Embracing Racism

Understanding Its Pervasiveness & Persistence

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The legacy of slavery and racism in America and the history of what John C. Calhoun and other Southern leaders of the 1800s called "our peculiar institution" has not gone unnoticed. Neither has the psychological damage that remains as baggage carried by the descendents of both the slave and the slave owner (Berry & Blassingame, 1982; Franklin & Moss, 2000; Fredrickson, 2003; Quarles, 1996).

This legacy of "our peculiar institution" is currently reflected in the policies and practices of American social institutions; hence, it is not uncommon to hear allegations that institutional racism is practiced by educational, healthcare, criminal justice, and other social institutions.

Manifestations of Racism

Writings on racism and its legal context identify various manifestations of behavior at both the individual and institutional levels. Lawrence (1987) argued in the *Stanford Law Review* that racism is "influenced" in large part by factors that can be characterized as neither intentional (in the sense that certain outcomes are self-consciously sought) nor unintentional (in the sense that the outcomes are random, fortuitous, and uninfluenced by unconscious racial motivation).

Hernandez (1990) acknowledged in the *Yale Law Review* that while unconscious (or unintentional) racism is embedded in law and statutes and consequently in the prosecutorial outcomes for victims of racially-motivated violence, proposed solutions or remedies should include empowering victims and monitoring the discretionary behavior of prosecutors (i.e., give 'voice' to the victim and consider the context of the situation).

As it currently manifests itself, unconscious bias/racism has developed into what some have referred to as a subtle and perhaps a more insidious form of racism called aversive racism (Dovidio, 2001; Dovidio & Gaertner, 2000, 2004; Gaertner & Dovidio, 1986; Pearson, Gaertner, & Dovidio, 2009). This colorblind unintentional form of bias is nonetheless as damaging and devastating as the more direct and overt forms of racism and discrimination.

> Many aversive racists explicitly support egalitarian principles and believe themselves to be non-prejudiced [but] also unconsciously harbor negative feelings and beliefs about Blacks and other historically disadvantaged groups. (Dovidio & Gaertner, 2000 p. 315)

Another form of bias is commonly called structural inequality (i.e., socially structured differences found primarily in social systems). This involves inequalities in society based on issues of value and entitlement. Liao (2009), in a working paper from the Center for Research on Inequality, defined structural inequality as the degree to which social groups, such as those defined by race, gender, and class, differ in terms of rewards and attributes, such as income, wealth, and health.

Found in all social institutions, structural inequality is frequently referred to as institutional racism. It is deeply embedded in medical, political, economic, educational, and religious policies and practices. Institutional racism, as with other forms of racism, is sometimes viewed as unintentional, colorblind, or disguised in history or ideology (Knowles & Prewitt, 1969).

More recently, the term "racio-ethnicity" has been used to discuss a component of institutional racism from the perspective of the individuals in the institution who are subjected to, among other things, structural inequalities (Friday, Friday, & Moss, 2004a; Friday, Friday, & Moss, 2004b; Martins, Milliken, Wisenfeld, & Salgado, 2003; Tomaso, Post, & Parks-Yancey, 2007).

Reducing Racism: Any Hope?

Lawrence (1987) stated that racism in America is much more complex than either the conscious conspiracy of a power elite or the simple decisions of a few ignorant bigots. It is a part of our common historical experience and, therefore, a part of our culture. It arises from the current assumptions we have learned to make about the world, ourselves, and others as well as from the patterns of our fundamental social activities.

While admitting that we have made tangible progress in the area of racial justice, Derrick Bell in his ground-breaking books (1987 & 1992) concluded that there is a discrepancy between the nation's deeply-held beliefs and its daily behavior. He employed metaphorical storytelling to provide the voice, context, or situation of the victim in legal proceedings. He combined fact and fiction, fictional statistics, and characters in metaphorical sketches and ominous allegories to convey the message that racism is integral and permanent.

In the final analysis, Bell (1992) reiterated that African-American people will never gain full equality in this country. In his opinion, even those Herculean efforts we hail as successful will produce no more than temporary "peaks of progress," short-lived victories that slide into irreverence as racial patterns adapt in ways that maintain White dominance.

This is a hard-to-accept fact that all history tends to verify. In Bell's mind, racism must be acknowledged, not as a sign of submission, but as an act of ultimate defiance. A few years later, Ladson-Billings and Tate (1995) supported and expanded on Bell's notion of the permanence of racism with the following notations:

1. Race continues to be a significant factor in determining inequality in the United States.

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2. U.S. society is based on property rights.

3. The intersection of race and property creates an analytic tool through which we can understand social inequity.

Clearly, while we are all consciously aware of the prevalence and impact of racism in our society, the role of property rights represents a more subtle and historical proposition to include in the evolving discussion of Critical Race Theory (CRT). According to Calmore (1992), writing in the *Southern California Law Review*, CRT challenges the universality of White experience/judgment as the authoritative standard that binds culturally and linguistically diverse (CLD) people's normative measures. In addition, it disagrees with such authority, testing White standards that direct, control, and regulate the terms of proper thought, expression, presentment, and behavior.

Calmore added that CRT challenges dominant discourses on race and racism as they relate to the study and practice of law. The task is to identify clues and norms that have been disguised as subordinated in the law. As CRT scholars, we thus seek to demonstrate that our experiences as CLD people are legitimate, appropriate, and effective bases for analyzing the legal system and racial subordination.

To a large measure, CRT theorists (e.g., Bell, Delgado, and Crenshaw) have concluded that CRT:

1. Recognizes that racism is endemic in U.S. society, deeply ingrained legally, culturally, and even psychologically.

2. Crosses epistemological boundaries. It borrows from several traditions, including liberalism, law and society, feminism, Marxism, post structuralism, cultural nationalism, and pragmatism.

3. Reinterprets civil rights law in light of its limitations, illustrating that laws to remedy racial inequality are often undermined before they can be fully implemented.

4. Portrays dominant legal claims of neutrality, objectivity, color-blindness, and meritocracy as camouflages for the self interest of powerful entities of society. (Tate, 1997)

CRT and Institutional Obligation

Ladson-Billings (1995) noted that

> . . . critical race theory sees the official school curriculum as a culturally-specific artifact designed to maintain a White supremacist master script. This master scripting [she goes on to say] means stories of African Americans are muted and erased when they challenge dominant culture authority and power. (p. 18)

As Ladson-Billings further explained,

> CRT suggests that current instructional strategies presume that African-American students are deficient—cast in a language of failure, instructional approaches for African-American students typically involve some aspect of remediation. (p. 19)

To a critical race theorist, intelligence testing has been a movement to legitimize African-American students' deficiency. Inequalities continue to exist, not just in testing, but also in funding. Perhaps no area of schooling underscores inequity and racism better than school funding. To a critical race theorist, inequality in school funding is a function of institutional and structural racism.

Ladson Billings (1995) reports that:

> . . . almost every state funds schools based on property taxes. These areas with property of greater wealth typically have better funded schools. (p. 20)

She offered an example using a school district in which Whites are happy with access to special magnate school programs and "African-American student achievement failed to improve, while suspension, expulsion, and dropout rates continued to rise" (p. 21).

The UW-Milwaukee Experience

About five years ago, the University of Wisconsin-Milwaukee (UWM) instituted a task force to deal with campus climate issues. In the Executive Summary report, the task force noted that "our climate issues are real, we have an urgent need to create a new culture that welcomes and respects all" (Executive Summary, Task Force Report, 2005).

One of the key propositions of CRT is that racism, regardless of the form it takes (i.e., structural, institutional, aversive, unconscious, and unintentional), is permanent, pervasive, and "normal" in American society. Institutions and social structures preserve and maintain, by way of policies and practices, behaviors and environments that support the status quo and consequently the subordination or marginalization of racial groups.

The UWM Task Force identified a serious and complex picture of the university's climate which it argued had to be addressed. Conclusions of the Task Force included the following:

1. A campus climate exists that marginalizes CLD people.

2. There is race and ethnicity-related bias in the discretionary enforcement of rules and policies.

3. There is under-representation of CLD people among faculty and staff.

4. There is a lack of university commitment to race and ethnic diversity.

CRT presumes a social justice framework that proposes policies and practices that, if implemented, will address the structural disadvantages that negatively impact CLD people and other marginalized groups. The UWM Task Force, in its report, articulated plans to:

1. Offer a leadership training program to support racial ethnic minorities in preparing for leadership positions and develop a coherent university-wide five year strategic diversity plan that addresses the major challenges identified in the report via the development of specific diversity goals and action plans/strategies.

2. Create a campus-wide advisory committee and an ombudsman position.

3. Increase recruitment, hiring, and promotions for CLD people.

4. Revise the university's mission statement to include valuing race and ethnic diversity.

Permanent, Pervasive, and Persistent But Not Invisible or Harmless

Racism in America is here to stay. It will not be abolished or reformed. After admitting that a post-racial America does not exist, the CRT's worldview calls upon other social institutions, such as medical/healthcare, to subject themselves to the scrutiny exercised by UWM in engaging the voices of the university community to identify both the existence of the problem and solutions for addressing institutionalized racism.

CRT can not accept less. UWM has embraced its shadow and consequently diminished it's harmfulness. The approach by UWM is consistent with CRT because in addition to exposing social characteristics consistent with discrimination, UWM acknowledged the interconnectedness of the issues and is utilizing a social justice framework for identifying policies and practices to counter the impact of racism.

UWM's response to so-called post-racial America is that racism, like motherhood and apple pie, are as much a part of America as Old Glory. And, if UWM's experience doesn't resonate with you, then University of California, LosAngeles

sociologist Darnell Hunt's comment about Hurricane Katrina just might:

> You'd have to go back to slavery or the burning of Black towns, to find a comparable event that has affected Black people this way.

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