

# 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 (13<sup>th</sup> – 15<sup>th</sup>): 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 19<sup>th</sup> 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!