

The Race Discrimination System

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Abstract

To understand the persistence of racial disparities across multiple domains (e.g., residential location, schooling, employment, health, housing, credit, and justice) and to develop effective remedies, we must recognize that these domains are reciprocally related and comprise an integrated system. The limited long-run success of government social policies to advance racial justice is due in part to the ad hoc nature of policy responses to various forms of racial discrimination. Drawing on a systems perspective, I show that race discrimination is a system whose emergent properties reinforce the effects of their components. The emergent property of a system of race-linked disparities is *über* discrimination—a meta-level phenomenon that shapes our culture, cognitions, and institutions, thereby distorting whether and how we perceive and make sense of racial disparities. Viewing within-domain disparities as part of a discrimination system requires better-specified analytic models. While the existence of an emergent system of *über* discrimination increases the difficulty of eliminating racial disparities, a systems perspective points to strategies to attack that system. These include identifying and intervening at leverage points, implementing interventions to operate simultaneously across subsystems, isolating subsystems from the larger discrimination system, and directly challenging the processes through which emergent discrimination strengthens within-subsystem disparities.

A SYSTEMS PERSPECTIVE ON RACIAL DISPARITIES

Although sociologists know that racial disparities across domains are related, most quantitative research fails to reflect this. Considerable evidence has established the reciprocal feedback relations between racial disparities across domains; health-care disparities, for example, contribute to disparities in schooling, and vice versa. In practice, however, most analyses of otherwise technically high quality treat the disparities to be explained as independent of disparities in other domains. Ignoring the reciprocal causality of disparities across spheres necessarily leads to misspecified causal models. And correctly specified models are the sine qua non for effective policy interventions. Improperly specified analyses are of questionable scholarly and practical value. This is a strong claim, and I do not make it lightly. Unless we acknowledge the interdependence of racial disparities across domains and take on the challenge of modeling this interdependence, we can neither explain race-based inequality in the United States nor contribute to the development of viable remedies.

In addressing the challenges of explaining interrelated racially linked disparities within any sphere and formulating possible remedies, it is helpful to begin with a systems perspective and to conceptualize the reciprocal interdependence of racial disparities across domains as a race discrimination system. Systems theory offers a way to conceptualize racial discrimination as something greater than the sum of race-linked disparities across a set of subsystems. According to a systems perspective, a system is an entity that comprises a set of dynamically related components or subsystems (Deutsch 1969, Bellinger 2004/2005). Sociological research typically focuses on disparities within a single subsystem (for examples, see Pager & Shepherd's 2008 review). Although this approach has documented the prevalence of and trends in inequality in specific domains, it renders invisible the fact that racial disparities in apparently unrelated spheres are part of a

system of discrimination. Indeed, domain-specific analyses of disparities seldom take seriously the causal role of discrimination. In contrast, the unit of analysis from a systems perspective is not individual subsystems but rather the entire system—the forest rather than the trees. And the phenomena to be explained are the relationships among the subsystems rather than the outcomes within individual subsystems (Deutsch 1969, p. 2; Menendian & Watt 2008).

After summarizing a systems perspective, I show how it applies to racial disparities. I argue that pervasive disparities across major institutional spheres comprise a race discrimination system. In addition, a systems perspective recognizes that systems have emergent effects that can affect their components. I argue that the emergent effect of pervasive racial disparities is *über* discrimination, a meta phenomenon that maintains or exacerbates black-white disparities. I show that according to a systems approach it is impossible to explain race-linked disparities within a single subsystem, much less to come up with remedies for those disparities. I conclude by discussing approaches to possible remedies for systematic racial disparities that stem from a systems perspective.

A Systems Perspective

The components of systems are linked through reciprocal causation (i.e., feedback loops). As a result, systems are inherently dynamic. Because feedback effects often reinforce the relations among subsystems, systems tend toward equilibrium (Boguslaw 1982, p. 9). Exogenous shocks can weaken systems, however. As noted, systems generate emergent properties—outcomes that no individual subsystem can produce. An example of an emergent property is wetness. Neither hydrogen nor oxygen alone has or can produce wetness; wetness occurs only in a chemical system that includes both hydrogen and oxygen in the correct proportions. The emergence of system-level properties reflects the fact, as Aristotle observed more than 2000 years ago,

that “[t]he whole is something over and above its parts, and not just the sum of them.”

Discrimination as a System

The core of my argument is that the emergent product of pervasive race-linked disparities—some but not all of which are caused by discrimination—is *über* discrimination. Here I distinguish between terms. By a disparity I refer to any difference in an outcome. Disparities are of interest to sociologists when they systematically favor some groups over others. Discrimination refers to unwarranted differential treatment of persons based on group membership.¹ In 1971, the Supreme Court expanded this definition to include practices that are neutral on their face but have an unjustified disparate impact (*Griggs v. Duke Power* 1971). More recently, cognitive psychologists have demonstrated that differential treatment can stem from automatic biases outside our awareness and thus is not necessarily intentional (Dasgupta 2004, Greenwald & Krieger 2006; for a contrary view, see Blanton & Jaccard 2008). For example, although Major League Baseball umpires call pitches in fractions of a second, they are more likely to call strikes when they and the pitcher are the same race (Parsons et al. 2011; see also Price & Wolfers 2010, who observed a similar automatic bias in favor of same-race players by professional basketball referees). In sum, discrimination is increasingly conceptualized as either intentional or automatic disparate treatment as well as unjustified disparate impact.

By a discrimination system I mean a set of dynamically related subsystems (or domains) in which (a) disparities systematically favor certain groups, (b) disparities across subsystems are mutually reinforcing, and (c) one source of within-subsystem disparities is discrimination.

¹Although Merton (1972) used different language (treating people on the basis of functionally irrelevant characteristics), his definition is essentially the same.

I submit that widespread, interdependent, race-linked disparities—black-white residential segregation and disparities in schooling, employment, earnings, health care, credit markets, and the criminal justice system, among others—constitute a system whose emergent property is *über* (or meta) discrimination. In effect, interrelated disparities to which discrimination contributes to some degree comprise a system whose product is societal-level discrimination. This emergent discrimination profoundly helps to maintain racial disparities by suffusing the world we occupy, automatically affecting our beliefs and values about color and worthiness and shaping the distribution of resources. Thus, emergent discrimination maintains disparities within subsystems.

In sum, a race discrimination system is the product of both a system of race-linked disparities and a belief system that perpetuates them. Although a systems approach to discrimination should be useful in understanding other pervasive disparities, in view of the history of race in America and the pervasiveness of racial disparities, I focus on the race discrimination system.

THE SYSTEM OF RACE DISCRIMINATION IN THE UNITED STATES

Before the 1960s—the decade when the United States outlawed race discrimination in several domains—the systemic nature of discrimination was clear. In 1944, Swedish Nobel Laureate Gunnar Myrdal concluded from intensive study that the degraded situation of blacks in the United States stemmed from “an interdependent system of dynamic causation,” with “no ‘primary cause’ [because] everything is cause to everything else” (Myrdal 1944, p. 78). Over the next two decades, sociological scholarship on race—most of which was theoretical or descriptive—took for granted that race discrimination existed across all spheres of public life.

In the 1960s, this broad approach to racial discrimination was supplanted by research that specialized in black-white disparities within a single domain. Research that extended beyond

a single domain rarely went further than a causally proximate one. For example, studies of black-white earnings disparity controlled for the effects of educational attainment. A focus on just one or at best two domains within a larger interrelated system meant that researchers omitted the causes of disparities that in turn affected independent variables in their analyses (for example, the effects of neighborhood racial composition or access to health care on educational attainment) in explaining disparities in the outcome variable (Quillian 2006, p. 302).

Moreover, as the discipline adopted more rigorous analytic techniques and higher standards for causal inference, researchers became increasingly reticent about attributing an unexplained disparity to discrimination (Quillian 2006, p. 303). Although surely most specialists on any form of race inequality took for granted the systemic nature of discrimination, nonetheless they became ever more cautious about concluding that discrimination was the cause of observed disparities.² This caution persists; few sociologists are willing to ascribe any portion of an unexplained disparity to discrimination. It is as if using the term “discrimination” to explain disparities erodes one’s claim to scientific impartiality. [An important exception is Rugh & Massey’s (2010) outstanding analysis of racial segregation and the foreclosure crisis, which used the term “discrimination” 15 times.]

In this article, I argue that our reluctance to conclude that discrimination is a major cause of race inequalities has impeded our ability to advance the scientific understanding of racial inequality and thus precluded our addressing which interventions might reduce discrimination-based disparities. I conclude that a society-wide system of race discrimination exists if three conditions are met: (a) race-linked disparities exist in every subsystem, (b) at least some of these disparities

result directly from discrimination, and (c) disparities in each subsystem are reciprocally linked to disparities in other subsystems. The next section summarizes research that shows that racial inequality in the United States satisfies these three conditions.

Race-Linked Disparities and Discrimination Within Subsystems

Thousands of scholarly studies have documented disparities that favor whites over blacks across every major subsystem in American society. This section briefly reviews these disparities as well as evidence of the role of discrimination in producing them. The following section shows that these major subsystems are reciprocally related.

Residential and school segregation. Race-based disparities regarding where people live and where children go to school are pervasive and long-standing. As researchers have thoroughly documented, blacks and whites are segregated into different neighborhoods. Although segregation declined in smaller cities in the recent past, America’s largest cities remain highly segregated on the basis of race (Massey et al. 2009, Reardon et al. 2009). Moreover, the decline in race segregation between 1980 and 2000 stemmed from the growth of multiethnic neighborhoods rather than of mixed white-and-black neighborhoods (Friedman 2008). And discrimination in housing and mortgage markets has been a major factor in residential segregation (Massey & Denton 1993, Rugh & Massey 2010).

As long as children are assigned to schools based on where they live, residential segregation ensures that public elementary and secondary schools remain segregated. Thus, discrimination in access to housing necessarily contributes to school segregation [however, in the longer term, school desegregation may foster housing integration (Mitchell et al. 2010)]. Although court-ordered busing reduced school segregation after 1970, the decline reversed by 1989 (Orfield 2001, p. 32; Logan et al.

²According to Quillian (2006, p. 304), only discrimination revealed by well-conducted audit studies has been beyond challenge. Heckman & Siegelman (1993) have questioned whether audit studies unequivocally establish discrimination.

2008). Because residential and school segregation physically separate whites and African Americans, both greatly facilitate unequal treatment. Thus, besides its dominant major role in school segregation, residential segregation—and to a lesser extent, school segregation—contributes to disparities in every other major subsystem.

Education. Racial disparities in educational achievement provide stark evidence of the effect of segregating children on the basis of their race (Mickelson 2003). Whites are more likely than blacks to complete high school and to enter and graduate from college. These differences stem in part from differences in the resources and qualities of predominantly black and predominantly white schools. The National Center of Educational Statistics reading and mathematics test scores for elementary and middle school students between 1978 and 2008 show fluctuating racial disparities that reached a minimum in the late 1980s (Harris & Herrington 2006; Vanneman et al. 2009, pp. 6, 28; Barton & Coley 2010), approximately the time when schools were most integrated (Orfield 2001, p. 14).

Labor market. Researchers have documented black-white disparities in all facets of the labor market (unemployment, labor force participation, employment, job assignments, promotions, pay, authority, working conditions, benefits, and more). Most important is evidence that (a) blacks are unemployed at twice the rate of whites, (b) since 1980 the labor force participation of young blacks has fallen relative to that of whites (Holzer et al. 2005), (c) black and white workers are concentrated in different occupations with occupational segregation as high in 2009 as it was in 2000 (C. Childers, unpublished analyses), and (d) the black-white pay gap has grown since 1996 (Rodgers 2008). Discrimination is demonstrably implicated in these disparities (Moss & Tilly 2001, Pager 2003, Pager et al. 2009). For example, econometric analyses attributed between one-quarter and one-third of the wage gap to discrimination or racial animus (Charles & Guryan 2011, Fryer et al. 2011).

Housing and mortgage markets. Blacks are less likely than whites to own their homes, their homes are worth less, and their homes are less likely to appreciate in value than those owned by whites (Williams et al. 2005; see Pager & Shepherd 2008, p. 189, for a review). Racial disparities in home ownership (and residential segregation) originated in the discriminatory practice of redlining black neighborhoods (the outlining of predominantly black neighborhoods on maps that real estate agents then used to preserve segregated neighborhoods and financial institutions and to assess risks in mortgage and insurance decisions). Although discrimination in the housing market has declined, steering black prospective buyers to primarily black neighborhoods has increased (Ross & Turner 2005).

In addition, although the Community Reinvestment Act of 1997 increased home ownership among blacks by increasing their access to mortgages (Bond & Williams 2007), race discrimination still infects mortgage markets. Black prospective buyers are told about fewer mortgage products (Ross et al. 2005) and are charged higher fees and closing costs, and blacks who qualify for prime-rate loans nonetheless tend to be steered to subprime lenders (Williams et al. 2005, p. 189; 2008; Bocian et al. 2008, p. 121; see also Pager & Shepherd 2008, pp. 190–91). According to Rugh & Massey (2010, p. 630), “race discrimination occurred at every step in the complex chain of events leading from loan origination to foreclosure” (see also Bosch et al. 2010). Residential segregation has disadvantaged blacks primarily by facilitating predatory lenders’ exploitation of predominantly black, economically vulnerable communities. This targeting of black communities for risky and overpriced loans has put black homeowners at particular risk of foreclosure (Williams et al. 2005, p. 188; Rugh & Massey 2010).

Credit and consumption markets. Until a quarter of a century ago, creditors openly denied blacks credit. After Congress banned race

discrimination in credit, creditors overcharged blacks relative to whites. On average, blacks pay higher annual percentage rate (APR) interest on car loans (Ayres 2001, pp. 88–123; Charles et al. 2008). Black-owned small businesses pay higher average interest rates on loans than comparable white businesses (Hu et al. 2011). Payday lending stores which routinely charge APRs of up to 400% are concentrated in economically disadvantaged—and often disproportionately black—communities (Stegman 2007).

Little research exists on the extent of race discrimination in consumption markets; however, audit studies have documented race discrimination in new car prices (Ayres 2001, pp. 88–123; Ayres & Siegelman 2001; also see Pager & Shepherd 2008, pp. 191–92). In general, blacks are disadvantaged in consumption markets because of their lower purchasing power (Williams & Collins 1995), their more limited choices, and higher prices for inferior products (Larson et al. 2009).

Health services. Blacks are disadvantaged relative to whites in every aspect of their access to health care. These disadvantages culminate in worse health outcomes for blacks. Importantly, these disparities have been growing (Williams & Mohammed 2009). Blacks are more likely than whites to suffer from diabetes, cardiovascular disease, hypertension, stroke, and stress, among many other conditions; are treated less effectively for these conditions; and are more likely to be disabled from them. Life expectancy for blacks remains much lower than for whites. Discrimination—especially disparate impact discrimination—contributes to racial disparities in health. [See, for example, how choosing recipients for kidney transplants had a disparate impact on blacks (Ayres et al. 2001).] Also implicated are discrimination within the health-care system (Smedley et al. 2003) and blacks' greater exposure than whites to stress, violence, and unhealthy neighborhoods, all risks to which discrimination contributes (Turner & Avison 1992, Williams & Mohammed 2009).

Discipline, incarceration, and the criminal justice system. Blacks suffer harsher penalties than whites in social control systems. For instance, black students are more likely than whites to be disciplined or suspended (Fenning & Rose 2007, Wallace et al. 2008). According to data collected by the US Department of Education (2012), African American students are more than 3.5 times more likely to be suspended or expelled than their white peers.

This pattern of harsher punishment for blacks exists in other spheres. For example, case workers are more likely to discipline black than white welfare recipients (Monnat 2010, Fording et al. 2011). Ayres & Borowsky (2008) found that Los Angeles police were more likely to stop black motorists than non-Hispanic whites and, having stopped them, were more likely to make blacks get out of their car, more likely to frisk blacks, more likely to search their cars, and more likely to arrest them. Importantly, stops of blacks were less likely to lead to a citation or arrest, and searches and frisks of blacks were less likely to reveal a weapon than stops, searches, and frisks of non-Hispanic whites, indicating that traffic officers' disproportionate scrutiny of blacks was unwarranted. Alexander (2012) provides scores of additional examples.

Burgeoning research has systematically documented the vastly disproportional arrest and incarceration of black boys and men (Pettit & Western 2004; Wakefield & Uggen 2010, figure 5; Lyons & Pettit 2011). This disparity to which racial discrimination contributes has increased at an alarming rate (Alesina & Farrara 2011). The effect of race within the criminal justice system is strong and, as I show below, consequential.

Race-Linked Disparities as the Parts of a Race Discrimination System

This section discusses how race-linked disparities in subsystems give rise to a self-perpetuating system of race discrimination.

Feedback effects across subsystems. The sine qua non of a system—reciprocal feedback

across subsystems—is a well-established phenomenon, repeatedly reported in research on racial inequality. Residential racial segregation links many of the major subsystems by concentrating blacks in neighborhoods that lack good schools and health care, while exposing them to environmental hazards, economic exploitation, and punitive policing (Menendian et al. 2008, Rugh & Massey 2010). More generally, feedback relationships exist between residential segregation, education, employment, socioeconomic status, the cost and quality of healthy food, community resources, and health care (Denton 1996; Card 2007; Williams & Mohammed 2009, p. 35), and between education, employment, credit, housing, and health subsystems (Blank et al. 2004). Prisons’ “long reach,” as reviewed in Wakefield & Uggen (2010, p. 389), contributes to lifelong disparities in employment, wages, credit, health, housing, and enfranchisement (Massoglia & Warner 2011, Rodriguez & Emsellem 2011, Alexander 2012). The differential treatment of black and white children and their families within the health-care and criminal justice systems and in labor and credit markets contributes to racial disparities in educational attainment (Barton & Coley 2010). Discrimination in credit markets contributes to higher rates of loan default, with negative effects on minority entrepreneurship, home ownership, and wealth accumulation. Discrimination in housing markets contributes to residential segregation, which is associated with concentrated disadvantage, poor health outcomes, and limited educational and employment opportunities (Pager & Shepherd 2008, p. 199). The redundancy in this paragraph mirrors the redundant links connecting race to advantage and disadvantage in the United States.

In sum, within each subsystem, (a) racial disparities favor whites, (b) ongoing race discrimination is implicated in the disparities, and (c) disparities are causally interdependent across subsystems. At minimum these three facts demonstrate the existence of a system of the accumulation of white advantage and black disadvantage (Blank et al. 2004; Blank 2005, p. 100).

I argue, however, that their consequences are more dire: Collectively they constitute a system that infects American society and all of its institutions with race discrimination and that harms virtually all Americans of African ancestry.

Applying a systems perspective to race-linked disparities clarifies the causal relationship between an observed disparity and systemic discrimination, thereby vitiating the otherwise customary analytical attempts to apportion the gap between racially neutral factors and discrimination. More important, a systems perspective elucidates the efficacy of potential remedies for disparities. Ending disparities requires a different approach when they emanate in part from a system.

Emergent discrimination. A systems perspective recognizes that a set of subsystems operating in several domains have emergent effects that none of its subsystems can produce on its own. I argue that pervasive racial disparities across multiple domains have given rise to a system of race discrimination whose emergent effects implant *über* discrimination into our minds, culture, and institutions.

System-wide race discrimination is fueled by processes operating in multiple sectors that collectively fuel a larger entity that can in turn cause other effects in those sectors. Although some degree of discrimination exists in each of the subsystems I have discussed, other factors also contribute to race-linked disparities. Importantly, however, emergent discrimination intensifies disparities within each sector. Consider housing markets. Explicit race discrimination by sellers, real estate agents, and mortgage brokers; redlining; and restrictive covenants are direct discriminatory causes of housing segregation. Even if discrimination’s only direct effect were on where people lived, it would indirectly contribute to black-white disparities in schooling, health care, the cost of insurance, the opportunity to accrue wealth, etc. In sum, direct discrimination within subsystems exacerbates disparities in other subsystems in part by creating emergent (*über*) discrimination.

The impact of emergent discrimination. A particular value of a systems perspective for understanding pervasive race-linked disparities is the perspective's insight that systems have emergent properties that are themselves causal agents. *über* discrimination operates at a meta level, influencing the cultural and social contexts in which people act. In social psychological terms, it distorts how we see others, the attributions we make about them, and our predictions of their performance. It misinforms our understanding of events and our inferences about causes and consequences. Emergent—or *über*—discrimination transforms the race-related disparities across the range of domains into a race discrimination system. By affecting the social and cultural milieu, this system makes race salient in a way that distorts our perceptions and feelings.

Figure 1 offers a simplified representation of the race discrimination system in the United States. Although a three-dimensional figure would better convey emergent (i.e., *über*) discrimination, in this two-dimensional representation its location in the middle of the subsystems and its reciprocal links with each subsystem indicate both how emergence occurs and what its effects are (*blue arrows*). (A single three-dimensional, two-headed arrow shaped like an upside-down funnel with a base that encompass all of the subsystems would better represent the joint effects of the subsystems on the emergence of *über* discrimination, and the latter's effects on each subsystem.)

Most social scientific explanations of racial disparities within subsystems distinguish between nondiscriminatory and discriminatory causes. For example, analyses of black-white differences in morbidity focus on diet or biological factors that render one group more susceptible to certain diseases. However, through the race discrimination system, apparently race-neutral factors can be traced to the effects of discrimination in one or more race-linked risk factors. **Figure 1** reflects this in recognizing emergent discrimination as the fundamental cause of any apparent nondiscriminatory causes of observed disparities.

ENDING AMERICA'S RACE DISCRIMINATION SYSTEM

Systems inherently resist change for three reasons. First, feedback effects among their component subsystems usually counteract the effects of exogenous pressures to change. Second, the mechanisms that give rise to a system's emergent product tend to be redundant; when some are eliminated, others replace them. Third, the groups that contributed to the creation of a system and benefit from it have a stake in its survival (Liebersohn 1985, Rugh & Massey 2010). However, strategies exist for changing systems. One takes advantage of the fact that most systems have leverage points—points in a subsystem that are essential for system maintenance. Consider, for example, the weather and agricultural systems in the Great Plains just east of the Rocky Mountains. The rainfall was sufficient only for grass crops such as wheat, and even for these crops not always enough. In the early twentieth century, droughts and crop failures prompted the Bureau of Reclamation to build dams to divert melting snow into pipelines and irrigation ditches. Irrigating the arid grasslands transformed the weather-agriculture system, creating fertile farmland that supported a reliable and diverse assortment of crops.

A second way to eradicate a system's emergent product is the introduction of an exogenous force that acts simultaneously on all of its subsystems. The US Army used this strategy to end race discrimination. In one fell swoop it implemented a sanctioning system that banned race-based treatment and supported a culture that emphasized allocation based on ability and rank (Moskos & Butler 1997). The automatic "trading curbs" built into financial markets is another example. These trading curbs quell potentially catastrophic market fluctuations spurred by a frenzy of electronic trades generated by predetermined algorithms by giving traders time-outs to consider trades (Litan & Santomero 1998).

Twice in US history has an opportunity existed to dismantle the race discrimination system. The first time was at the end of the Civil

War when Congress abolished slavery, passed the Fourteenth and Fifteenth Amendments to the Constitution, and enacted the Civil Rights Acts of 1866. These acts freed enslaved blacks and accorded to all US-born blacks citizenship rights equal to those of whites.³ In theory, ensuring equal legal status to blacks and whites may have been a leverage point that ended the use of race in allocating advantages and disadvantages. And these interventions improved the lives of many African Americans. For the most part, however, their effects were short run because federal support was short lived and blacks were concentrated in the South, which had the greatest stake in the status quo ante. When the federal government withdrew from the vanquished South, it was replaced by a new system of oppression: state-mandated racial classification, black codes, the renewed disenfranchisement of blacks, and the Jim Crow doctrine of separate and unequal, as well as systematic repression achieved through economic exploitation, terror, and violence (Myrdal 1944, Dawson 1994).

Almost 100 years later, the federal government leveled a second broad attack on the discrimination system. Between 1964 and 1972, it outlawed race discrimination in employment and labor unions, public accommodations, education, credit, mortgages and voting, as well as discrimination by any entity funded by the federal government.⁴ During this period, the courts began enforcing the 1954 Supreme Court decision in *Brown v. Board of Education* (Orfield 2001, p. 16). These actions by the federal government were exogenous shocks to the race discrimination system, shown by the red arrows in **Figure 2**. By

increasing access to public accommodations, mortgages and other credit markets, and the political process, these laws improved the lives of untold numbers of black Americans. The black-white gaps in earnings and educational attainment narrowed (Card & Krueger 1993, figure 1; Orfield 2001), and occupational and school segregation declined (King 1992, Orfield 2001).

Although hundreds of thousands of blacks benefited from the regulatory actions during the civil rights era, by the end of the 1970s black progress stalled, and gains in some domains were lost. These reversals occurred in part because the attack on race discrimination had been too piecemeal. Laws were enacted over several years, had different mandates, involved different regulatory agencies with different enforcement mechanisms, and imposed few if any sanctions on lawbreakers. In addition, regulatory agencies, which were underfunded and deluged with complaints, were reactive, placing the enforcement burden on discrimination's victims, who were often poorly positioned to challenge more powerful entities. By the 1980s complainants faced an increasingly conservative judiciary that limited the efficacy of discrimination laws and affirmative action plans. For example, federal judges terminated court-ordered busing, declaring segregated school districts unified and hence beyond remedy, although no plaintiff had sought this change (Orfield 2001, pp. 16–17).⁵

The federal government's attacks on discrimination were not sufficiently widespread to overcome the reinforcing relationships among subsystems within the race discrimination system. Residential segregation remained high in large cities, bolstering racial disparities across other domains. Lawmakers and regulators were in no hurry to end the race discrimination

³Of course, these changes did not make black women legally equal to men.

⁴These laws include the 1964 Civil Rights Act, the 1968 Fair Housing Act (amended in 1988 to increase the government's enforcement powers), the 1974 Equal Credit Opportunity Act, the 1975 Home Mortgage Disclosure Act, and the 1977 Community Reinvestment Act. During the same period, presidential executive orders prohibited race discrimination within the federal government and by federal contractors.

⁵Most recently, the Supreme Court struck down race-based student-assignment policies in Seattle and Louisville, cities that had voluntarily addressed de jure segregation by distributing students more evenly across schools [*Parents Involved in Community Schools v. Seattle School District No. 1* (2007), decided with *Meredith v. Jefferson County Board of Education* (2007)].

system, and opponents to discrimination failed to understand that discrimination was a system that required a coordinated assault.⁶ In sum, although the attacks on discrimination benefited many African Americans, they were never sufficiently broad in their reach or sustained in their enforcement to surmount the ongoing cultural and cognitive biases generated by entrenched *über* discrimination.

A recent analysis argues compellingly that even during the civil rights era, the Republicans had begun an attempt to win over Southern Democrats by playing on their racial fears of black violence (Alexander 2012, pp. 44–48). Nixon’s success in linking race and crime created broad political support for a national war on crime that evolved during the Reagan administration first into a war on drugs and later into a war on crack cocaine (Alexander 2012). Concomitant with the retrenchment in the enforcement of civil rights laws was the coup de grace: In 1986 Congress enacted massively disproportional prison sentences for persons convicted of possessing crack cocaine, a form of cocaine that was cheaper than powdered cocaine and that was marketed in predominantly black communities. This disparity in sentencing, for which there was no scientific justification, has led to the mass incarceration of black men and boys (Mauer 2003, Alexander 2012). Of all the race-linked disparities reviewed above, the disparity between blacks’ and whites’ risks of incarceration has grown the most rapidly and is the most consequential (Western 2002, Mauer 2003, Wakefield & Uggen 2010, Schnittker et al. 2011). And mass incarceration of black men ensures their subsequent disadvantage in and even exclusion from other domains, including the labor market, the credit market, political and civic participation, and access to certain economic safeguards.

The United States has used three systems to subordinate blacks: slavery, Jim Crow racism,

and segregation. The mass incarceration of black men (which Alexander 2012 termed “The New Jim Crow”) now appears to be a fourth. I am not arguing that ending slavery did not transform life for American blacks or that the Civil Rights Movement and the laws and regulations arising from it did not permit a sea change in the socioeconomic opportunities of many African Americans. Nonetheless, today in virtually every realm for which evidence exists—from the bottom to the top of the socioeconomic hierarchy—whites remain better off, on average, than blacks. The existence of a race discrimination system does not mean that every African American is always denied opportunities because of her race or that discrimination on the basis of one’s race is an inescapable feature of American life. But it does mean that being black reduces one’s opportunities and increases one’s risk of adverse events. And it continues to do so, I submit, because of the existence of a discrimination system based on race.

NOW WHAT?

The effects of being black in America have been well documented. But until we recognize that disparities in schooling, employment, housing, credit markets, health, incarceration, etc., are part of and perpetuated through a system of racial disadvantage, even the best research can neither explain white-black disparities nor move us toward a fairer society. Barring across-the-board interventions or strategic manipulation of leverage points, the race discrimination system is self-perpetuating.

The argument that widespread racial disparities are part of a fully developed discrimination system shares some of the premises of cumulative disadvantage theory (DiPrete & Eirich 2006). Myrdal (1944) described “the Negro problem” as a vicious cycle of “cumulative causation.” More recently, scholars have characterized racial inequality as a system of cumulative disadvantage across spheres (Blank et al. 2004, Blank 2005, Menendian & Watt 2008, Schnittker et al. 2011). For example, “[t]hrough spillover effects across domains,

⁶The efficacy of small comprehensive pilot programs designed to address inequality attests to the efficacy of a system of simultaneous across-the-board interventions (see, e.g., Duncan et al. 2007).

processes of cumulative disadvantage across the life course, and feedback effects, the effects of discrimination can intensify and . . . become self-sustaining” (Pager & Shepherd 2008, p. 199).

I argue that a systems approach is more useful than cumulative disadvantage theory for understanding persistent racial inequality because it recognizes that race discrimination is an integrated structural entity that simultaneously obscures the causes of disparities within each sphere and amplifies their effects. Moreover, a systems perspective is more likely than a cumulative disadvantage perspective to generate effective remedies. A cumulative disadvantage approach assumes that groups can avoid becoming trapped by catching up in important spheres. This assumption is the basis for the logic behind affirmative action in education or employment. In contrast, according to a systems perspective, racial disparities are robust because emergent discrimination constrains the paths through which blacks can overcome accrued disadvantages. Thus, a systems approach better accounts for the persistence of racial disparities despite the periodic implementation and enforcement of policies ostensibly designed to reduce them. A system whose emergent property is discrimination will sustain discrimination until feasible interventions are devised and policy makers muster the will to implement them more or less at once across multiple subsystems.

Explaining Disparities, Detecting Discrimination

An enduring effect of the antidiscrimination laws of the 1960s was that people and organizations stopped admitting that they treated blacks and whites differently. This end of open discrimination has made it almost impossible to detect discrimination. Researchers can infer its occurrence only by controlling for the effects of every possible nondiscriminatory reason for a disparity. In conventional regression analysis if the control variables rendered the coefficient for race nonsignificant, researchers would

conclude that discrimination had not caused an observed disparity. If the coefficient remained significant, researchers who planned to subject their analyses to peer review had to address whether omitted variables might have produced the disparity. Only after showing that a disparity could survive both actual and theoretical control variables could researchers conclude that discrimination might have contributed to the disparity. Given these hurdles, sociologists rarely attribute disparities to discrimination except in audit studies. The scrupulous efforts that researchers take to be sure that we do not misattribute a disparity to discrimination has prevented sociologists from acknowledging—much less explaining—pervasive race discrimination in America.

As Mickelson (2003, p. 1074) pointed out in a thoughtful essay on racial disparities in education, “distinguishing racial discrimination from racial disparities is . . . an interesting intellectual, legal, and statistical challenge with possibly important policy implications [, but] in the everyday lives of black and white students . . . , this distinction probably is less meaningful than social scientists and policy makers might hope.” I will go even further: The primary product of applying our sophisticated analytic tools to deciding whether discrimination contributed to observed disparities is publications. We cannot reduce persistent black-white disparities in any sphere until we recognize that the interrelatedness of disparities across all spheres gives rise to meta discrimination that reinforces blacks’ disadvantage across every sphere. This assertion implies a different (and, in my opinion, more worthy) analytic challenge for inequality researchers: designing and carrying out research whose object is developing policies that can make America more just.

Mickelson (2003, p. 1052) proposed that instead of asking when racial disparities in education are due to discrimination, we should ask, “When are racial disparities *not* due to discrimination?” (p. 1075, emphasis in original). Answering the second question will be more useful for closing the racial gap than answering the first. The research reviewed above leaves

little doubt that discrimination is implicated in every form of racial inequality (see also Pager & Shepherd 2008).⁷ A systems perspective explains this regularity by recognizing that the emergent property of race-linked disparities in myriad subsystems is *über* discrimination, which has a life of its own. If racial discrimination in the United States is indeed such a system, then our default hypothesis must be that discrimination is implicated in all observed disparities, a hypothesis that we must accept unless we can demonstrate that it is false.

The customary approach to analyzing disparities regresses a dependent variable on potential causal factors. The analyst infers as causes those variables whose partial regression coefficients are statistically significant. The logic of this approach implies that if X has a statistically significant and substantively nontrivial net effect on a disparity, closing it requires changing X. However, as Lieberman (1985, p. 185) and Link & Phelan (1995, p. 89) have shown, the validity of this inference depends on whether X is Y's "basic" (or in Link & Phelan's terminology, "fundamental") cause or a "superficial" (or "surface") cause. A basic cause generates the outcome of interest (Y), whereas a superficial cause may do so only temporarily (Link & Phelan 1995).

The strategies that Southern states used to prevent blacks from registering to vote illustrate the difference between basic and superficial causes. Southern states prevented almost all blacks from voting until the late 1960s by making registration impossible. Segregationists' tactics included requiring one or another of the following: prohibitive poll taxes, literacy tests, evidence that one's grandfather had been a registered voter, frequent re-registration, lengthy residence in a district, that registration be limited to inconvenient times (e.g., during the planting season), or information that was unavailable to many blacks (e.g., addresses because

black neighborhoods often lacked street names and numbers). If all else failed, they turned to threats, violence, and economic reprisals. Each of these tactics was a superficial cause of blacks' low registration in the Deep South states. In a regression equation, the use of any of these strategies—say, a literacy test—would correlate strongly with the proportion of blacks who were registered. But banning any specific requirement (which Congress and the courts did at various times) did not increase black voting because each was a superficial cause of blacks' low voter registration. The basic cause was the monopoly of power by a white minority who could retain that power only by preventing blacks from voting. Between the time that black men were given the constitutional right to vote and when they were able to do so, all the tactics the Southern states employed to disenfranchise blacks were superficial causes. Enfranchising Southern blacks required almost 100 years, 6 Supreme Court decisions, an amendment to the US Constitution, an Act of Congress, and the loss of an untold number of lives.

Analyzing discrimination as the emergent product of a system of disparities presents analytic challenges. As Myrdal (1944, p. 1069) recognized, researchers must solve "an interconnected series of . . . equations, describing the movement of the actual system under various influences." Although Myrdal recognized in 1944 that this strategy was "far behind the horizon," he believed that it was possible in principle. Duncan (1967, p. 98), who also called for solving multiple equations, saw the primary obstacle in designating targets for social policy interventions as "a lack of knowledge of the causal connections among indicator variables." Although estimation procedures, including techniques to solve simultaneous equations, have advanced a great deal since 1944, we still lack the theoretical and statistical acumen to realize Myrdal's dream of solving a set of simultaneous equations in a complex system with feedback effects, emergent properties, and tons of endogeneity. But that does not mean that we should dismiss the idea of a discrimination

⁷I apologize to black readers for presenting as controversial what to them is obvious.

system. For the time being, we must acknowledge that ignoring discrimination's likely effects misspecifies our analytic models. Even more importantly, we must design our research with an eye toward identifying possible interventions in the discrimination system.

Strategies to Eliminate Race-Based Disparities

Several general theories address the causes of race discrimination: conscious or automatic prejudice or antipathy (Allport 1954, Becker 1971, Greenwald & Banaji 1995), competitive threat (Blalock 1956), a sense of group position (Blumer 1958, Lieberman 1985), and efficiency (Mayhew 1968, Phelps 1972, Arrow 1973). Although each of these is no doubt implicated in race discrimination, none is testable because all involve mental states that are themselves endogenous to the effects of emergent discrimination (for an ingenious exception, see Ayres 2001, pp. 45–87). None has given rise to effective remedial policies. Systems theory points to several ways to transform or weaken a system: introducing an exogenous force that acts simultaneously on the subsystems, intervening on a leverage point within an influential subsystem and thereby changing other subsystems, moving subsystems out of the race discrimination system, and altering common practices within subsystems to sharply reduce disparate treatment and disparate impact.

An exogenous force that acts on every subsystem. If, as I argue, emergent discrimination sustains a belief system that reifies race, stigmatizes blacks, and blames them for intractable black-white disparities, then dismantling this race discrimination system will require a well-organized, sustained intervention by a central authority that enjoys legitimacy and commands resources. These conditions existed on the few occasions when the United States seriously addressed racial inequality. Reconstruction after the Civil War had the support of the victorious federal government, was funded by

Congress, and was enforced by the Army. Without question it made a difference for many African Americans and their descendants. But the premature withdrawal of federal support limited its impact.

Between 1940 and 1964, several US presidents exercised their executive authority to create more opportunities for black Americans, but few lasted beyond the president's tenure in office (apart from Truman's executive order integrating the armed forces), and relatively few blacks benefited (Graham 1990, Reed 2011). Lyndon Johnson's success in muscling major civil rights legislation through Congress and creating enforcement agencies was exceptional. His civil rights agenda failed to dismantle the discrimination system, however. First, Congress would not pass a single omnibus civil rights law covering many important spheres or endorse a regulatory agency with sanctioning power. Second, opposition to the Vietnam War held Johnson to a single full term, precluding sustained executive leadership in opposing race discrimination. The civil rights legislation of Johnson's presidency created a few underfunded enforcement agencies that were easy targets for subsequent Congresses, presidents, and federal judges to weaken.

The United States has agreed in principle to eliminate all forms of discrimination by signing the United Nations Convention on the Elimination of All Forms of Racial Discrimination. According to the authors of a 2008 progress report to the United Nations, although programs exist in the United States to address racial discrimination in housing, education, health care, and employment at all levels of government, state and federal agencies are underfunded and lack enforcement power, and these programs are fragmented and uncoordinated, which means that the causes of disparities that are under the auspices of one agency (e.g., health) are under the oversight of a different agency (e.g., housing) (Menendian et al. 2008, p. 19). A single authoritative entity, with a mandate to act, could make a difference. In their recent analysis of the impact of residential

segregation on the foreclosure crisis, Rugh & Massey (2010, p. 646) recognized the importance of coordinated efforts. They called for permanent programs within the Departments of Labor, Commerce, Treasury, and Housing and Urban Development to monitor and remediate race discrimination through regular audits of markets for jobs, goods, services, credit, and housing. I agree as to the importance of structures charged with monitoring and remediation, but would go further. The coordination needed for effective intervention would be most likely in a single cabinet-level agency that houses all federal programs charged with proactively monitoring and eliminating race discrimination within all spheres. Although the call for a cabinet-level agency dedicated to ending discrimination may strike readers as naive, in the 1950s no one would have dreamed that ten years later Congress would outlaw race discrimination in employment, public accommodations, housing, credit, and voting.

Acting on leverage points. Where are potential leverage points in the race discrimination system in which intervention can make a difference? The feedback relations across subsystems shown in **Figure 1** do not point to a leverage point. However, there is a theoretical basis for viewing neighborhood segregation as a leverage point. The concentration of millions of African Americans in predominantly black urban ghettos makes black-white disparities inevitable. Physical separation is the most efficient mechanism for intended and unintended unequal treatment. It makes it easy for decision makers who distribute resources to do so unevenly, and it has the advantage of keeping both the more and less advantaged ignorant of the disparities in the quality, cleanliness, and safety of their streets and playgrounds, the products available to them and their costs, the risks of going outdoors and the air they breathe when they do, the quality of their public transportation, the convenience of nearby medical facilities, and the pleasures of seeing flowers and trees growing in one's neighborhood. In addition to the theoretical case, the research reviewed above

on the interdependence across subsystems has documented the centrality of residential segregation.

Residential segregation is amenable to policy interventions. Federal, state, and local governments provide tax incentives to shape the behavior of employers and other public and private actors, and they can encourage residential integration through tax incentives such as substantially lower property taxes in predominantly black neighborhoods (and grandfathering in lower taxes so black residents are not driven out of their neighborhoods as they offer more amenities and attract more whites). Other inducements to integrate predominantly minority communities include attracting businesses (through tax breaks), developing well-maintained and engaging public spaces that feature cultural events such as concerts or Friday night movies, and making such areas the sites for resources that the larger community can enjoy (bike paths, swimming pools, libraries, gyms, evening classes). In other words, incorporating into black communities the amenities that exist in predominantly white communities combined with systematic challenges to practices that confine blacks to predominantly minority neighborhoods offer a potential leverage point for weakening a key subsystem in the discrimination system.

Removing institutions from the discrimination system. Domains that function as total institutions may insulate themselves from the race discrimination system. The Army's success in minimizing racial inequality is an example (Moskos & Butler 1997, Lundquist 2008). The US Army's policy banning race discrimination was enunciated from the top and implemented within a relatively short time (Moskos & Butler 1997). Other domains that operate as total institutions and can segregate themselves from the larger society (e.g., religious orders, athletic teams) may be able to insulate themselves from discriminatory subsystems (Blalock 1967). While too few organizations are sufficiently isolated, their successes demonstrate that it can be done.

Increasing accountability, reducing discretion. Because *über* discrimination operates partly through distorting our thought processes (Greenwald & Banaji 1995), a third strategy for limiting discrimination involves implementing decision-making practices that minimize these distortions. One such process holds decision makers accountable. When people know that they are going to be held accountable for making fair decisions, they are less likely to be biased by irrelevant factors (Lerner & Tetlock 1999, Kalev et al. 2006, Castilla 2008).

A second beneficial practice is to minimize decision makers' discretion in allocating opportunities or penalties. Because discretionary decisions are necessarily subjective, they open the door to cognitive (as well as intentional) bias. For example, which houses real estate agents show prospective buyers and renters is often a matter of agents' discretion, which steering reflects (Ross & Turner 2005). In the mortgage industry, replacing individuals' decisions with automated risk assessments and underwriting has reduced the racial gap (Gates et al. 2002; Williams et al. 2005, p. 184). The discipline meted out to welfare recipients disproportionately disadvantages blacks over non-Hispanic whites when public assistance workers have discretion (Schram et al. 2009).

Within the criminal justice system in which racial discrepancies have increased alarmingly, discretion often is the norm. As Alexander (2012, p. 61) showed, the lack of constraints on police discretion has become part of the design of the "war on drugs." And racial disparities are larger when arrests are discretionary (Ayres & Borowsky 2008). In addition, the disposition of cases is entirely a matter of prosecutorial and judicial discretion (Alexander 2012, pp. 87, 115). As Alexander (2012, p. 117) concluded, the "immuniz[ation of] prosecutors from claims of racial bias and fail[ure] to impose any meaningful check on their discretion in charging, plea

bargaining, transferring cases, and sentencing has created an environment that allows conscious and unconscious biases to flourish."

In sum, requiring public agencies, nonprofits, and federal contractors among others to implement genuine accountability and to minimize discretion will weaken disparities across subsystems.

CONCLUSIONS

There has never been a time in the United States when people's race did not affect where they lived, what schools they could attend, their opportunity (if any) for higher education, their hope for decent jobs, their access to affordable, high-quality health care, and the severity of the penalties for perceived wrongdoing. Thus, there has never been a chance to staunch the flow of disadvantage across subsystems, much less to end the vicious cycle in which disparities spread across spheres. I have argued that we must recognize disparities across interrelated spheres as a system that itself produces *über* discrimination that distorts our perceptions and warps how our culture views blacks. In the view that discrimination is maintained by the feedback effects among its components and by the effects of *über* discrimination, research seeking to explain disparities within a single domain is misspecified, and debates regarding the relative importance of discrimination for specific disparities are futile. Although I discuss possible strategies and loci for intervention to illustrate a systems perspective approach, coming up with feasible and politically realistic solutions is far beyond my expertise. Instead, my object is to offer a more fruitful starting point for students of racial inequality and to remind them that their subject matter is not simply a specialty upon which to build an academic career. For millions of Americans it is literally a matter of life and death.

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I have served as an expert witness for the plaintiffs in race discrimination cases. I have been compensated for this work, but I have donated all earnings. I am not aware of any affiliations, memberships, funding, or financial holdings that might have affected the objectivity of this review.

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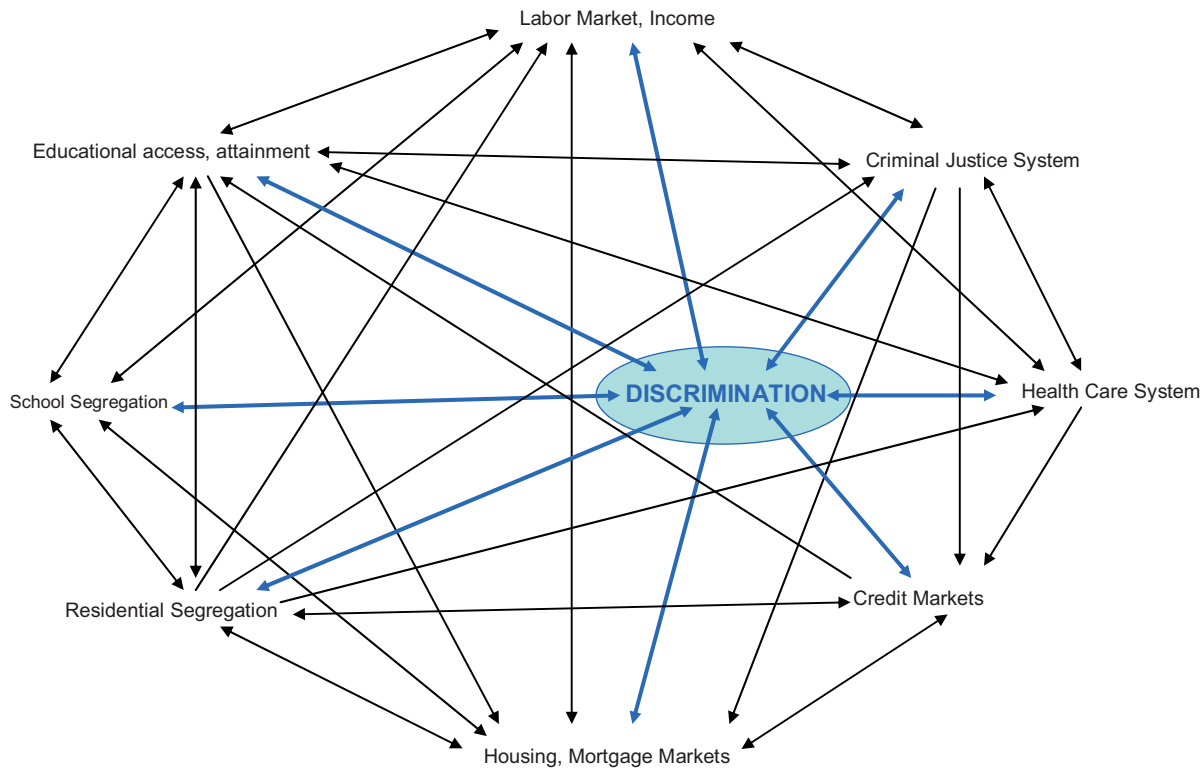


Figure 1

The race discrimination system and emergent discrimination.

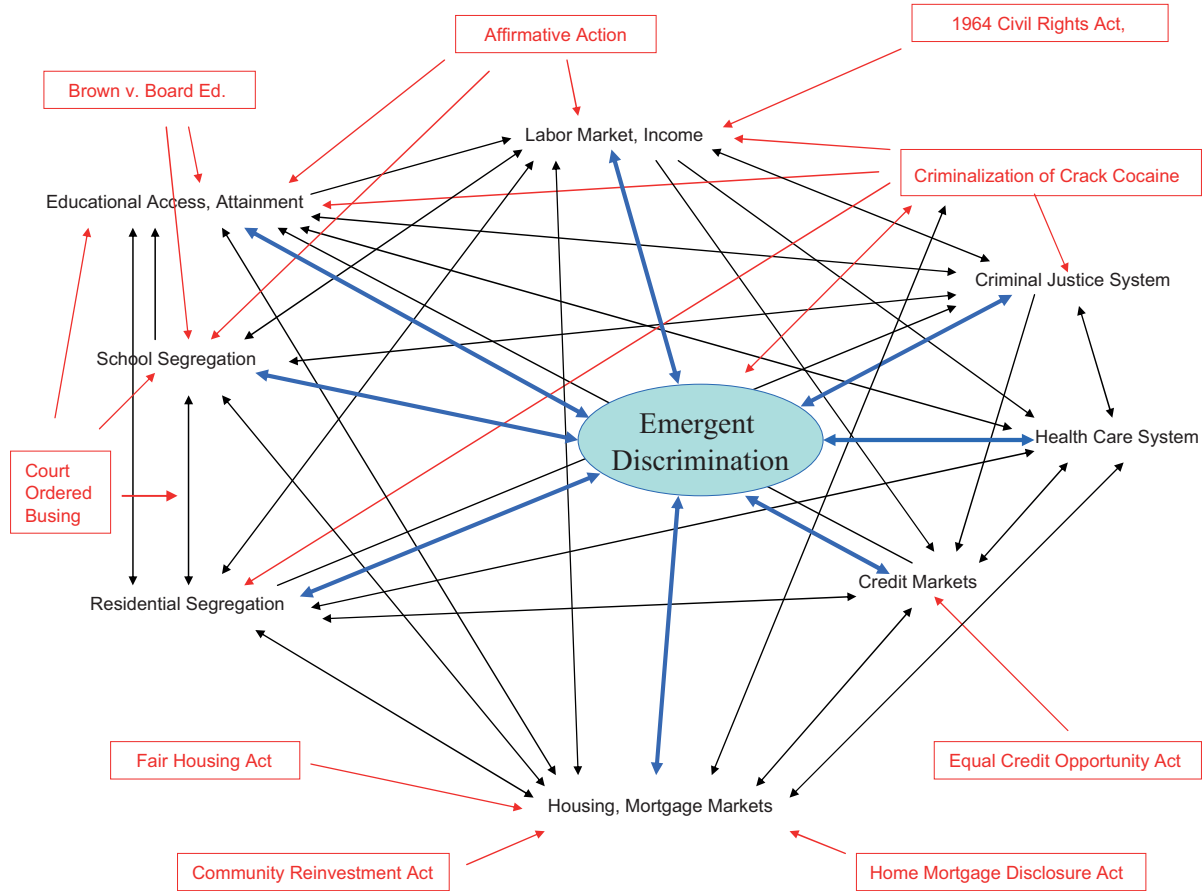


Figure 2

Exogenous shocks to the race discrimination system.



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