

Discrimination Comes in Many Forms

Individual, Institutional, and Structural

FRED L. PINCUS

University of Maryland Baltimore County

Three different types of discrimination are defined and analyzed. Individual and institutional discrimination refer to actions and/or policies that are intended to have a differential impact on minorities and women. Structural discrimination, on the other hand, refers to policies that are race or gender neutral in intent but that have negative effects on women, minorities, or both. Concrete examples of each type of discrimination are presented and pedagogical techniques for using these concepts are provided.

Discrimination is a critical term in understanding problems associated with diversity. Historically, of course, discrimination has been a major cause of the lack of diversity in higher education and the rest of society. In the 1990s, race and gender discrimination still permeate the institutions and structure of the United States even though most white Americans view discrimination as relatively unimportant.

Several years ago, I wrote that there were three different levels of discrimination—individual, institutional, and structural (Pincus, 1994). *Individual discrimination* refers to the behavior of individual members of one race/ethnic/gender group that is intended to have a differential and/or harmful effect on the members of another race/ethnic/gender group. *Institutional discrimination*, on the other hand, is quite different because it refers to the policies of the dominant race/ethnic/gender institutions and the behavior of individuals who control these institutions and implement policies that are intended to have a differential and/or harmful effect on minority race/ethnic/gender groups. Finally, *structural discrimination* refers to the policies of dominant race/ethnic/gender institutions and the behavior of the individuals who implement these policies and control these institutions, which are race/ethnic/gender neutral in intent but which have a differential and/or harmful effect on minority race/ethnic/gender groups.

Author's Note: All correspondence should be addressed to Fred L. Pincus, Department of Sociology and Anthropology, University of Maryland Baltimore County, 1000 Hilltop Circle, Baltimore, MD 21250.

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In these definitions, the term *dominant* refers to groups that have most of the power in society. In the United States, this refers to Whites, especially white males. The term *minority* refers to groups that lack power; it does not refer to groups that are small. In the United States, people of color and women are minority groups as are certain non-Christian religious groups like Jews and Muslims. People of color also happen to be a numerical minority, but women are not.

When discussing problems of diversity, it is essential to understand the differences between these types of discrimination. Although some social scientists and activists prefer to use the term *racism* to describe these phenomena, I prefer the less pejorative term *discrimination*. I will explain my reasoning below.

INDIVIDUAL VERSUS INSTITUTIONAL DISCRIMINATION

Although both individual and institutional discrimination involve an intention to harm, the level of behavior is quite different. Individual discrimination involves the actions of an individual or small group of individuals. The following are some examples: a lone employer who rejects all Black job applicants, a landlord who refuses to rent an apartment to a single woman, a police officer who beats a Mexican immigrant suspect, a group of teenagers who decide to paint a swastika on a Jewish temple. These are all examples of individuals acting against other individuals because of their group membership.

With institutional discrimination, on the other hand, the discriminatory behavior is embedded in important social institutions. Jim Crow segregation in the South during the first half of the 20th century is one clear example. State laws mandated the separation of Blacks and Whites in all areas of life. Using any of the 1-hour segments of the *Eyes on the Prize* documentary on the Civil Rights movement is an excellent way to illustrate the historical nature of institutional discrimination. Almost all students, Black and White, are appalled when they see film clips of legal segregation in schools and busses and easily identify with the battle against legal segregation. A discussion of South African apartheid is another easy way to illustrate institutional discrimination.

Unfortunately, it is more difficult to convince students, especially many Whites, that institutional discrimination still exists in the 1990s, long after the abolition of legal segregation and the passage of many important civil rights bills. Many people believe that the United States is reasonably meritocratic and that only sporadic cases of individual discrimination still remain.

A 1993 Gallup Poll, for example, posed the following question: "How serious a problem do you think discrimination against blacks is where you live?" Almost two thirds of the Whites said that discrimination was not too serious or not at all serious. Less than one third said it was somewhat serious or very serious. Black responses were the opposite of the White responses, with two thirds of the Blacks viewing discrimination as very or somewhat serious and less than one third viewing it as not serious (Gallup, 1993).

The events surrounding the Rodney King beating by five White Los Angeles police officers in 1991 and the resulting riot provide a good vehicle to discuss these issues. If the beating was an isolated incident of several officers brutalizing a Black suspect, we could call it individual discrimination. However, it gradually became clear that leadership of the Los Angeles Police Department tolerated and often condoned antiblack activities. The atmosphere was so lax that officers felt free to use racial slurs on their car radios even though they knew that they were being recorded. The beating, then, becomes an example of institutional discrimination because it involved policies of the entire department.

The 1992 trial and acquittal of the officers involved in King's beating, which resulted in the Los Angeles riot of 1992, illustrates institutional discrimination in the criminal justice system. The defense requested a change of venue and the trial was moved to a conservative, predominantly white community of Simi Valley. In spite of the documentation of the beating by an amateur photographer, an all-White jury eventually acquitted the officers. It is hard to find a clearer case of how institutional discrimination in the criminal justice system hurts Blacks. The Los Angeles riots broke out immediately after the acquittal.

Ironically, a very similar situation occurred in Miami in 1980 after several White and Hispanic police officers were accused of beating Black motorist Arthur McDuffey to death. This trial was also moved from Miami to a predominantly white area of Florida. The police officers were acquitted and a riot ensued. The events surrounding the Miami riot are documented in one of the *Eyes on the Prize II* segments.

Before discussing the underlying sociological causes of either riot, however, I read the following segment from a previous riot commission report to my class:

The relations of whites and Negroes in the United States is our most grave and perplexing domestic problem. . . . Many white Americans, while technically recognizing Negroes as citizens, cannot bring themselves to feel that they should participate in government as freely as other citizens.

It is important for our white citizens always to remember that the Negro alone of all our immigrants came to America against their will by the special compelling invitation of the whites; that the institution of slavery was introduced, expanded, and maintained in the United States by white people and for their own benefit; and that they likewise created the conditions that followed emancipation.

Our Negro problem, therefore, is not of the Negro's making. No group in our population is less responsible for its existence. But every group is responsible for its continuance; and every citizen, regardless of color or racial origin, is in honor and conscience bound to seek and forward its solution. (Chicago Commission on Race Relations, 1922, p. iv)

After explaining that the report goes on to document discrimination in housing, education, employment, and so on, I ask students to identify the riot that is being discussed. Even the most politically conscious Black students are stunned to hear that this refers to the 1919 Chicago riot. Institutional discrimination against Blacks is hard to eliminate.

The struggles of women to enter the Virginia Military Institute (VMI) and The Citadel are good examples of institutional discrimination because both

state-supported institutions denied admission to women until 1996. Virginia even established a "separate but equal" program for women at Mary Baldwin College, a private women's institution. In June 1996, the U.S. Supreme Court ruled that VMI's all-male policy was unconstitutional because the institution received public funds. Although not directly involved in the decision, The Citadel subsequently announced that it would begin admitting women. VMI administrators and alumni, on the other hand, said that they would explore privatizing the institution to retain its all-male admissions policy (Lederman, 1996; Mitchell, 1996). This is reminiscent of how many southern states tried to avoid racial integration in the 1950s by closing their public schools and creating private all-White schools.

Institutional discrimination does not just involve the public sector, however. Two large restaurant chains provide examples of how intentional discrimination still exists in the private sector as well. Shoney's Inc., with over 1,800 restaurants in 36 states, had an unwritten policy of denying employment to Blacks in positions that involved customer contact, including waiters, waitresses, and managers. Exceptions were made for restaurants in black communities. Ray Danner, the founder of Shoney's, felt that this was good business because he believed that Whites would not want to eat at a restaurant where they would have to interact with Blacks. In 1992, Shoney's agreed to a \$132.5 million out-of-court settlement to end a lawsuit and agreed to hire more Blacks (Feagin and Vera, 1995; Watkins, 1993).

In another nationally publicized case, the Denny's chain, with over 1,500 restaurants around the country, agreed to a \$46 million out-of-court settlement. In 1993, six Black Secret Service officers were denied service at a Denny's restaurant in Annapolis and filed a complaint. This could have been an example of individual discrimination by a single employer. However, after word of the incident got out, more than 4,000 other Blacks complained of similar treatment at other Denny's restaurants around the country. This, then, was an example of institutional discrimination because the entire restaurant chain had a "blackout" policy which called for denying service to Blacks when they became "too numerous." Waiters and waitresses also were instructed to ask black customers for payment in advance under certain conditions (Feagin and Vera, 1995; Labaton, 1994).

Who can practice discrimination? A person from any race/ethnic/gender group can carry out acts of individual discrimination. A woman employer can refuse to hire a man just as easily as a White can refuse to hire a Hispanic. Similarly, a Black can attack an Asian for simply being Asian just as the Ku Klux Klan can burn a cross in front of a black church. The key issue is the intent to treat unequally or to cause harm because of group membership.

Institutional discrimination, on the other hand, is usually carried out by the dominant group against minority groups because it is the dominant group, by definition, that generally controls the social institutions. Government policies do not discriminate against Whites because Whites developed the policies and often implement them. Large private employers are overwhelmingly White, as

are real estate developers and the owners of banks. It is theoretically possible, however, for a minority-run local government to practice institutional discrimination against Whites.

Using these examples of individual and institutional discrimination would be more problematic if one used the term *racism*. Often, racism is defined as a system of beliefs, policies, and practices designed to maintain White superiority. By this definition, Blacks cannot be racist because they lack power and are the victims of racism; that is, the Black who attacks a White is not practicing racism. When this issue comes up in class, the debate is often very acrimonious and extremely unproductive, in part, because Whites and Blacks use different definitions of racism (Blauner, 1994).

The question here is whether or not members of minority groups can act negatively toward members of the dominant group and the answer is clearly yes. Using the term *individual discrimination* allows the focus to be on how both dominant and minority group members can act in nasty ways toward one another. Although it is possible for women and minorities to practice institutional discrimination against White males, it occurs much less frequently than individual discrimination because white males tend to control most of the social institutions.

At some point during the discussion, a student is bound to ask if affirmative action is an example of institutional discrimination against Whites. I generally say no and argue that affirmative action is intended to create a more level playing field by eliminating the unfair (and often illegal) privilege that has been enjoyed by Whites and that is *still* being enjoyed by many Whites; there is no intention of hurting members of the dominant group, therefore it is not institutional discrimination. I also emphasize the fact that very few Whites are actually hurt by affirmative action (Pincus, 1996). Some White students are always unhappy with this explanation and a spirited discussion often ensues.

INSTITUTIONAL VERSUS STRUCTURAL DISCRIMINATION

Structural discrimination is a more controversial but also a more fascinating concept to discuss because it involves behavior that is race and gender neutral in intent. In fact, the issue of intent is the main distinction between institutional and structural discrimination. Many scholars would not even call this race/gender-neutral behavior discrimination. However, I think it is important to emphasize the negative *effects* on minority groups. This different way of looking at discrimination provokes some excellent discussions.

Consider the lending practices of banks, for example. There is voluminous evidence that Blacks and Hispanics are less likely than Whites to get loans or home mortgages. There are several explanations for this finding, some of which suggest intentional institutional discrimination. The U.S. Justice Department has sued two banks for denying loans to qualified Blacks and Hispanics—the Decatur Federal Loan Association of Atlanta and the Shawmut National Corpo-

ration of New England. Both banks agreed to out-of-court settlements (Labaton, 1993).

In addition, the Federal Reserve Bank of Chicago analyzed almost 2,000 mortgage applications made in the Boston area in 1990. They found that Blacks and Hispanics with bad credit histories were twice as likely to be rejected for mortgages than Whites with bad credit histories. This was attributed to "the existence of a cultural affinity between white lending officers and white applicants, and a cultural gap between white loan officers and marginal minority applicants" (Bradsher, 1995, p. D18). In other words, the white loan officers didn't trust minority applicants.

However, even if banks act in a race-neutral manner toward each customer by only considering their "creditworthiness," Blacks and Hispanics would *still* be less likely than Whites to get loans because of their lower incomes; that is, their creditworthiness is not as strong as it is for Whites. I call this legal lending policy structural discrimination because it has a negative impact on low-income minority groups.

At least one student hand will shoot up immediately. "Banks are profit-making institutions, so what do you expect them to do," says the student. "You have to give loans to those people who have the best chance of paying them back, don't you?"

I reply by saying that although I can understand the bank's behavior, I also am concerned about the negative effect it has on low-income minority communities. This then leads to a discussion of the value of the profit motive versus the value of more Black and Hispanic people getting loans and home mortgages. Do banks have any community responsibility other than making a profit and treating people in a color-blind manner? Chicago's South Shore Bank, for example, has a relatively good record of serving several poor communities (Moberg, 1993). Many students have never even considered this question.

The issue of seniority in employment also brings up the question of structural discrimination. When faced with the need to reduce their workforce, many employers lay off those workers who have been employed for fewer years. However, because minorities often tend to be the last hired, they will be disproportionately represented among those who are laid off. Hence the apparently race-neutral concept of seniority is an example of structural discrimination because it has negative impacts on minority populations.

I would also describe many of the policies of the Contract With America, the Republican Party's 1994 election platform, as structural discrimination. The proposed cuts in Medicaid, food stamps, school lunches, and the Women, Infants, and Children nutrition program would have a disproportionately negative impact on poor people of color and on women. For the sake of discussion, I give the Republicans the benefit of the doubt that they are not prejudiced and not intentionally trying to hurt people of color.

"That's most unfortunate," a conservative student might say, "but we have to balance the budget for the good of the country." This can lead to a discussion of the relative values of budget balancing versus providing services to the poor.

Are there ways to balance the budget without hurting poor people of color? Perhaps reducing the number of new bombers or submarines would be an alternative method.

In both examples, students might say, "Republicans are prejudiced and they don't care about hurting poor people of color" or "Bankers don't want to lend money to Blacks who are financially well qualified." I respond by saying that if the student is right, this would be an example of institutional discrimination. However, I ask them to at least consider the possibility that both the bankers and the Republicans feel bad about the consequences of their actions. However, they think that the positive aspects of making a profit and balancing the budget are simply more important than the negative aspects of hurting low-income people of color. Well-intentioned people who carry out structurally discriminatory policies still hurt minority groups. Being gender-blind or color-blind is not enough.

POLICY IMPLICATIONS

Some students will ask, "What difference does it make whether something is institutional or structural discrimination?" I respond by saying that there are important policy implications about the distinctions between these two concepts. If one is trying to decide how to combat institutional discrimination, it is necessary to convince the leaders or policymakers of the particular institution that it is wrong (immoral, illegal) to purposely treat minority groups in negative ways, for example, banks refusing to lend to qualified Blacks or Republicans taking food out of the mouths of minority children. In addition, one might try to embarrass the perpetrators for their antiminority actions through publicizing their actions. Clearly, neither Shoney's nor Denny's benefited from the publicity.

These arguments, however, are irrelevant to eliminating structural discrimination. For the banks, it is necessary to make the argument that equality is as important as profits or that there should be a better balance between the two. For Republicans, it is necessary to confront the negative consequences of the Contract With America along with the potential gains. The issue for structural discrimination is whether the goals of the race/gender-neutral policies are worth the negative effects.

Although all three types of discrimination are still serious problems, it is harder to deal with structural discrimination than with the other two. After all, structural discrimination is not intentional and it is not even illegal; it is carrying on business as usual. Confronting structural discrimination requires the reexamination of basic cultural values and fundamental principles of social organization. Isn't that what education is supposed to be all about?

APPENDIX

For Further Information

- Feagin, J. R., & Vera, H. (1994). *White racism*. Chapter 2—Navigating public places. An excellent study of how even middle-class Blacks are still routinely harassed and discriminated against in public places like restaurants, department stores, and street corners. Unfortunately, individual discrimination is still alive and well. (Reprinted in abridged form in Pincus & Ehrlich, 1994.)
- Hossfeld, K. J. (1994). Hiring immigrant women. An analysis of how semiconductor manufacturers in California practice both race and gender discrimination in hiring. Based on remarkably candid interviews with employers.
- Kirschenman, J., & Neckerman, K. M. (1991). "We'd love to hire them, but. . . ." Another analysis of employer hiring practices, this time in Chicago. In candid interviews, employers explain that they discriminate against *individual* Blacks and Hispanics because they believe that Blacks and Hispanics *as a group* are less likely than Whites to have such desirable work attitudes as following orders and showing up on time. (Reprinted in abridged form in Pincus & Ehrlich, 1994.)
- Wilson, W. J. (1987). *The truly disadvantaged*. Chapter 6—The limited visions of race relations and the War on Poverty. Although he does not use the term *structural discrimination*, Wilson argues that the social organization of society disadvantages Blacks more than individual and institutional discrimination. Although Wilson has been correctly criticized for minimizing the existence of intentional discrimination, the chapter is still well worth reading. (Reprinted in abridged form in Pincus & Ehrlich, 1994.)
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REFERENCES

- Blauner, B. (1994). Talking past each other: Black and white languages of race. In F. L. Pincus & H. J. Ehrlich, *Race and ethnic conflict: Contending views on prejudice, discrimination and ethnoviolence* (pp. 18-28). Boulder, CO: Westview.
- Bradsher, K. (1995, July 13). A second fed bank study finds disparities in mortgage lending. *The New York Times*, pp. D1, D18.
- Chicago Commission on Race Relations. (1922). *The Negro in Chicago: A study of race relations and a race riot*. Chicago: University of Chicago Press.
- Feagin, J. R., & Vera, H. (1995). *White racism*. New York: Routledge.
- Gallup, G. Jr. (1993). *The Gallup poll: Public opinion 1993*. Wilmington, DE: Scholarly Resources, Inc.
- Hossfeld, K. J. (1994). Hiring immigrant women: Silicon Valley's "simple formula." In M. B. Zinn & B. T. Dill (Eds.), *Women of color in U.S. society* (pp. 65-93). Philadelphia: Temple University Press.
- Kirschenman, J., & Neckerman, K. M. (1991). "We'd love to hire them, but. . . .": The meaning of race for employers. In C. Jencks & P. E. Patterson (Eds.), *The urban underclass* (pp. 203-222). Washington, DC: Brookings Institution.
- Labaton, S. (1993, December 14). U.S. settles bias case with bank. *The New York Times*, pp. D1, D8.
- Labaton, S. (1994, May 25). Denny's restaurants to pay \$54 million in race bias suits. *The New York Times*, pp. A1, A18.
- Lederman, D. (1996, July 5). Supreme Court rejects VMI's exclusion of women. *The Chronicle of Higher Education*, pp. A21, A26-27.

- Mitchell, P. T. (1996, January 19). VMI should go coed or go public. *The Chronicle of Higher Education*, p. A48.
- Moberg, D. (1993, June 28). Banking on the inner city. *In These Times*, pp. 21-23.
- Pincus, F. L. (1994). From individual to structural discrimination. In F. L. Pincus & H. J. Ehrlich, *Race and ethnic conflict: Contending views on prejudice, discrimination and ethnviolence* (pp. 82-87). Boulder, CO: Westview.
- Pincus, F. L. (1996). The test of affirmative action knowledge. *Current World Leaders: International Issues*, 39(21), 94-104.
- Pincus, F. L., & Ehrlich, H. J. (1994). *Race and ethnic conflict: Contending views on prejudice, discrimination and ethnviolence*. Boulder, CO: Westview.
- Watkins, S. (1993, October 18). Racism du jour at Shoney's. *The Nation*, pp. 424-428.
- Wilson, W. J. (1987). *The truly disadvantaged: The inner city, the underclass and public policy*. Chicago: University of Chicago Press.