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Discrimination Comes in Many Forms: Individual, Institutional, and Structural by Fred L. Pincus

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.

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.

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 twentieth century is one clear example. State laws mandated the separation of Blacks and Whites in all areas of life. Using any of the one-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.

A 1933 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 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 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....

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 eighteen hundred restaurants in thirty-six 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 fifteen hundred 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 four thousand 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 (Peagin 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....

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--and that is *still* being enjoyed--by many Whites....

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....

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

In addition, the Federal Reserve Bank of Chicago analyzed almost two thousand 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 as 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, D1 8). 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....

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)....

The issue of seniority in employment also brings up the question of structural dis-

crimination. 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....

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....

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 policy-makers 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.

Though 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?

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