

If it weren't for bad luck

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The Problem

I come to you this evening with a problem, a quandary, actually. One that has been troubling me for some time. It has to do with the collection and use of racial statistics.

I believe, as I suspect many of you do, that it is important to gather data about people identified by race in order to determine if, and to what extent those people are being discriminated against because of what race is **assumed** to mean.

But I also believe, as I hope at least **some** of you do, or **will** by the time I am through, that some uses of racial statistics actually produce a great variety of harms that we'd very much like to like to avoid.

It is not clear, for example that the collection and use of racially coded data for the identification of racial disparities in health is motivated by a desire to stamp out racial discrimination, even though I do believe that it is there to be found.

Most other uses of racial data are motivated by more mundane concerns. These are concerns about efficiency and effectiveness and the **health** of the bottom line. And there is great danger here.

Indeed, I am a little **uncertain** about whether racially coded data should be used in the delivery of health care services. That is, I am of two minds about whether medical interventions should be **targeted** to people on the basis of their presumed membership in a particular racial group.

And I have become especially concerned about the development and marketing of a drug that has **supposedly** has been **designed** for use with African Americans.

I will also say that I am not the least bit comforted by the suggestion that the problems that we associate with racial classification will be eliminated when the targeting of medical interventions bypasses race and moves to the genetic level.

While I, like the rest of you, learned that beauty is only skin deep, our confusions about the nature of race are following us down to the molecular level in pursuit of more precision in the classification of persons by categories that **sure look like race** to me.

I am also concerned about the media.

The news media play an essential role in informing the public about the nature and extent of problems in our society. The media play an especially **important** role in informing us about the nature, extent, and consequences of racial discrimination.

Yet, I will suggest that **some** of the ways in which the media use racial statistics to tell the stories about racial disparity may actually help to make these problems worse.

But I am more concerned about the ways in which the media use data about race to decide what **kinds** of stories to provide to which **segments** of the population, based on some **assumptions** about how those decisions will contribute to the bottom line.

What I am concerned about in **all of this** are the ways in which racial or race-**linked** data are used in the development of **predictive models** designed to make the allocation of resources more efficient.

Even though my comments this evening will be focused on concerns about race, some of you will understand that I am really expressing unease about the use of predictive models more generally.

And you wonder why my beard has gone grey.

Prediction

In confessing that my concerns about privacy were really concerns about discrimination, I have extended my theoretical model to include a central role for prediction.

Initially, I argued that the panoptic sort, an unfortunate title to be sure, involved the identification, classification, and evaluation of persons in order to determine whether or how to relate to them.

I focused my attention on the ways in which businesses made use of personal information to make critical decisions about people in their roles as employees, consumers, and citizens.

I have come to understand that these decisions are not really based on an assessment of **who** or **what** people are, but on what they **will do** in the future.

The panoptic sort is not only a discriminatory technology, but it is one that depends upon an **actuarial assumption**, a belief that we can **predict** the future on the basis of what we have seen in the past.

Of course, we can predict some things better than others. And it is, perhaps, a good thing that we can.

Natural Events

We have certainly made progress in predicting the weather but we have clearly got a long way to go.

We now have a basis for challenging folk wisdom about how likely it is that lightening will strike twice.

We can even plot the path of a hurricane well enough in advance in order to encourage people to head for higher ground.

We might even have something to say about how powerful a particular storm might be.

Catastrophe

But we clearly don't know enough about the ways in which people will respond to Mother Nature's turn of a phase.

We simply did not, and perhaps **could not** have predicted the ways in which Katrina would be expressed in misery and financial loss.

Pandemic

Those who are responsible for the delivery of emergency services are desperately trying to predict the likelihood and scope of this **threat** and to prepare a strategic response that will surely depend upon predictive models regarding the spread of contagious disease.

We will need to, but probably will not be able to predict the ways in which decision makers will respond to the people and places that become marked for heightened concern.

Terrorist Attack

Still others are attempting to predict when and where the next terrorist attack will occur.

Some of us have become greatly concerned about the kinds of trade-offs in human and civil rights that have been imposed on the basis of naïve models of a likely terrorist threat.

Automobile Accident

Now we know a little bit more about the occurrence of automobile accidents. We know which intersections are more dangerous than others, and we even have some ideas about what sorts of people, perhaps characterized by age and gender are more likely to be involved in these accidents.

Smoking and Cancer

We also know quite about the relationship between behavior and disease, such as the relationship between smoking and cancer.

We even have some confidence about predicting on the average what sorts of people are more likely to die from particular types of cancer.

We talk about their risks at the population level with reference to notions of **excess death**.

Excess Deaths

Excess deaths have been defined as the “difference between the number of deaths observed in a racial/ethnic group and the number of deaths that **would have occurred** in **that** group if it had the **same** death rate as the non-Hispanic white population.”

The data suggest that African Americans as a group suffer excess deaths for almost every cause of mortality except suicide.

While the more popular term for excess deaths these days is “**racial disparity**,” and while there have been marked improvements in the relative risks that African Americans face in the area of health outcomes, we are far from having arrived at any kind of parity in the **distribution of life chances** in most spheres social life.

This notion of **life chances** is one that I picked up along the way from Ralf Dahrendorf, a sociologist concerned with the ways in which class position, or **social location** affects the sorts of **opportunities** that we have to make important **choices** in our lives.

The denial of the **opportunity to choose** has become a pretty central part of my critical engagement with different forms of **instrumental rationalism**.

What I want to set out for you this evening are a series of arguments, laments and concerns about the ways in which **racial statistics** have not only come to **represent** the distribution of life chances in ways that continue to place African Americans down near the bottom of the pile, but I would also like to illustrate some of the ways in which many of the same statistics are used to ensure that their status is **less likely** to improve.

Engaging Discrimination

We have become increasingly aware of the tensions related to the collection of racial statistics in support of the charge by individuals, or by organizations acting on behalf of an aggrieved class, that they have been the victims of **unlawful discrimination**.

Of course, it is not exactly clear what sorts of **standards** the courts ought to be using in an effort to determine whether a crime called **racial profiling** has actually taken place.

There is an ongoing debate among academics about what the appropriate standards ought to be if the courts or some administrative agency are to determine how **great a disparity** there has to be before one can draw the conclusion that the kinds of discrimination that are taking place are the kinds that we all despise, or whether these disparities reflect the interplay of police science and race-linked differences in **acquiescence** to the rule of law.

So, even though it is not clear which measures to use in order to gather evidence of discrimination, and despite the fact that some folks at the state level are sponsoring legislation designed to make the collection of such data against the law, there is still a general sense that gathering statistical evidence of racial disparity is an important part of our efforts to reduce that disparity.

Indeed, I continue to marvel at the extent to which the narrowing of gaps or the reduction of racial disparity has been articulated as an explicit policy goal.

While we may disagree about the ways in which the national educational policy being pursued under the banner of “no child left behind” is actually being experienced as an **unfunded mandate**, it is worth noting that the initiative is formally committed to narrowing the performance and achievement gaps between racially identified groups in our schools.

While the focus of the analysis is not **on the detection** of discrimination within schools, the assessment effort **is** specifically concerned with collecting information “on the percentage of students scoring at the proficient or advanced levels in...reading/language arts and mathematics for all students, **disaggregated** by major racial/ethnic groups...”

If we were interested, such data would allow us to talk about the relative status of Whites and African Americans, and to put it in another way, we might be prepared to say whether African Americans in a given school were **more or less likely** than Whites to be proficient in mathematics.

Panoptic Sort as a discriminatory technology

As I suggested earlier, I am particularly concerned with the ways in which the use of the discriminatory technology that I have called the **panoptic sort** operates to the detriment of segments of the population, especially African Americans.

This process of sorting people into categories on the basis of their perceived value, or risk, can be understood to have important social consequences that multiply, and reinforce each other.

This discriminatory technology is used to evaluate people in terms of their suitability for employment, for their life time value as customers, and for their strategic advantage in periodic political contests.

Employers use an increasing variety of tests to distinguish between potential employees, based on an ever-expanding set of criteria that may include estimates of the **probability** that they will get along well with their co-workers. A similar set of assessments are used to assign people to tasks, or tasks to people on the basis of continually adjusted models of productivity.

As a communications scholar I have been particularly concerned about the ways in which assessments of comparative worth determine the resources that are available to support the kinds informational resources that people need to succeed in roles as parents, lovers, employees, consumers, and citizens.

Although we always thought it was so, we now have more compelling evidence to support the claim that advertisers pay different rates for access to audiences they see as differing in expected value.

If we understand the commercial media to be in the business of producing **audience attention** for rent to advertisers, we understand that advertisers, as rational actors will not want to pay full price for **attention** unlikely to become a sale, or more critically, a long term profitable relationship.

Predictive models help advertisers decide what is the maximum price they should pay for a composite bundle of audience exposures.

On occasion I refer to these bundles as a package of mixed nuts. When I ask my students what kind of nuts in this bundle will lower the average cost, they all readily identify **peanuts**.

The same is true for a demographically mixed bundle of viewers, or readers. Old people and African Americans **are the peanuts in the mix**.

One study estimated that young readers between 29 and 39 years of age are valued at more than seven times the rate usually paid for access to senior citizens.

For access to those youngsters who also happen to be **affluent**, the going rate is 48 times the rate for seniors on fixed income.

Much of the research on the valuation of minority audiences has focused on the electronic media. Some important work by Kofi Ofori makes use of what is referred to as a **power ratio**. If radio stations market an audience that is valued above its unit value, the power ratio is above 1. If they are undervalued, the ratio is below 1.

Back in 1996, the average power ratio for minority-targeted radio stations was .91, while the ratio for general market radio was 1.16.

By 1999, the disparity had actually increased. The average power ratio for minority targeted stations had dropped to .72, while the average for general market radio stabilized around 1.15.

Estimates for television programs tell the same story, but in different ways. Television programs with primarily African American casts fail to attract the appropriate mix of young affluent viewers, and as a result, the networks that schedule those programs can expect to receive around \$16,000 less than they otherwise might for each 30-second spot they sell.

It is not hard to understand why there is an undersupply of programs of interest to African American audiences. Not enough advertisers want to pay the cost of producing something they will have to struggle to sell.

This is also likely to mean that those broadcasters who want to stay in the business of producing minority audiences are going to have to make use of cheaper raw materials.

While that might not be so much of a problem with regard to entertainment, when this discriminatory system results in the delivery of low quality news and public affairs, a decline in the quality of minority group participation in the public sphere is almost certain to take place.

It is when we turn to the public sphere that I want to suggest we ought to have the greatest concern.

The segmentation and targeting of political messages to citizens on the basis of sophisticated multivariate predictive models is in my view, one of the most insidious parts of a complex system that works to disenfranchise African Americans and other poor people of color.

Political consultants, armed with data acquired on the open market, actively pursue a strategy of “letting sleeping dogs lie.” This “divide and conquer” approach to “winning for the **client** at all cost” follows the same logic that guides the purchase of commercial time or space.

But it is more than an attempt to pay the right price for access to the right audience segment. It is more closely akin to the **refusal** of some retailers to purchase time on minority-targeted media because they don’t want to attract **those** people into their stores.

In the case of political consultants, they don’t want to invite **those** people into the public sphere where they might ask the wrong questions, or lead others to question just who this policy or candidate is supposed to serve.

Repeatedly bypassing, and thereby excluding segments of the population from debates about important public issues all but assures that they will fall further and further away from the mainstream with each policy cycle.

In addition, their ability to participate in the public sphere will also **decline** because they will not have been given the opportunity to practice and develop the skills to engage in political debate.

Rational Discrimination

So, this is the basic argument that I can only outline in the broadest of strokes for you here this evening.

I have been talking about racial discrimination. While some of this discrimination may be guided by what some refer to as **racial animus** or a hatred of people defined by race. There are other sorts of discrimination that have a **racial effect** that do not depend upon animus at all.

Statistical Discrimination

Statistical discrimination has a racial effect if it makes use of race, or a race linked mark of distinction as a source of information, or as an input in a predictive model.

Some have said that race-based policing might be justified on the basis of an statistical association between race and crime. Police officers will say that they focus their attention on African Americans because they believe that African Americans are more likely to be involved in a class of targeted crimes.

We are coming to understand that even if Whites and African Americans use drugs, or transport them in their cars to the same degree, an untested predictive model that says stopping African Americans will be more efficient. It will result in greater numbers of Black people being stopped, searched, arrested, and convicted for drug related offenses. It is these data that ironically come to be used as the justification for stopping African Americans more often.

Genetic Discrimination

The classification of persons on the basis of patterns in genetic material may also enable a form of statistical discrimination if those patterns are used to predict greater risk or susceptibility to illness. There is great concern about the possibility that genetic classification will become a **routine** basis for discriminating between people as candidates for employment, public office, or even marriage, with thoughts of idealized offspring in mind.

DNA Fingerprinting

We already know that police are coming to rely on the collection of genetic material for the identification of **suspects** who just happen to have left some of themselves behind.

DNA fingerprinting, just like traditional fingerprinting is about narrowing down the chance of being wrong about match between a suspect and a crime.

We have reason to be concerned about the use of genetic material to make predictions about the racial and ethnic characteristics of a suspect, when there is no match with samples already on file.

Moves along the way to dramatically increase the number of samples of genetic material that are captured, stored, or are otherwise represented in digital files mark yet another growing area of concern.

Police around the nation are collecting genetic samples through a variety of means at different stages in the process of engagement with African Americans including cases of group specific dragnets based on vague descriptions of a perpetrator's race.

Behavioral Genetics

There is also mounting concern about the possibility that routine collection of genetic material will be justified on the basis of improved predictions of **likely behavior**.

It is important to understand that information about a person's behavior or lifestyle is **not** information about a person's health **status**, it is information that enables **predictions** about whether they are **likely** to become ill or incapacitated on the basis of their risk-related behavior.

It is also not unreasonable to imagine that genetic testing, at, or before birth will be pursued as a hedge against the future.

Indeed, it is not unreasonable to assume that parents, and parents to be, will seek such tests on the basis of their **own** concerns about the **kind** of child they might produce.

But it is also likely their physician, as a defense against being sued for **wrongful birth**, might strongly recommend such a genetic assessment.

Genetics and Race

Concerns about **eugenics** take on an additional cast when we combine genomics with race.

While survey research may have demonstrated a significant change in the proportion of Americans (and others) who are willing to express a belief in negative racial stereotypes about African Americans, some of us are concerned about the association of genetic predispositions to disease, and more problematically, behavioral tendencies toward violence and addiction **with** populations defined by their **ancestral roots**.

This tendency increases the chance that African Americans will once again be defined as a **damaged race**, even if in polite company we are referred to as a population group.

Cumulative Disadvantage

I continue to return to the status of African Americans because I have been influenced of late with the concept of **cumulative disadvantage**. In a recent report from the National Research Council's Panel on Methods for Assessing Discrimination, I read a discussion of the ways in which racial discrimination, including the various forms of the rational, or statistical discrimination I have been talking about this evening, multiply or accumulate within and across generations.

This notion of cumulative disadvantage is a powerful insight into the ways in which the decisions made by self-interested actors have consequences that pile insult upon injury.

About the same time that I encountered the Panel's report, I also read a book by a legal scholar, Frederick Schauer called Profiles, Probabilities and Stereotypes.

Schauer was also concerned about instrumental rationality, and the extent to which we should rely upon generalizations, in ways that lead us to treat people as members of populations, or categories, or groups, rather than as individuals.

After demonstrating the value, and perhaps the **necessity** of acting on the basis of predictions from models based on distinctions between groups, Schauer argued that we should nevertheless avoid using race or gender in those models.

Where some critics of the use of race or gender suggest that they should not be used because they are not variables, or in any case are not generally subject to choice or modification, Schauer argued that they should not be used because they are likely to be **overused**. And while he didn't make the association explicitly, the overuse of race in models that deny, are bound to lead to this cumulative disadvantage which is there for all of us to see.

Racial Stigma

One of the ways in which the use of race leads to what systems theorists refer to as positive feedback, deviation amplifying loops, is through the **imposition**, reproduction and spread of **stigma**.

Stigma affects the ways in which we relate to people who have somehow been **marked** as different and perhaps dangerous.

Glen Loury has had quite a bit to say about the ways in which the discourse of risk and blame contributes to the social construction of African Americans as a race of people not worthy of respect, regard, or concern.

He tells a number of stories which illustrate the nature of the **self-confirming hypotheses** that reinforce cumulative disadvantage.

One of my favorites is the story of the taxi driver who refuses to pick up African American males because he believes that they are criminals, and are likely to rob him.

However by failing to pick up those Black males who attempt to get a ride, he and his colleagues increase the number of honest, hard working Black guys just trying to get home from their second jobs, who will finally get tired of waiting, and then pay too much for a used car and the insurance to keep it from being towed.

What this means, of course, is that the proportion of Black guys trying to get a ride, who might in fact be up to no good, has just increased.

The notion of cumulative disadvantage, when coupled with an understanding of how stigma works to shape not only behavior, but also sympathy and concern, should help us to understand how the general public's response to the problems of African Americans seems to be moving down a very dangerous slippery slope.

Media's Role

I know I am running long and I haven't said very much about the role of the mass media.

Risk Perception

We understand **instrumental rationalism** not only in terms of the pursuit of advantage, but also in terms of the avoidance of risk. I have chosen to focus my research on that side of the equation because of the ways in which risk is framed in terms of uncertainty and chance.

Problem assessment

The media provide information that help people understand the nature of the risks in their environment. People want to know what is the nature of this risk? What is the nature of the risk for me?

In some cases we may be interested in **relative risk**, which includes an assessment of the level of risk that others face.

All of these estimates are part of the process through which we think about a policy response. Risk assessments may also include questions about who bears the responsibility for managing that risk.

This is a particularly important consideration when the policy is in response to what we see as threats differentially affecting Whites and African Americans.

Policy preferences

Our understanding of policy preferences and the impact of media frames includes the fact that the **identification of the victims** plays a critical role in our assessment.

Distant victims, different victims, and unsympathetic victims all evoke different policy responses from those we support when the victims are like us, unwilling innocents who are unable to avoid the catastrophic harms that have been visited upon them.

It should be clear that the media play a central role in the social construction of policy targets as being worthy of our concern. Racial stigma makes it difficult for African Americans to be framed as worthy of much concern at all.

Framing Racially-Comparative Risk

As I suggested earlier, I have been concerned for quite some time with the ways in which the media frame racial comparisons, especially racially-comparative risk.

The media tend to tell stories of racial disparity in a limited number of ways, perhaps reflecting the influence of journalistic standards.

Consider a quite common story about the mortgage market. The data might say that 20% of African Americans who applied for mortgages in the last year were successful. The data might also say that 40% of Whites who applied for mortgages were successful. These data also imply that 80% of African American applicants were rejected, while 60 % of White applicants were rejected.

The headline and the lead in a story about these facts can present these data in a great variety of ways, but I have focused on what I see as journalists' and editors' **revealed preference** for these four particular frames.

African Americans are more likely to lose

African Americans are less likely to win

Whites are more likely to win

Whites are less likely to lose.

My colleague Klaus Krippendorff might suggest that there is some sort of **constraint** operating when the appearance of these frames departs from equality.

Time and time again, the overwhelming majority of framing statements suggest that African Americans are **more likely to lose**.

In a recent study in which we compared explicit racial comparisons, Zhan Li and I observed the following distribution, where African American loss is clearly the preferred frame.

Journalists tell me that “of course, black loss is the story.” It is interesting to note, however, that racially comparative frames that emphasize **White success** are more likely to be published in those cities in which African Americans represent a sizeable share of the market.

We believe that ways in which these comparisons are made helps to determine the ways in which the public will evaluate the disparities that are reported in the press.

Comparisons of two attitude objects (A or B) will produce different results depending on the direction of the comparison. In seeking to understand whether the public believes tennis is more exciting or enjoyable than soccer, it matters whether we compare soccer to tennis, or tennis to soccer.

This effect is rather robust, and has even been demonstrated to occur when comparing ourselves to others in terms of the degree to which we are “lucky in life.”

Cognitive theory suggests that the **target** or **subject** of a comparison triggers, or activates a stereotype that includes the most salient attributes of the subject. These attributes are then used in making sense of a comparison.

Thus, it matters whether African Americans are the target, or the referent of a comparison because of the particular stereotypes that have been associated with Black people over time

This is especially relevant with regard to risk comparisons where the activation of a stereotype is likely to invite both a **minimization** of the disparity, and an assignment of causal responsibility to the victims. Blaming the victim is far more likely when the victim is characterized as a racialized “other” or is **stigmatized** by other means.

As a result of biased attributions enabled by racially primed stereotypes, preferences for a public policy options may come to reflect the extent to which a group of victims is held in high regard.

The impact of group regard is substantial. Preferences for risky options that emerge when results are framed in terms of “lives lost” rather than “lives saved” can be

modified by changing the ways in which the **groups at risk** are framed. When the “victims” are “less desirable,” the usual reversal in preference does not occur.

This suggests that the use of African Americans as the targets of comparisons between victims is likely to limit the public’s support for policies that would be designed to reduce the disparity.

Our analysis of media frames suggests that journalists and their editors share a common framework for talking about disparity and relative risk. This is especially true when the stories are about racial disparity. The overwhelming tendency in those articles that involve comparisons between Whites and Blacks is to emphasize the hardships faced by Blacks, rather than the advantages enjoyed by Whites.

This means that well-intentioned investigative reporters seeking to raise public consciousness and concern about Black victimization may ironically contribute to a mounting backlash against race-targeted public policies.

I said I was in a quandary.

Quixotics Unite

I know I’ve covered a lot a ground, perhaps too much. Perhaps too quickly, so let me conclude with an apology and a confession.

I am actually thinking about extending my concern about the use of race in predictive models to the use of predictive models in general.

I even imagine organizing a social movement of Quixotics who are willing to challenge the use of actuarial models. We Quixotics understand that numbers rule the world and that “probability theory has become the arbiter of practical rationality.”

But it is not so much that the predictions that guide the choices of the powerful, and the well-intended are false or off the mark.

Rather it is that those who **choose** to discriminate on the basis of those predictions have also chosen to **ignore** the alternative futures that might **also** have been predicted with equal or greater confidence if their attention had been directed toward those ends.

To that I must say...

Quixotics Unite!