

5. Civil Rights

**Breakout Sessions
POLS 1101
8:40am-9:35am Baldwin 322
& 9:55am-10:50am Journalism 509**

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Framework: Social Classification

- Classification: Criteria can be “natural” or arbitrary!
 - Age
 - Race
 - Sex & Gender
 - Native or immigrant groups
 - People with / without disabilities
 - Merit / connections in college admission
 -
- Social classification: not about whether differences exist (they are always there!). The issue is which differences we treat as **politically relevant**.
- Social classification power: the power to decide **how categories are defined, which categories matter, and what consequences follow**.

Framework (cont'd)

- “Good” or “Bad” Classification
 - **Purpose:** What is the classification for? What problem is it trying to solve?
 - **Invidious discrimination:** Discrimination based on animosity, working to harm.
 - **Benign discrimination:** Discrimination grounded in reason, causing no harm.
 - **Process & legitimacy:** Who decided this category, and was the process transparent, accountable, and revisable?
 - Equality of opportunity
 - **Consequences:** What predictable harms or benefits does it create—especially for vulnerable groups?
 - Equality of outcome

What classification does?

- Henri Tajfel (1981): *Human Groups and Social Categories*
 - Classification creates psychologically meaningful group boundaries, producing **in-group favoritism** and **(out-group) discrimination** even when the categories are arbitrary.
 - Key ideas
 - **Minimal group paradigm**: trivial labels can still trigger bias.
 - **Intergroup vs interpersonal behavior**: people treat “group members” differently than “individuals”. (the effect of labels)
 - **Social categorization + social comparison** as the engine of intergroup outcomes
 - Mechanism
 - Categorize → “We/They” boundary → Social comparison → **Motivation for positive distinctiveness** → In-group favoritism / out-group derogation
 - Even when there’s **no conflict of interest, no interaction, and no rational self-interest**, mere categorization can still generate bias.
- **Hints:** Civil rights disputes often start with whether the state should treat a category as politically salient.

What classification does? (cont`d)

- Generating Stereotypes -> Shaping behaviors
 - Erving Goffman (1963) *Stigma: Notes on the Management of Spoiled Identity*
 - Classification can become *stigma*: it marks some identities as “spoiled,” reorganizing everyday interaction, forcing impression management, and producing status loss and exclusion.
 - Fiske (2018): *Stereotype Content: Warmth and Competence Endure*
 - Perceived social structure (cooperation, status) predicts stereotypes (warmth, competence)
 - Stereotypes in turn predict emotional prejudices (pride, pity, contempt, envy)
 - The emotions predict discrimination (active and passive, help and harm) -> shaping social status

A positive feedback loop!

Stereotype	Emotion	Behavior
High Warmth + High Competence	Pride/Admiration	Help / support
Low Warmth + High Competence	Envy	Mixed: respect but resist / undermine
High Warmth + Low Competence	Pity	Paternalistic help
Low Warmth + Low Competence	Contempt/Scorn	Harm / exclude

What classification does? (cont`d)

- Tajfel & Turner (1979; 1986) – Further Ideas (“Social Identity Theory”)
 - Classification reorganizes the **self** (a bridge between interpersonal and intergroup behavior)
 - It turns **personal identity** into **social identity**, motivating people to protect group-based self-esteem and status.
 - When groups are disadvantaged, people may pursue **social mobility**, **social creativity**, or **social competition**.
 - **Social mobility:** Individuals try to improve their status by leaving or downplaying their group identity rather than changing the intergroup hierarchy.
 - **Social creativity:** The group boosts its standing by redefining the comparison—shifting dimensions, changing values, or choosing new reference groups—so the in-group looks better and collective esteem rises.
 - **Social competition:** The group directly challenges inequality through collective action to gain resources, rights, or status, aiming to change the group’s position in the hierarchy.
- **Hints:** Are there any forms of social mobility & social creativity in struggles for civil rights (race, gender, sexual orientation, ...)?

The Logic of Social Classification

- Objective differentiation -> attitude / mind set -> behavior / responses
-> the reproduction / self-reinforcement of social classification
- Turn “bad” classification into “good” classification
 - Step 1: Is the differentiation justifiable? (purpose)
 - Yes -> (to some extent) acceptable
 - No -> Step 2 & 3
 - Step 2: Change the social attitude (process & legitimacy)
 - “Acknowledgement” -> equality of opportunity
 - Step 3: Change the behavior (consequences)
 - Extend the civil rights of “marginalized groups” -> equality of opportunity & outcomes

Case 1: Equality for Black Americans

Unjustifiable classification -> change of attitudes & behaviors

- **Civil War Amendments (13th – 15th): What are they about?**
 - Even after that, the Constitutional rights of African-Americans are not sufficiently protected (only better than before)
 - Examples: Black Codes, Jim Crow Laws, poll tax (tax on voting citizens)
- **Courtroom Efforts to Dismantle Barriers to Full Citizenship**
 - (Background) **Separate but equal doctrine:** Plessy v. Ferguson (1896)
 - **Desegregation:** Brown v. Board of Education
 - Remember: Applied **only to De jure segregation** (Government-imposed segregation), not to **de facto segregation** (segregation that is not the result of direct public policy)

Case 1: Equality for Black Americans (cont'd)

- A controversial idea
 - “The way to **stop discrimination** on the basis of race is to **stop discriminating** on the basis of race.” (From now on, there’s no longer conceptual & actual racial differentiation.)
 - According to what we discussed, what’s the problem here?
- **Letter from a Birmingham Jail**
 - Any law that uplifts human personality is just. Any law that degrades human personality is unjust... All segregation statutes are unjust because segregation distorts the soul and damages the personality. **It gives the segregator a false sense of superiority and the segregated a false sense of inferiority.**
 - An unjust law is a code that a numerical or power majority group compels a minority group to obey but does not make binding on itself. **This is difference made legal.** By the same token, a just law is a code that a majority compels a minority to follow and that it is willing to follow itself. **This is sameness made legal.**

Case 2: Women's rights

- Attitudinal changes & Women's fight for behavioral changes
 - **Protectionism:** Women must be sheltered from life's harsh realities.
 - **The 19th Amendment:** ensured women of the right to vote
 - **Equal rights amendment (ERA):** (failed) "Equality of rights under the law shall not be denied or abridged by the United States or any state on account of sex."
- **Is there any case where gender-based distinctions are justifiable?**
 - **Intermediate scrutiny** (1976): If a law differentiates between people on the basis of gender, it must serve an **important governmental purpose**, and the means must be **substantially related** to that purpose.

Case 3: LGBTQ+ Rights

- Attitudinal changes: Obergefell v. Hodges (2015)
 - **Supporters:** Legalization of same sex marriage drew on both **freedom and equality**, which justified the court's decision.
 - **Premise here:** The right to marry is a fundamental liberty protected by the Due Process and Equal Protection Clauses of the 14th Amendment.
 - **Opponents:** The court had gone too far, usurping the power of the legislatures across the country, which have the legitimate authority to define marriage.
- However, LGBTQ+ issues are more controversial...
 - The transgender athletes ask to be treated **equally** by being able to race against competitors who identify with the same gender as they do.
 - The cisgender athletes believe that their transgender competitors have biological advantages that make racing against them unfair, undermining **equality**.

Next week...

- Read materials on **Congress** before class, and that will be helpful to participate in peer discussions.
- Feel free to email me if you have any questions!
- ENJOY YOUR WEEKEND!