or oppose affirmative action programs for racial minorities?" 58 percent of all respondents and 51 percent of whites said that they favored such programs. This is broadly in the range of Gallup poll responses in recent years. The ambivalence toward affirmative action programs, however, is revealed when people are asked more specifically about affirmative action for admission to universities. Sixty-seven percent of all respondents, and 75 percent of white respondents, say that admission to college or university should be based "solely on merit even if that results in few minority students being admitted." Even among African Americans, there was almost an even split between respondents who said that admission should be based solely on merit (44 percent) and those who said that race should be considered (48 percent).[45]

The fact of the matter is, basically no viable alternative to some form of affirmative action exists if we want to counter the pernicious effects of certain forms of discrimination. Affirmative action policies create real incentives for employers and admissions officers to accept the additional costs needed to overcome statistical discrimination based on race and actively seek out the best minority candidates they can find. It is expensive for organizations to gather high-quality information on applicants and actively

[45]Jeffrey M. Jones, "In U.S., Most Reject Considering Race in College Admissions," GALLUP Politics (July 24, 2013). http://www.gallup.com/poll/163655/reject-considering-race -college-admissions.aspx.

recruit people from outside of spontaneous networks. In the absence of affirmative action, in many contexts it is cheaper just to treat individuals on the basis of group characteristics. Affirmative action undermines the incentives that sustain that kind of discrimination.

The first African slaves were brought to the American colonies in 1619. Blacks have thus been a part of what was to become the United States for nearly four hundred years. During 245 of these years they were slaves, subordinated in brutal and dehumanizing ways. This period was followed by a century of legalized discrimination that ended fifty years ago.[46] So, for 345 out of almost 400 years—over 80 percent of American history—African Americans have been subjected to legalized, state-enforced oppression justified through virulent racist ideologies. It is hardly surprising that racial discrimination continues to operate and that economic inequalities associated with race have not yet disappeared. The spontaneous action of actors in the market will not be sufficient to eliminate these inequalities. For this to happen, collective, public action is necessary against the economic marginalization associated with racialized poverty as well as against the effects of ongoing racial discrimination.

[46]This temporal breakdown of the experience of African Americans is modified from S. Plous, "Ten Myths about Affirmative Action," in *Understanding Prejudice and Discrimination*, ed. S. Plous (New York: McGraw-Hill), pp. 206–12.