Racism and Race-Based Traumatic Stress: Toward New Legal and Clinical Standards

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Psychology has shaped and influenced the law in a variety of societal domains [Barrett & George, 2005; Roesch, Hart, & Ogloff, 1999; Sales & VandenBos, 1994; Scheirer & Hammonds, 1982]. In several societal domains, psychologists have provided research and interpretations of research that have been used to shape and guide existing law and legislation. The domains include family law, education, criminal justice, forensic assessment, business industry, civil rights, employment rights, and so forth [Barrett & George, 2005; Roesch et al., 1999; Wang, 2006].

Much of the race-related civil rights law in education and employment has been influenced by psychological science [Goodman-Delahunty, 1999; Wang, 2006]. For instance, in the domain of race-related public policy in education, Kenneth Clark, a Black psychologist, played a significant role in the Brown v. Board of Education (1954) Supreme Court decision by testifying about the psychological effects on Black children of the then separate school systems [see Bell, 2000]. His testimony, along with other factors, assisted the court in the decision that prohibited legal segregation in schools in the United States. Psychologists have also helped identify subtle practices in various settings (e.g., school, work, home) that have been shown to have psychological and emotional effects. Much of the existing racial law involving psychology has focused on various aspects of racial discrimination [Barrett & George, 2005].

One purpose of the paper is to discuss the psychological and emotional effects of racism in the form of racial discrimination and harassment on People of Color. We will distinguish between two types of racism and will argue for a distinction that does not currently exist in the law [Bell, 2000]. In current legal practice and public policy, racial harassment is a form of racial discrimination. We will integrate psychological models and research on race and trauma with legal policy to advance the cause of racial justice. It is our contention that a major contributing factor to the problem of racial injustice is a failure to clearly understand the emotional, physical, and psychological effects of chronic racism on its targets or victims as well as its perpetrators [Carter, 2007; Carter & Forsyth, 2009]. The new paradigms that we propose have workplace application as well as affirmative action in education and criminal justice issues. We contend that targets of racial injustice suffer physical and psychological harm in the form of stress and other symptoms as a consequence of chronic and persistent racism [Carter, 2006; Williams, Neighbors, & Jackson, 2003]. Furthermore, it is clear that for many people, racism has become a broad and indistinct term with shifting meaning. We believe that in order to create a new paradigm that will contribute to reducing entrenched racial injustice, it is necessary to unpack or deconstruct racism [Carter, 2007]. Therefore, we offer a way to specify aspects of racism by distinguishing between racial discrimination and racial harassment in order to (1) facilitate recognition by targets and others of systematic, overt, subtle, and unconscious forms of racism; (2) guide analysis of court cases and
chart new strategies; and (3) study and gain a more accurate understanding of the perceptions of both targets of racism with claims and complaints and those who work on their behalf or participate in the legal process.

Another purpose is to discuss some of the current and historical factors that we think contribute to the lack of attention in psychological and legal scholarship given to race-based stress, its causes, and its effects. Lastly, we show that racism is a stressor and, as a stressor, it has psychological and emotional effects that harm its targets (Williams & Mohammed, 2009). The stress of racism in the form of discrimination and harassment is not currently recognized in psychology or psychiatric diagnostic systems (Carter & Forsyth, 2009).

Unpacking Racism

We have noted that racial discrimination can be distinguished from racial harassment when racial discrimination is a form of aversive or avoidant racism (Carter, 2007; Carter & Helms, 2002). It is defined as behaviors, actions, policies, and strategies that have the intended or accidental effects of maintaining distance or minimizing contact between members of the dominant racial group and members of nondominant racial groups (Darity, 2003; Feagin & McKinney, 2003; Klonoff & Landrine, 1999). Racial harassment, on the other hand, is related but different. It is defined as a form of domineering or hostile racism that involves actions, strategies, and policies that are intended to communicate or make salient the target’s subordinate or inferior status due to his or her membership in a nondominant racial group (Carter, Forsyth, Williams, & Mazzula, 2007; Carter & Helms, 2002; Feagin & McKinney, 2003; Jones, 1997; Kovel, 1970).

Racial harassment is often characterized by active race-based hostility, which might include the commission of or implied or actual institutional permission to commit flagrant acts of racism. It might also occur as a form of pressure to “fall into line” with institutional racial policies as a condition of continued employment, education, or social participation (i.e., quid pro quo). The distinctions are important for both legal and mental health professionals because both may be consulted by targets for legal or psychological relief (Carter & Forsyth, 2009).

When a person experiences racial discrimination or harassment, he or she can seek a legal remedy. Many people subjugated to discrimination or harassment may first present to a psychologist or helping professional for relief from the symptoms associated with their experiences. In other instances, they may consult an attorney to explore their options for redress. The attorney then might solicit psychological or psychiatric assessments of the person’s psychological/emotional state as it relates to his or her experience of racial discrimination or harassment.

Carter and Forsyth (2009) noted that in the legal and psychiatric literature, there isn’t much written that is specifically focused on describing the psychological symptoms of racial discrimination or harassment. They reported five studies that addressed racism in the psychiatric literature. The lack of attention to the psychological and emotional consequences to racism is curious given the facts that (1) sexual harassment and discrimination have received considerable attention in the legal and psychological literature, and (2) the legal and psychological foundation for discrimination law were derived from the Civil Rights Act of 1964 (Chew & Kelly, 2006).
The Role of Psychology and the Law in Societal Racism

One way to make sense of the differential treatment of race and sex discrimination in the law and psychology is through an understanding of the history of race. We believe that race and sex are treated differently in psychology, the law, and society because of the complex interaction between race and American legislative history and its prior legal status (Bell, 2000; Guthrie, 2004).

Psychology as a discipline generated racial classification studies to help support social and scientific beliefs in the inferior status and cultural deprivation of non-white people (Carter, 1995; Guthrie, 2004; Thomas & Sillen, 1972). Thus, psychology and other mental health disciplines collided with shaping racial law and social custom. Laws and legislative acts were central and essential in establishing race as a basis of social, legal, economic, and political difference in the Colonies and the nation (Bell, 2000; Crenshaw, Gotanda, Peller, & Thomas, 1995). Said another way, the groups and disciplines that today may be approached for relief from racial discrimination and/or harassment are the same ones that established, sanctioned, and promoted racism in our society (Feagin & McKinney, 2003).

Historical Developments in Race and the Law

Europeans employing rights presumed to exist in international law transported Africans as slaves or property starting in the 1500s to the Caribbean Islands. By 1600, it is estimated that Europeans and American colonists held a half million Africans as property with no legal rights as people in the Western Hemisphere (Stampp, 1956). It is believed that between 1619 and 1640 when Africans entered the North American Colonies, unlike Europeans who were often indentured servants with contractual rights, law and custom designated the majority of Africans and their descendants as lifelong servants (Dodson, 2002). Thus, racism was embedded in the structure of our society from its beginning. Racial harassment and discrimination evolved as socially approved forms of systemic racism.

Psychology and other social sciences documented and supported systemic racism and the idea that People of Color were inferior or culturally deprived (Carter, 1995; Gould, 1981; Guthrie, 2004). Carter (1995) described how various psychological scholars and theorists have and continue to contribute to beliefs that racial differences were and are equivalent to inferiority or cultural deprivation for nondominant racial group members’ beliefs that are still prevalent today (see Carter & Forsyth, 2006). Thus, there are significant barriers and obstacles for psychologists and lawyers as they try to address, litigate, understand, or assess a Person of Color’s experience of stress-related trauma arising from racial discrimination or harassment (Butts, 2002; Carter & Forsyth, 2009; Feagin & McKinney, 2003).

The history of race in our legal codes and social traditions affects how citizens, lawyers, and psychologists understand race. Race is socially constructed and, therefore, is defined by rules, customs, and expectations. As a consequence, people often are forced to conform to their assigned racial roles or be subject to racial harassment and discrimination for violating the rules that govern race relations (i.e., Whites who protested with Blacks during the Civil Rights era were beaten and killed; Appiah & Gates, 1999). Because these forms of socialization are so much a part of U.S. life and history, it seems reasonable that understanding the psychological
and emotional impact and injury from race-based stress and trauma would not be easily understood by lawyers and psychologists. To aid in the development of a greater understanding of race-based traumatic stress, an overview of laws and legislative acts passed to reduce racial injustice and to provide legal and civil rights to former slaves will be presented. This overview will show the persistence of racial injustice over time in the face of efforts to prohibit racial discrimination and harassment. Following the discussion of the legal history, the psychiatric and psychological nomenclature associated with race-based stress and trauma will be described and the harm and injury experienced by the individuals who are or have been targets of racial discrimination and/or harassment will be discussed.

The Laws Regarding Racial Discrimination and Harassment

There have been several legislative and administrative efforts to prohibit the type of racial injustice that was legal prior to the abolition of slavery. Prior to 1865, in general, neither slaves nor free Blacks could enter into contracts, free Blacks who worked had few if any rights, and neither had protection from physical or any other form of abuse. The Civil Rights Act of 1866 was created to implement the 13th Amendment of the Constitution. It granted all persons (especially former slaves) the same right, in private and public sectors, to “make and enforce contracts . . . as is enjoyed by white citizens” (Bell, 2000, p. 56).

The Civil Rights Act of 1866 was followed by the Civil Rights Act of 1871, which was passed to implement provisions of the 14th Amendment of the Constitution. The 14th Amendment extended equal protection from discrimination and granted citizenship to all Blacks and People of Color. Nevertheless, segregation and racial bias continued both through law and custom. For instance, Plessy v. Ferguson (1896) was a Supreme Court decision that upheld segregation in the South (Bell, 2000).

An effort to dismantle racial segregation occurred in the mid-20th century when in 1941 Executive Order 8802 was issued by President Roosevelt. Executive Order 8802 outlawed racial discrimination and segregation in the government and defense industries. The order was given, in part, to aid in the war effort. However, racism and discrimination remained core features of the country and, in spite of the legal prohibitions, social and economic access and opportunity were still denied to the majority of Blacks and other Americans of Color, in part due to the fact that states established laws after Reconstruction to limit the rights of Blacks and other Americans of Color. Racial segregation and discrimination continued throughout the 19th and early 20th centuries (Packard, 2002).

Social and political activism on the part of Blacks and Whites several decades later led to the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. The Acts prohibited segregation in public accommodations, assured the right to vote, and again made employment discrimination illegal. The 1964 Act provided legal options for those who were targets of racial discrimination, and a large number of legal claims were filed seeking relief from racial discrimination (Chew & Kelly, 2006).

However, over time, the Supreme Court limited the nature of remedy and narrowed legal interpretations of how plaintiffs could claim and prove racial discrimination. The Court permitted defendants what has been called the same decision or business necessity defense as a non-racial explanation to refute charges
of racial discrimination even when such actions could have had a racially biased effect (Bell, 2000). The Civil Rights Act of 1991 was passed, in part, in response to court decisions that limited legal redress provided by Title VII of the 1964 Civil Rights Act. The changes in the 1991 Civil Rights Act allowed for the provision of jury trials and attorney fees, but at the same time capped the amount that could be awarded for punitive damages. It did not restrict awards for compensatory and punitive damages for findings of intentional racial discrimination, however. As Bell (2000) noted, “[T]he 1991 Civil Rights Act reformulated standards of federal discrimination law that had been the subject of seven recent decisions of the United States Supreme Court, which had made it more difficult for employee plaintiffs to plead, prove, [or] recover for unlawful employment discrimination” (p. 807).

The Civil Rights Act of 1964 is known for its provisions associated with racial discrimination; however, there are a few things that we think are noteworthy about the laws described above, in particular, the Civil Rights Act of 1964: (1) the Civil Rights statute did not specifically define what constituted discrimination; (2) the statute did not specifically define race; and (3) Title VII, which was written to prohibit discrimination in employment, did not use or identify harassment in the statute. Thus, core notions (i.e., race, discrimination, harassment) that were the foundation of the laws were vague and undefined. The notions of harassment in the workplace or a hostile environment were not specified until the 1970s.

A racially hostile work environment was first recognized in 1972 as discrimination under Title VII in Rogers v. EEOC (Buff, 1995; Chew & Kelly, 2006). In 1972, the Court of Appeals for the Fifth Circuit found that it was possible for work environments to reinforce the (racial) stereotypes Congress intended to eliminate. For instance, Blacks had been and continue to be perceived and stereotyped as hostile, lazy, unintelligent, and angry.

According to Buff (1995) and Chew and Kelly (2006), the notion of a hostile work environment or harassment was extended to “sex” discrimination in 1982 in Hensen v. City of Dundee. In both 1972’s Rogers v. EEOC and 1982’s Henson v. City of Dundee, the courts took the view that psychological well-being is a term, condition, and a privilege of employment for women and men regardless of race.

Legal Liability and Psychological Injury

Even though laws prohibiting racial discrimination and harassment pre-date laws prohibiting sexual discrimination and hostile work environment claims, the standards and remedies for each type of discrimination have been different. Feagin and McKinney (2003) note, “[A]lthough the idea of a ‘hostile work environment’ originally extended from racial discrimination cases to sex discrimination cases, the courts have only occasionally accepted the kind of evidence to demonstrate a hostile racial climate that they accept to demonstrate a hostile sexual climate” (p. 204).

For instance, when sexual harassment is claimed, whether the perpetrator intended to harass the defendant is less of an issue. However, in the case of racial harassment, the plaintiff has the burden of establishing liability by proving that the defendant’s actions were intentionally discriminatory. Thus, liability is somewhat more difficult to establish in racial discrimination and harassment claims (Bell, 2000; Chew & Kelly, 2006; Feagin & McKinney, 2003).
With regard to the issue of damages, the types of psychological harm in the case of racial harassment and discrimination is less obvious. For example, many organizations have set clear guidelines and policies regarding sexual harassment in terms of what it is and how to file claims within the organization. Similar policies and guidelines are less often available for racial harassment and discrimination (Carter & Forsyth, 2009). The differences between race and sexual harassment might exist because people have more direct experiences with gender interactions than with racial interactions. We are and have been separated by race, and we interact less often in our social and work lives than is the case for gender interactions. Therefore, the task of the plaintiff in securing legal redress for psychological injury due to racial harassment (e.g., hostile environment) or discrimination in work and education settings is more difficult since it must be demonstrated that the psychological symptoms resulting from the harassment or discrimination are severe enough to merit compensation (Chew & Kelly, 2006). This is a daunting task since there is less acknowledgement about race and racism in our daily lives and because of the contradictory attitudes and perceptions about race held by Whites, Blacks, and People of Color (Dovidio, Gaertner, Kawakami, & Hodson, 2002).

The legal standard requires that the harassment exceed the levels of what would be expected by a “reasonable person” (Buff, 1995; Chew & Kelly, 2006). However, when one considers the different histories of racial and gender groups in law, custom, and social practice, then the “reasonable person” involved might have quite different experiences and perceptions in judging whether an injury or damage has occurred. Virtually all people have the experience of being treated as a man or as a woman, but only a “racial minority” has the experience of being treated unfairly due to one’s race.

Racism as a Stressor

For its targets, racial discrimination and harassment are stressors that for many lead to negative psychological and emotional outcomes (Brondolo, Brady ver Halen, Pencille, Beatty, & Contrada, 2009; Clark, Anderson, Clark, & Williams, 1999; Williams & Mohammed, 2009). Yet, when a person struggles with the experience of racial harassment or discrimination, the impact of their experience is harder to accept due to its subtle and socially accepted nature (Brondolo et al., 2009). Guyll, Matthews, and Bromberger (2001), in their study of discrimination and health, found that for Blacks women, “the experience of subtle mistreatment (discrimination) was positively related to cardiovascular reactivity, but the experience of blatant mistreatment was not” (p. 322). Moreover, many acts of racial aggression communicated through institutional or cultural practice or procedures have been and are easily explained away or dismissed. Butts (2002) put it this way: “Knowledge of the impact of racism on the psyches of African-Americans is limited by . . . the tendency among European-Americans to deny, minimize, and rationalize the existence of racism; the tendency among European-Americans to ascribe inferior status to African-Americans; [and] the application of many stereotypes and myths to African-Americans that serve to have them viewed as non-responsive to human influences” (p. 336).

The psychological and emotional reactions or impacts of racial discrimination and/or harassment are similar to the experience of other forms of psychological stress. Kessler, Mickelson, and Williams (1999) found that the relationship between discrimination and mental health was similar to that of other stressors. They note,
“discrimination is among the most important of all the stressful experiences that have been implicated as causes of mental health problems” (p. 224). Researchers have noted some differences between chronic (cumulative, long-term) and acute (short-term, singular) events of discrimination. Clark et al. (1999) also pointed out that there is a tendency to discount reports of racism simply because they involve a subjective component. Such a tendency to discount perceptions of racism as stressful is inconsistent with the stress literature which highlights the importance of the appraisal process. . . . [T]he perception of demands as stressful is more important in initiating stress responses than objective demands that may or may not be perceived as stressful. . . . With this in mind, the initiation of psychological stress responses as a result of perceiving environmental stimuli as involving racism would qualify [race-based] stimuli as stressors. (p. 810)

Researchers have found relationships between the experience of racial discrimination and a number of behavioral and emotional reactions; some are severe as noted above. The emotional reactions have been anger, use of alcohol, historic loss, anxiety, depression, posttraumatic stress disorder (PTSD), and somatization in Asians, Asian American war veterans, African Americans, Latinos, and American Indians. Researchers have also shown that People of Color who experience acts of racial discrimination and have had hostile encounters with Whites report such incidents as painful, damaging, and distressful. Racial stressors also have physical manifestations due to discrimination or perceived stress such as high blood pressure, heart disease, decreases in immune functioning, and increased vulnerability to an array of health outcomes (Araujo & Borrell, 2006; Gee, Spencer, Chen, Yip, & Takeuchi, 2007; Klonoff, Landrine, & Ullman, 1999; Loo et al., 2001; Mossakowski, 2003; Prelow, Mosher, & Bowman, 2006; Sellers, Copeland-Linder, Martin, & Lewis, 2006; Whitbeck, Chen, Hoyt, & Adams, 2004; Whitbeck, McMorris, Hoyt, Stubben, & LaFramboise, 2002; Williams & Mohammed, 2009).

Sanders Thompson (1996), in a study of 200 adults, found that one third of her sample reported an experience with racism within the last six months. Respondents reported subjective distress, accompanied by intrusive thoughts and avoidance behavior. Other investigators (Kessler et al., 1999; Sanders Thompson, 2006; Williams et al., 2003) have reported that psychological distress, generalized anxiety, and major depression were associated with the stress of acute and chronic discrimination.

In the case of race-based trauma, stress, fear, and helplessness typically are pervasive but may not be openly shared because the experience of stress related to harassment and discrimination at work or in seeking employment is a threat to one’s life, family, and well-being (Carter, Forsyth, Mazzula, & Williams, 2005). For instance, Klonoff and Landrine (1999) studied 520 Blacks’ experiences and appraisals of stress associated with racist events. They found that 96% of the participants reported an experience of racial discrimination in the past year that left them feeling stressed. Thus, it is possible to conclude that more extreme types of effects may be apparent in people who manifest symptoms of race-based traumatic stress. According to Klonoff and Landrine, “The events considered most stressful were: (a) being discriminated against by one’s employer, (b) being called a racist name, (c) feeling angry about something racist that happened, (d) being accused or suspected of wrong doing, and (e) wanting to tell someone off for being racist but saying nothing” (p. 236). Many of the racist events could and often do occur while looking for employment or at the workplace.
There is evidence that race-based traumatic stress produces symptoms of PTSD, but it may not meet the full range of criteria to merit a PTSD diagnosis (see Carter, 2007; Carter & Forsyth, 2009). The *DSM IV-TR* (American Psychiatric Association [APA], 2000) describes PTSD criteria in the following manner: “[T]he person experienced, witnessed, or was confronted with an event or events, that involve actual or threatened death or serious injury, or a threat to the physical integrity of self or others” (p. 4670). In the case of race-based traumatic stress, racism may threaten the person’s physical safety both in the present and vicariously through shared in-group experiences (e.g., being lynched, shot, beaten, fired from work, having your home bombed or burned, etc.), yet the core reaction is emotional pain not physical threat that leads to related symptoms of arousal, withdrawal, and intrusion, providing the experience was out of the person’s control and sudden (Carter, 2007).

Psychology as a discipline participated in racial oppression and has been slow to recognize in theory and research the role of racial and cultural features of psychological and emotional health and disturbance (Carter, 1995; Guthrie, 2004; Helms & Cook, 1999). Thus, psychological and psychiatric diagnostic criteria do not include consideration of the nuances that accompany the experience of race-based traumatic stress or racial trauma (Butts, 2002).

**Race-Based Traumatic Stress: Psychological and Legal Issues**

In fact, for the first time, there are more references to cultural factors in the *DSM-IV-TR* (APA, 2000) than there have been in past editions of the diagnostic manual. Even with some cultural information in the manual and the list of cultural symptoms in the appendix, little guidance is provided about the unique experience of racial-cultural (i.e., African, Latino, Asian, and Native American) groups in the United States. Further, even with the inclusion of some references to culture, there is no reference to the experience of racism (Scurfield & Mackey, 2001) in *DSM-IV-TR*, and only once is the word “discrimination” used in regard to problems in the social environment (p. 31).

There are diagnoses that include environmental stressors, yet of the various stressors listed for the three disorders—Acute Stress, Adjustment Reaction, and Post-Traumatic Stress Disorder—none include any reference to racism as a stressor. Two categories—Acute Stress and PTSD—have about 36 stressors listed, and Adjustment Reaction has about 16 stressors listed. None include race-based traumatic stressors.

Although it appears that race-based traumatic stress may share some of the symptoms of the *DSM-IV-TR* stress disorders (e.g., PTSD, adjustments reaction), most of the *DSM-IV-TR* diagnoses do not quite match the etiology or symptom manifestations of persons experiencing race-based traumatic stress. Some areas of incongruence are as follows:

- Racial harassment or discrimination may involve a sudden shocking racial experience that elicits anxiety reactions.
- It may also be a form of ongoing physical and/or race-related psychological torture. Typically, the psychological abuse or assault may involve one encounter, but often it is repeated or prolonged.
- Racial discrimination and harassment may be communicated indirectly or by use of symbols or coded language (Delgado, 1982; Feagin & McKinney, 2003).
Feagin and McKinney (2003) report that in 1996 a federal Appeals Court found that Whites’ use of language such as “another one,” “one of them,” and “poor people” in reference to Blacks constituted racially coded and discriminatory language that created a hostile work environment. In a society characterized by racism, such as in the U.S., a symbolic language (verbal and nonverbal) exists for communicating danger to subordinated racial group members. For instance, Feagin, Vera, and Batur (2001) reported that “[o]ne of the [B]lack employees of Shell said that his manager pointed out that Shell does not have a good record of promoting [B]lacks and added that he had ‘shackles around his ankles’ because he was [B]lack” (p. 156).

It is rare for clinicians to routinely assess clients for exposure to race-related experiences. Even though in the case of clients of Color experiences of race-based traumatic stress from discrimination or harassment of various types (e.g., housing, employment and service provision, interpersonal assaults, and racial profiling) are likely involved in the development of presenting problems or contribute to one’s poor health. Researchers (e.g., Paradies, 2006) have reported that in most studies of discrimination, members of racial groups have shown some of the following adverse psychological and psychiatric effects: (1) adjustment reactions, (2) mood disorders, (3) anxiety disorders, and (4) PTSDs (Butts, 2002).

**The Need for New Psychological and Legal Standards**

In many ways, it is difficult to help mental health professionals and lawyers to recognize the varied forms of race-based stress that its targets experience (Feagin & McKinney, 2003). We argue that to understand the various forms and effects of racism one should go beyond the strict legal standard or psychological categories used for racial experiences because the standards are race-neutral.

What is needed is a race-specific standard because a race-neutral standard such as the reasonable person standard does not capture all the complex and dynamic aspects of race-based traumatic stress or racial trauma (Flagg, 1995). More importantly, the reasonable person standard does not account for extreme differences in the experiences, perceptions, behaviors, and attitudes of members of the various racial groups. When Blacks and Whites are asked about the presence and incidence of race-based bias, researchers (e.g., Dovidio, Gaertner, Kawakami, & Hodson, 2002) investigating racial attitudes have reported that Whites and Blacks have, for more than 40 years, held opposite views about the presence and incidence of discrimination. For instance, 67% of Whites think Blacks are treated as well as Whites in society, and 72% of Blacks hold the opposite view (Dovidio et al., 2002).

What scholars and researchers have found is that racism has become subtle and often hidden from the awareness of the actor (Dovidio et al., 2002). Consideration of the shift of racism to subconscious and subtle forms of expression would suggest a disconnection between the legal and psychological standards and the experience of racial discrimination and harassment as we have defined them (Chew & Kelly, 2006). Racial discrimination and harassment may cause psychological and, therefore, indirect economic consequences rather than direct economic losses. It is more difficult for plaintiffs to make the case that they have been harmed sufficiently to justify monetary awards for damages because they must prove that ostensibly nonpersonal acts or events are responsible for their lack of psychological well-being (Nazroo, 2003).
Unpacking Racism: Clinical Implications

As we discussed previously, two general classes of racism may contribute to hostile racial environments and interactions: (1) discrimination or avoidance and (2) harassment or hostility, and we think it is important to distinguish between the two forms of treatment that derive from racism. Here we would like to emphasize that both are likely to lead to psychological distress and other reactions. Discrimination as adverse racism or avoidant racism operates to maintain distance from the undesirable group members. Thus, racial discrimination as avoidance or aversion helps dominate racial group members without overtly appearing to do so and, consequently, it is difficult to prove since business necessity or other reasons can be used to explain disparate impact and treatment (Carter, 2007).

Racial discrimination may occur at the individual level (e.g., holding “secret” business meetings, not interacting with a Person of Color), at the system or contextual level (e.g., race-based hiring or promotion, not showing homes or apartments), and at the policy level (e.g., use of tests for inclusion that unfairly disadvantage members of nondominant racial groups, setting criteria that excludes members of particular racial groups).

Researchers (Dunbar, 2001) have found racially based discrimination to include, but not be limited to, exclusion from social and work networks, dismissing or denigrating personal achievement(s), and establishing limits or restrictions to opportunities for individual achievement. Emotional responses to being discriminated against are fear, tension/anxiety, depression, sadness, anger, aggression, and PTSD-like symptoms. Many of the experiences of discrimination and harassment for Blacks have powerful historical elements that give meaning and salience to symbolic, verbal, and other subtle messages associated with race-based traumatic stress.

Racial harassment, or domineering or hostile racism as we have defined it, is the mechanism used to communicate the subordinate or inferior status due to race of nondominant group members (Carter, 2007). Racial harassment may be characterized by active race-based hostility as experienced by the targets—for instance, being characterized as less qualified due to one’s race or as less capable or competent because of one’s racial group membership. Racial harassment may also be thought of as a quid pro quo threat or pressure in that one must “fall into line” with institutional or organizational racial policies (a distinction not currently used in the law). Nondominant group members may be pressured with losing their jobs if they report flagrant incidences of harassment or discrimination (Chew & Kelly, 2006).

The parallel for racial harassment to quid pro quo sexual harassment is in the threat, wherein the person is expected to grant the “favor” of ignoring racism for the opportunity to work or live. Presently, identification of the links between organizational racial harassment behavior and psychological injury has not occurred in the legal system or, for that matter, in psychology nomenclature. Researchers (Carter et al., 2005) found racially based harassment to include interpersonal assaults, demeaning one’s ability, and assuming one is not to be trusted. Emotional reactions to hostile treatment can be feeling anger, powerlessness, helplessness, loss of self-esteem, and suspiciousness/loss of trust.
Feagin et al. (2001) described an incident that illustrates quid pro quo racial harassment. White coworkers found out that their Black female coworker, Sheryl, had a birthday and learned that she was expecting a child. At her party, her cake was decorated with an image of a pregnant dark-skinned woman with the inscription, “Happy Birthday Sheryl. It must have been the watermelon seeds.” Sheryl said of the experience, “When I saw the inscription, I just kind of stared at it and said ‘Oh, thank you.’ I didn’t feel I could get angry. I had just found out I was pregnant. I needed my job” (p. 156).

Racism as aversion or hostility can be communicated as threats and experienced through symbols or coded language, which would not be recognized in many courts as acts that meet the legal standard of severe and pervasive; it also may not qualify within the DSM-IV-TR criteria. Moreover, all people may not understand the threats through symbols from a legal perspective since many Whites are not targets and may attach different meaning to the symbols. Consequently, actions that may not appear threatening to “a reasonable person” or as severe or pervasive may appear so to members of the threatened group. For instance, overt race-specific physical and psychological tortures carried out for centuries and continued in more subtle forms in the 20th and 21st centuries have been and continue to be associated with unspoken and accepted racial beliefs and stereotypes. Racial beliefs and attitudes are often embodied in symbols (e.g., a noose, the Confederate flag, media portrayals of Blacks as violent and criminal, etc.) as well as in coded and demeaning language such as the use of the “n” word or the reference to “boy,” and so forth. Language, symbols, or attitudes reflect long-held stereotypes that are generic and not specific to the individual person such as the types of attitudes and policies used to justify racial profiling.

It is important not to treat members of any racial group as monolithic or psychologically similar in regards to their race (Carter & Gesmer, 1997; Carter & Thompson, 1997). In fact, Watts and Carter (1991) and Sellers and Shelton (2003) have found in studies of perceptions of racial discrimination and institutional racism that Black people’s perception of discrimination varied as a function of the person’s racial identity ego status (i.e., his or her psychological orientation to his or her racial group membership). Thus, it is important to consider racial identity status in all parties in any assessment of racial trauma or race-based stress. However, Helms’ White racial identity theory suggests that the persons charged with enforcing the law or assessing persons for race-based traumatic stress may be insufficiently aware of racial history and dynamics to make an informed diagnosis. Therefore, the racial identity ego status of Whites involved in alleged racial discrimination and harassment warrants particular attention (Carter, 1995; Carter, Helms, & Juby, 2003; Carter, Pieterse, & Smith, 2008).

**Conclusion**

We have presented a new paradigm for racial justice that involves unpacking racism and distinguishing between racial discrimination and harassment. We have discussed the legal and psychological neglect of the experience of race-based traumatic stress. An overview of the stress associated with race and the symptoms that are associated with race-based traumatic stress has been offered. To fully understand race-based traumatic stress, it is necessary to employ a system-focused perspective that considers the person in a racial cultural and historical context that is interactive and mutually influencing. At the same time, we should not ignore the psychological variability in how one can identify with her or his race. We think
it is imperative that the psychological and emotional experience of racism not be overlooked even if there is considerable effort in our society to hide and keep racism a secret and its targets silent.

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**References**


Guthrie, R. V. (2004). *Even the rat was white: A historical view of psychology* (2nd ed.). Columbus, OH: Allyn & Bacon.


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