

Here are a trio of recent op-eds.

First in today's [New York Times](#), I have an op-ed growing out of a Brisbane bus study:

When Whites Get a Free Pass

Research Shows White Privilege is Real

By IAN AYRES FEB. 24, 2015

NEW HAVEN — THE recent [reunion show](#) for the 40th anniversary of “Saturday Night Live” re-aired a portion of Eddie Murphy’s 1984 classic “[White Like Me](#)” skit, in which he disguised himself to appear Caucasian and quickly learned that “when white people are alone, they give things to each other for free.”

The joke still has relevance. A field experiment about who gets free bus rides in Brisbane, a city on the eastern coast of Australia, shows that even today, whites get special privileges, particularly when other people aren’t around to notice.

As they describe in two [working papers](#), Redzo Mujcic and [Paul Frijters](#), economists at the University of Queensland, trained and assigned 29 young adult testers (from both genders and different ethnic groups) to board public buses in Brisbane and insert an empty fare card into the bus scanner. After the scanner made a loud sound informing the driver that the card did not have enough value, the testers said, “I do not have any money, but I need to get to” a station about 1.2 miles away. (The station varied according to where the testers boarded.)

With more than 1,500 observations, the study uncovered substantial, statistically significant race discrimination. Bus drivers were twice as willing to let white testers ride free as black testers (72 percent versus 36 percent of the time). Bus drivers showed some relative favoritism toward testers who shared their own race, but even black drivers still favored white testers over black testers (allowing free rides 83 percent versus 68 percent of the time).

The study also found that racial disparities persisted when the testers wore business attire or dressed in army uniforms. For example, testers wearing army uniforms were allowed to ride free 97 percent of the time if they were white, but only 77 percent of the time if they were black.

This elegant experiment follows in a tradition of audit testing, in which social scientists have sent testers of different races to, for example, bargain over the price of new cars or old baseball cards. But the Australian study is the first, to my knowledge, to focus on discretionary accommodations. It’s less likely these days to find people in positions of authority, even at lower levels of decision making, consciously denying minorities rights. But it is easier to imagine decision makers, like the bus drivers, granting extra privileges and accommodations to nonminorities. Discriminatory gifts are more likely than discriminatory denials.

A police officer is an out-and-out bigot if she targets innocent blacks for speeding tickets. But an officer who is more likely to give a pass to white motorists who exceed the speed limit than to black ones is also discriminating, even if with little or no conscious awareness. This is one reason the Twitter hashtag [#crimingwhilewhite](#) is so powerful: It draws attention to the racially biased exercise of discretion by police officers, prosecutors and judges, which results in whites getting a pass for the kinds of offenses for which minorities are punished.

Racial discrimination is more likely in settings in which both decision makers and bystanders cannot easily observe how comparable nonminorities are treated. A restaurant is unlikely to charge Hispanics higher prices for a hamburger, because the victim could compare her bill to the price listed on the menu. But one-off accommodations where the decision maker retains substantial discretion don’t offer any easy point of comparison. My kids, who are white, have never been turned down when I asked if they could use a bathroom designated for “employees only.” After reading the Australian bus study, I wonder whether the same is true for minority families.

The bus study underscores this point. Drivers were more likely to let testers ride free when there were fewer people on the bus to observe the transaction. And the drivers themselves were probably not aware that they were treating minorities differently. When drivers, in a questionnaire conducted after the field test, were shown photographs of the testers and asked how they would respond, hypothetically, to a free-ride request, they

indicated no statistically significant bias against minorities in the photos (86 percent said they would let the black individual ride free).

Of course, unconscious bias might play out differently in the United States than in Australia. But research in America, too, suggests that decision makers use discretion to bestow benefits in a discriminatory fashion. For example, a [recent study](#) of 22 law firms by Arin N. Reeves, a lawyer and sociologist, found that partners were less critical of a junior lawyer's draft memo if they were told the lawyer was white than if they were told the lawyer was black.

What does white privilege mean today? In part, it means to live in the world while being given the benefit of the doubt. Have you ever been able to return a sweater without a receipt? Has an employee ever let you into a store after closing time? Did a car dealership take a little extra off the sticker price when you asked? When's the last time you received service with a smile?

White privilege doesn't (usually) operate as brazenly and audaciously as in the Eddie Murphy joke, but it continues in the form of discretionary benefits, many of them unconscious ones. These privileges are hard to eradicate, but essential to understand.

Second, A christmas miracle. Washington post just published an oped of proposing a way to limit excessive police force: http://www.washingtonpost.com/opinions/ending-excessive-police-force-starts-with-new-rules-of-engagement/2014/12/25/7fa379c0-8a1e-11e4-a085-34e9b9f09a58_story.html

And third, also just in time for the holidays, the NYT let me and John Witt address Obama's lame duck legacy: <http://www.nytimes.com/2014/12/22/opinion/obama-the-least-lame-president.html?hp&action=click&pgtype=Homepage&module=c-column-top-span-region®ion=c-column-top-span-region&WT.nav=c-column-top-span-region&r=0>