

# THE IMPLICIT TRUTH: THE BIASES THAT MAKE AFFIRMATIVE ACTION NECESSARY

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*More than fifty years after the passage of the Civil Rights Act of 1964, affirmative action remains an important and debated policy in America. It was necessary to implement affirmative action in response to the discrimination that plagued America. Critics of affirmative action claim that the restrictions placed on higher education and the workplace to accommodate minorities are no longer needed. By identifying the implicit forms of racism in today's society, as well as proving that gaps in achievement, employment, and wage exist, this paper refutes the claims of those who call for the elimination of affirmative action and suggests that it should remain intact.*

The United States of America was founded on the notion of freedom, yet depended upon the peculiar institution of slavery. After centuries of oppression, the 13th Amendment was passed, making slavery illegal in the United States. However, this law did not end the racist attitudes of citizens. The attitude of white supremacy that had previously manifested itself in the enslavement of people of color turned into a vicious display of power. A period of extreme violence, prejudice, and discrimination ensued, including the Jim Crow laws and the usually unprovoked lynching of African Americans. After over one hundred years of degradation, the Civil Rights Act of 1964 was passed as an attempt to end segregation and rectify the injustices that minorities

were forced to face. This act was met with powerful resistance, especially in southern states. In an effort to reduce the gaps in both education and the workplace, the government set standards in place. This required an institution to enroll or employ a minimum number of minorities. This became known as affirmative action (Kennedy, Cohen & Bailey, 2010). Fifty years later, affirmative action has become a contested policy in America. However, the racial gaps that exist in both education and labor markets indicate that affirmative action is still necessary today.

## **Planting the Tree**

American society was built upon the ideals and values of the founding fathers. The tree of

American society was planted by white, aristocratic males. Therefore, the facets of American society such as social status, socioeconomic status, job opportunities and education have expanded and grown to encompass the needs of those founders. This inherently means that if someone identifies in different ways, their path to success holds many more roadblocks. To help combat this, affirmative action was established to allow for the oppressed to rise above the existing prejudices and discriminatory racist actions which they consistently endured. In regard to African Americans, affirmative action is meant to right the years of discrimination and abuse by finding ways to level the playing field.

Even after slavery was abolished, African-Americans were still seen as lesser beings and treated as such. As a result, negative implicit, or even explicit, attitudes of the white employers created labor and wage gaps in the workforce. Because of this gap, African American's average socioeconomic status was lowered, which afforded them unequal opportunities in education. This disparity affects where they attend school and how successful they will be in academics. A higher education would improve the likelihood of obtaining a more respected, higher paying career. However, due to the disadvantages built into society, such as the cycle of poverty and the ascribing of inferiority based on race, these opportunities are far less available for racial minorities, as well as individuals with disabilities.

In her article concerning racial inequality in education, Linda Darling-Hammond lists four major factors that consistently affect student achievement: school size, class size, curriculum choice, and teacher quality (Darling-Hammond, 1998). All four

of these are dependent on the school district and their funding. As discussed above, the average socioeconomic status of racial minorities, especially African Americans, is significantly lower than their white counterparts. A low socioeconomic status makes it difficult for African Americans to move their child to a better-funded school district or pay for private school. African Americans are often confined to a district that offers them fewer opportunities in school and fewer opportunities in life. Therefore, there is a continued need for legally assured opportunities.

### **Implicit Attitudes and Unconscious Stereotypes**

Many do not recognize it or admit to it, but racism still exists. It has become less common for a blatant act of discrimination to surface, but it survives in the form of stereotypes, implicit negative attitudes, and micro-aggressions. Human beings categorize people. It is a natural process that helps make the world simpler but inevitably lead to stereotypes. Stereotypes are often seen as harmless because they are a part of everyday life. When stereotypes focus on negative characteristics, they can be even more damaging (Coate & Laury, 1993) and lead to implicit attitudes forming (Hockenbury et. al, 2015).

Implicit attitudes are unconscious and reflexive evaluations of a person's character. They are automatic, instinctive, and difficult to control (Hockenbury et. al, 2015). Micro-aggressions are "brief and commonplace daily verbal, behavioral and environmental indignities that can communicate hostile, derogatory, or negative racial slights and insults" (Sue, Lin, Torino, Capodilupo, Rivera, 2009). A phrase as simple as "where

are you from?" can indicate to a minority that they do not belong. An instinctive reaction, such as gripping a purse tighter in the presence of a black male, can communicate the assumption of criminality. These examples and many others are manifestations of an unconscious belief of white supremacy (Sue et. al, 2009). With such glaring evidence, it is clear that racism survives in society and affects the attitudes, actions, and the lives of every person.

### **How It Affects Education**

Few people realize the disadvantages black students experience within the public school system. An achievement gap exists in the academic world, especially between black people and white people. This discrepancy was assumed to be the result of a lack of intelligence or motivation among black students. However, it has been discovered that this gap results from the combination of the socioeconomic background of the students as well as treatment from their peers and teachers (Brooks-Gunn & Duncan, 1997). A few examples of how implicit attitudes permeate the education system would be having a teacher be surprised whenever a black student raised his/her hand in class or be overly exuberant if he/she achieved a good. Success is not a societal expectation for black people and living under the threat of this stereotype contributes to the ever-widening gap of achievement in schools.

Stereotypes have a strong effect on the behavior of majority groups toward minority groups. One common stereotype is that men are more capable in mathematics than women, which can partially be attributed to the minority of women in STEM fields. Studies have shown that, on average, males do score higher on

math exams than females (Ripin, 1996). However, a hypothesis was submitted that suggested it was because of the expectation of failure placed on women that influenced their lower exam scores (Ripin, 1996). In an attempt to discover whether or not this was true, a group of sociologists ran an experiment in which a test group of females were given a math test and simply told that it would be difficult. The experimental group was given the same test and told that it would be hard, but equally so for both men and women. Those who took the test without being assured of its level of gender equality scored lower than those who were given that information (Ripin, 1996). This suggests that women conform to the idea of male superiority in math and therefore, perform poorly. Being constantly treated as less intelligent than others and being reminded of this fact by the attitudes and micro-aggressions of peers and teachers makes the effect of a stereotype much worse. This ascription of unintelligence is similar to what black students face and enforces the idea of their own inferiority. They begin to internalize the stereotypes placed upon them. The anxiety that comes from this fear of being subordinate results in a poorer performance, which only further entrenches the idea of their inadequacy (Hockenbury et. al, 2015). This creates a self-fulfilling prophecy: if one believes failure is inevitable, one will fail. If this reality surfaces early, it can impede the future success of the student when the college application process begins.

The unfortunate reality is that, if a college degree is not obtained, the likelihood of a satisfactory job greatly decreases. Over the past several decades, there has been a shift in the labor markets from manufacturing to information gathering. This has resulted

in an increasing demand for higher education and has exacerbated the preexisting achievement gaps within the education system (Spalter-Roth, Lowenthal, 2013). During the college application process, standardized tests are among the most stressful variables with SAT and ACT scores being greatly emphasized by institutions of higher education. Surveys have shown that most African Americans, especially in urban settings, attend poorer schools with less funding (Boschma & Brownstein, 2016). When standardized test scores are considered to be the “ultimate measure of merit,” students who are excluded from a good public education do not perform as well. In addition, those who lack the resources to take classes that would improve their scores are at a disadvantage. As a result, they are not accepted into prestigious universities at the same rate as Caucasians and may also not receive academic scholarships as often as those who do have those privileges (Darling-Hammond, 1998). The seeds for white privilege were planted long ago and have grown into a tree that has created systematic benefits for some and limited opportunities for others. Affirmative action is necessary, especially in higher education, in order to make up for the opportunity and achievement gap that is formed during elementary and secondary education.

### **How It Affects the Workforce**

A survey conducted in 2005 comparing the rate of employment between African Americans and Caucasians showed that African Americans outranked Caucasians in unemployment two-to-one (Spalter-Roth, Lowenthal, 2013). A more recent evaluation done by the Bureau of Labor Statistics (BLS) indicated that there has been little to no change

over the last ten years (BLS, 2016). It is true that the overall national rate of unemployment has decreased, but the ratio remains the same: African Americans are more frequently unemployed than Caucasians (Spalter-Roth, Lowenthal, 2013). Not only do African Americans have a disadvantage of unemployment but, of those who are employed, African Americans earn 25% less than Caucasian workers (Bertrand, Mullainathan 2004). African Americans and other minorities make up of the bulk of the workforce in unsteady, on-call jobs, and other part-time professions. In contrast, Caucasians are more highly favored in managerial positions and are also more likely to be promoted (Spalter-Roth, Lowenthal, 2013). It can be concluded that a gap in both unemployment and wages exists. The gap in wages is due to the type of jobs that African Americans have and that they seem consistently unable to achieve a higher position. The problems in this area can be connected to negative stereotypes. These preconceptions of African American inferiority lower the expectations that employers have for their workers and can affect their decisions based on job assignments (Coate, Loury, 1993). Because of this, African Americans begin to internalize the label placed on them because they feel undervalued. Their employers then assume that their perceptions are correct. For African Americans, it is a never-ending cycle of assumed and fulfilled inadequacy from which they may never break free. Preferential policies, such as affirmative action, can “help break down negative views about minority workers by allowing African Americans to demonstrate their capabilities” (Coate, Loury, 1993). By giving African Americans the chance to show their competency, it is possible that the negative stereotypes placed

on them will disintegrate. Affirmative action affords African Americans and other minorities this opportunity. Without it, the in-group biases and negative stereotypes would continue to produce the result of unemployment and wage gaps in America.

The indisputable disparities within the workforce can be explained by the statistically significant racial gap in the call-backs received by applicants to the same job. Social experiments have been conducted in which resumes with identical credentials are submitted to be considered and the only difference is the name (Bertrand, Mullainathan, 2004). While some have an easily identified “white” sounding name, such as “John Smith,” others had names more readily seen as African American such as “Lakisha Doolittle.” Samples of these resumes were sent out to several different companies. The results showed that, on average, a person with a white-sounding name would receive a callback for every 10 resumes submitted, while those with ethnic-sounding names were given a callback for every 15 applications submitted. These findings are statistically significant because they show that the possession of a white-sounding name holds as much swing in call-backs as an additional eight years of experience or education (Bertrand, Mullainathan, 2004). Researchers believe this could be the result of an assumption of incompetence on the employer’s part, but also a result of an in-group bias. An in-group bias is “an affinity toward people like yourself” (Hockenbury et. al, 2015). This sociological study suggests that Caucasian employers are more likely to hire Caucasian employees because they see African Americans as the “out-group”, or different. This, in itself, is not racism, as this phenomenon could occur across religious, social or familial

lines and does not have to be associated with negative views of the out-group. However, when the out-group has undesirable stereotypes attached to them, it decreases the likelihood of employment, creating a racially based problem in the workforce.

### **Disabilities**

Being a minority in America is not the only piece of identity that impedes a person’s opportunity to achieve success. Popular opinion labels people with disabilities as ill-suited, inefficient, unable to perform, and an inconvenience. These opinions can impede their ability to navigate not only the education system, but also the workforce. Over forty years ago, the federal government began to take steps toward making the public education system more equitable for those with disabilities, whether they be physical, mental, or learning deficiencies. Local school districts were charged with ensuring that a child was correctly classified with a disorder, getting the parents involved, apportioning money, and assessing the progress made. These federal requirements gave the schools an immense amount of responsibility that inevitably resulted in street-level bureaucracy and the decision to cut corners when it came to students with disabilities. Whether it be through limiting the number of assessments given, to removing the disabled students from the classrooms to “specialized” classrooms, local districts seek to find ways to mitigate the amount of extra work mandated by the government (Weatherley and Lipsky, 1977).

Although there have been several reforms over the past few decades in order to correct, constrain, and specify the requirements of the law, the overall attitude of dealing with special needs students holds true. The

effects of this outlook on special needs education results in an inequitable education experience which can adversely affect the working lives of people with disabilities.

Almost 50% of working age citizens with disabilities do not have a job. Outreach committees have recognized the need to intervene on behalf of those with disabilities, especially those who identify as racially or ethnically diverse. Some advocates call for including people with disabilities in the criteria for affirmative action and claim it will be enough to accommodate the needs of all people with disabilities. This course of action will also give minorities with disabilities an even better chance at improving their prospects (Barnes and Mercer, 2005). Regardless, affirmative action is one of the only administrative policies that bridges the inequality gaps formed both by being a minority and by being disabled.

### Conclusion

Affirmative action has a large opposition. Its existence has been consistently threatened over the past fifty years. Some say that affirmative action promotes reverse racism by giving unearned opportunities to minorities and disallowing the majority their rightful spot, violating the 14th Amendment (*Grutter v. Bolinger*, 2003). This injustice is one of the leading arguments against affirmative action. Furthermore, some claim that affirmative action might be increasing the gaps between races by preventing the world from becoming “color-blind” (Spalter-Roth, Lowenthal, 2013). By forcing educational institutions and workplaces to actively consider race in their admissions process as well as disabilities, it prevents people from being able to set aside color or

disabilities and see the applicant for their credentials (Rubinfeld, 1997). Those in opposition of affirmative action believe that it has served its purpose. They advocate that racism is no longer a glaring problem in today’s society and affirmative action should therefore be abolished. The previously discussed evidence has proven this wrong.

Even though affirmative action may place social constraints on those involved, it is better to address the problem than ignore it. If handled correctly, discussions can lead to healing (Miller & Donner, 2000). Five decades of forced equality do not reconcile the mistakes of the past. Consider the hundreds of years of slavery and the countless years of discrimination that black people have experienced. Even though it has flaws and drawbacks, the elimination of affirmative action would likely perpetuate the gaps that already exist, doing more damage. As Charles Ogletree, a professor at Harvard Law suggested in his article published in the *Stanford Magazine* “it is better to provide opportunity to those who need it than to deprive the very thing that might eventually make a difference” (Ogletree, 1997). Affirmative action is necessary because, without it, the cycle of oppression will only continue.

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