

AFFIRMATIVE ACTION AT WORK

Freshman Seminar 145

Princeton University

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Frank Dobbin

Department of Sociology

2-N-8 Green Hall

dobbin@princeton.edu

Overview

The Civil Rights Act and presidential orders requiring “affirmative action” in employment are now over three decades old. Affirmative action remains a hot political topic, yet the debate is largely uninformed by the social science literature. We will review the origins of Civil Rights and affirmative action laws, employer response to the law, changing public attitudes, and the effects of the law on inequality.

What caused Congress to pass the Civil Rights Act of 1964, and to pass subsequent amendments that expanded protections for women, the disabled, and other groups? The Civil Rights movement played a large role at first, but civil rights laws developed momentum of their own. How have employers responded to the law? While pundits mostly debate the merits of quotas, employment quotas are illegal in most instances. Most employers responded to the law by making the hiring and promotion processes more bureaucratic, in order to make them more meritocratic.

How does the public feel about affirmative action at work? Periodic surveys show that the public – men and women, blacks and whites – supports most of the steps employers take to improve opportunities for minorities and women. Most oppose quotas, but quotas are rare. How has affirmative action law affected inequality by race and gender? Recent studies show that affirmative action programs are responsible for many of the gains women and minorities have made in the last three decades.

Details

Our weekly, three-hour, meetings will be broken up into short lectures, debates, and discussions of the reading materials. Attendance is mandatory. For most weeks there will be a brief assignment, in addition to the reading assignment. Two papers are required during the term. The first, based on interviews with local personnel managers, will detail the efforts of one firm to comply with anti-discrimination law. The topic of the second paper is to be negotiated.

Each of our weekly discussions of the readings will be led by a student, who will come to class with questions to discuss and issues to debate. The success of the seminar depends on participants having done the reading in advance. Reading loads are light in parts of the semester when students typically have course assignments and exams.

Four books have been ordered for the course, and are available at the University Store. All other readings are contained in a packet, which can be purchased at Pequod Copy Center, 6 Nassau Street. Phone: (609) 921-7293. Email: pequodcopy@aol.com.

Books available at the University Store:

Becker, Gary. 1971. The Economics of Discrimination. 2nd Edition. Chicago: University of Chicago Press.

Burstein, Paul. 1985. Discrimination, Jobs, and Politics. Chicago, University of Chicago.

Reskin, Barbara. 1998. The Realities of Affirmative Action in Employment. Washington, D.C.: American Sociological Association.

Tomaskovic-Devey, Donald. 1993. Gender and Racial Inequality at Work: The Sources and Consequences of Job Segregation. Ithaca, NY: ILR Press.

Weekly Reading Assignments

Week 1

THE NEED FOR CIVIL RIGHTS LAW

SEPTEMBER 21

Wilson, William Julius. 1980. The Declining Significance of Race: Blacks and Changing American Institutions. Chicago: University of Chicago Press. Chapters 4 and 5 (62-121).

Milkman, Ruth. 1987. Gender at Work: The Dynamics of Job Segregation by Sex during World War II. Champaign: University of Illinois Press. Chapters 4 and 7 (49-64; 99-127).

Baron, James N., and William T. Bielby. 1985. "Organizational Barriers to Gender Equality: Sex Segregation of Jobs and Opportunities." Pp. 233-251 in Gender and the Life Course. Edited by Alice S. Rossi. New York: Aldine.

Week 2

DO PEOPLE CHOOSE BAD JOBS?

SEPTEMBER 28

Tomaskovic-Devey, Donald. 1993. Gender and Racial Inequality at Work: The Sources and Consequences of Job Segregation. Ithaca, NY: ILR Press. Pages 1-173.

Week 3

WILL INEQUALITY DISAPPEAR ON ITS OWN?

OCTOBER 5

Becker, Gary. 1971. The Economics of Discrimination. 2nd Edition. Chicago: University of Chicago Press. Pages 1-162.

Week 4

THE CIVIL RIGHTS ACT AND AFFIRMATIVE ACTION

OCTOBER 12

Barbara Reskin. 1998. *The Realities of Affirmative Action*. Chapter 1 (1-18).

Paul Burstein. 1985. Discrimination, Jobs, and Politics: The Struggle for Equal Employment Opportunity in the United States Since the New Deal. Chapters 1 through 5 (1-124).

Harrison, Cynthia. 1988. On Account of Sex: The Politics of Women's Issues, 1945-1968. Berkeley: University of California Press. Chapters 9 and 10 (169-209).

Week 5

CIVIL RIGHTS LAW IN ACTION: THE 1960S

OCTOBER 19

John David Skrentny. 1996. *The Ironies of Affirmative Action: Politics, Culture, and Justice in America*. Chapters 1, 2, and 5 (1-35; 111-144).

Chayes, Antonia (1974) "Make Your EEO Program Court-Proof." Harvard Business Review 52(5):81-89.

Schaeffer, Ruth G. 1973. Nondiscrimination in Employment: Changing Perspectives, 1963-1972. New York: The Conference Board. Pages 1-38.

Week 6

THE HEYDAY OF CIVIL RIGHTS: THE 1970S

OCTOBER 26

Schaeffer, Ruth G. 1975 Nondiscrimination in Employment, 1973-75: A Broadening and Deepening National Effort. New York: The Conference Board. Pages 1-34.

Schaeffer, Ruth G. 1980 Nondiscrimination in Employment and Beyond. New York: The Conference Board. Pages 1-50.

Barbara Reskin. 1998. *The Realities of Affirmative Action*. Chapters 2-4 (19-70)

FALL BREAK

Week 7

ROUND 1: DID THE LAW HELP?

NOVEMBER 9

Paul Burstein. 1985. Discrimination, Jobs, and Politics: The Struggle for Equal Employment Opportunity in the United States Since the New Deal. Chapters 6 (125-154).

Leonard, Jonathan. 1989. "Women and Affirmative Action." Journal of Economic Perspectives. 3, 1: 61-75.

- Leonard, Jonathan. 1990. "The Impact of Affirmative Action Regulation and Equal Employment Law on Black Employment." Journal of Economic Perspectives 4, 4: 47-63.
- Reskin, Barbara. 1993. "Sex Segregation in the Workplace." Annual Review of Sociology 19: 241-70.
- Hochschild, Jennifer. 1995. Facing up to the American Dream: Race, Class and the Soul of the Nation. Princeton, NJ: Princeton University Press. Chapter 13 (225-249).

FIRST ASSIGNMENT DUE

Week 8

WHAT DOES AMERICA THINK OF AFFIRMATIVE ACTION?

NOVEMBER 16

- Glazer, Nathan. 1975. Affirmative Discrimination: Ethnic Inequality and Public Policy. Cambridge, MA: Harvard University Press. Chapter 2.
- Hochschild, Jennifer. 1995. Facing up to the American Dream: Race, Class and the Soul of the Nation. Princeton, NJ: Princeton University Press. Chapters 3 and 4 (55-88).
- Steeh, Charlotte and Maria Krysan. 1996. "The Polls – Trends: Affirmative Action and the Public, 1970-1995." Public Opinion Quarterly 60: 128-158.
- Barbara Reskin. 1998. The Realities of Affirmative Action. Chapter 4. Pages 71-84.

Week 9

THE 1980S: THE REAGAN REVERSAL AND SEXUAL HARASSMENT

NOVEMBER 23

- Blumrosen, Alfred W. 1993. Modern Law: The Law Transmission System and Equal Employment Opportunity. Madison: University of Wisconsin Press. Chapter 17 (267-288).
- Higginbotham, A. Leon, Jr. 1992. "An Open Letter to Justice Clarence Thomas from a Federal Judicial Colleague." Pp. 3-39 in Race-ing Justice, En-Gendering Power: Essays on Anita Hill, Clarence Thomas, and the Construction of Social Reality. Edited by Toni Morrison. New York: Pantheon.
- Borger, Gloria, Ted Gest, and Jeannye Thornton. 1992. "The Untold Story." U.S. News and World Report. 14: p. 28.
- Gutman, Arthur. 1993. EEO Law and Personnel Practices. Newbury Park, CA: Sage Publications. Pages 93-124.
- Farrell, John A. 1999. "Rewriting the Rules." The Boston Globe February 7, page 17.

Week 10

THE 1990S: DIVERSITY MANAGEMENT

NOVEMBER 30

- Johnston, William B. and Arnold E. Packer et al. 1987. Workforce 2000: Work and Workers for the 21st Century. Indianapolis: The Hudson Institute. Executive Summary and Chapters 3 and 4 (xiii-xxvii, 75-117).
- Wheeler, Michael. 1994. Diversity Training: A Research Report. New York: The Conference Board. Pages 1-45.
- Miller, Joanne. 1994. "Corporate Responses to Diversity." New York: Center for the New American Workforce. Queens College. Pages 1-23.
- Kelly, Erin and Frank Dobbin. 1998. "How Affirmative Action Became Diversity Management." American Behavioral Scientist 41: 960-984.

Week 11

DISABILITY AND WORK/FAMILY ISSUES

DECEMBER 7

- Gutman, Arthur. 1993. EEO Law and Personnel Practices. Newbury Park, CA: Sage Publications. Chapter 8 (288-346).
- U.S. Department of Labor, Commission on Leave. 1996. A Workable Balance: Report to Congress on Family and Medical Leave Policies. Washington, D.C.: U.S. Department of Labor. Chapter 4 (57-90).

Week 12

AFFIRMATIVE ACTION TODAY

DECEMBER 14

- Bureau of National Affairs. 1995. Affirmative Action After Adarand. Washington, D.C.: Bureau of National Affairs. Pages 1-44.
- Jackson, Robert Max. 1998. Destined for Equality: The Inevitable Rise of Women's Status. Cambridge, MA: Harvard University Press. Chapter 3. Pp. 71-124.
- Blumrosen, Alfred W. 1993. Modern Law: The Law Transmission System and Equal Employment Opportunity. Madison: University of Wisconsin Press. Chapter 18 (289-317).

SECOND ASSIGNMENT DUE