

2 ways of looking at discrimination from a moral point of view

1. The morality of the individual act of discrimination in its own right
2. The *consequences* of the act (individual or systemic) of discrimination

If part of what is wrong with discrimination is that it unjustly harms people (individuals and groups), that harm will not disappear even if discrimination were to stop, starting right now. If someone's income is less because she was discriminated against in the past in seeking a job, her income stays where it was even if the employer stops discriminating in the future. If another person could not get a better home than she has because of housing discrimination, she still has that same lesser home even if the discrimination that she suffered ends. (This "ending of discrimination" is being envisioned in order to make a point. Discrimination in jobs, housing, and education continues to exist, as we saw in the resumé experiment, even if it is illegal.)

What causes group disadvantage and inequality?

1. *Current* discrimination
2. Current effects of *past* discrimination. [article "Cumulative Disadvantage and Racial Discrimination" discusses this]
3. Other factors, e.g. economic changes. These can have "disparate impact" (i.e. differential and unequal impact) on different racial groups, even though the processes involved are not race-targeted (e.g. 2008-09 mortgage crisis; loss of well-paid blue collar jobs).

Oliver/Shapiro's argument:

- A. Historical discrimination by (or enabled by) the national government has strongly contributed to black/white disparity/inequality.
- B. Wealth disparity between black and white is much greater than income disparity (wealth is currently c. 5% {c. 5.5% for Latinos}, income 77%, in 2012); reflects the historical dimension of discrimination better than income; and is more clearly unfair because much of it is due to inheritance.

Examples (mostly from chapter 1):

1. Homestead Act of 1866 and land redistribution in Reconstruction era.
2. Housing/suburbanization policy in 1930's-1950's (pp. 16-19, 41-43)
3. Discrimination in mortgage lending.

"Cumulative Disadvantage and Racial Discrimination"

Distinguish between a specific discriminatory action, and the consequences of that action over time. "Cumulative effects" refers to the accumulation of different effects of that same event, on the original person discriminated against or others connected with him or her.

Some general features of cumulative effects: (1) feedback effects (initial act of discrimination affects target's behavior in a way that increases likelihood of later discrimination. Example (225): teacher has low expectation of student, causing student to lower his own expectation and thus to perform worse, leading later teacher to have even lower expectation). (2) Cumulative effects means that just looking at "episodic discrimination at particular point in time" may not provide enough information. (essentially point made at beginning of handout). (3) current legal standards are not adequate to handle the full harm of discrimination, its cumulative effect aspect. (4) effects constituting cumulative discrimination can be transmitted through organizational and social structure of society.

Types or avenues of cumulative discrimination:

1. Across generations: Parents' income, housing, and education (thus discrimination in those areas) can lead to disadvantages for their children. Example (227): parents who are confined to certain residential areas can not get their child into school in an advantaged area, nor provide as much educational enrichment at home.
2. Discrimination "across processes within a domain" (228) (across time in same domain): early job discrimination reduces later prospects; early teacher lowered expectation leads to reduced attainment later. (229: example of "tracking").
3. Discrimination across domains (229ff): discrimination in housing, education, job can cause disadvantage in any of the other domains, partly through causal effect on income or wealth. Ex of people moving to higher-income neighborhood (though not increasing their own income) have better jobs, housing, improved health.

231-33: biases in the criminal justice system; conditions that give rise to crime