【Article】

Concept of a Minority, Affirmative Action, and Social Movements in the United States

Akiko IWAMA[†]

1. Minorities in the U.S.

According to *Webster III,* the word 'minority' has three main meanings in contemporary American English: the state of being a legal minor, the smaller in number, and a group characterized by a sense of separate identity and awareness of status apart from a usually larger group of which it forms or is held to form a part (Gove et al., 1961). The third meaning, generally understood as the sociological meaning, is accepted in American society.

This third meaning exists neither in *Webster's New International Dictionary of the English Language* (second edition) (1934) nor in the first edition of *Webster's New International Dictionary of the English Language,* which was based on *The International Dictionary* of 1890 and 1900 (Harris and Allen, 1909 [1923]). In the first edition, only the first and the second meanings appear (Harris and Allen, 1909 [1923]). However, in the second edition (1934), two meanings are added: one is the smaller number of two aggregates, especially in a political body, the group having less than the number of votes necessary to exert control, and the other is the body of nationals of any state forming a small but appreciable part of the population of a neighboring state (Neilson et al., 1934). The latter is the 'national minority', which emerged in European politics after World War I. However, the meaning of national minority was downgraded to being an example of the third meaning in *Webster's III.* In the 30 years around World War II, the word acquired the meaning of the vulnerable who are discriminated against.

The word minority refers to widely varying groups. This is confirmed in 'Why Are There So Many Minorities?' (Berbrier, 2003), published in the journal of the American Sociological Association. This ambiguous minority concept has spread among ordinary people and social scientists. Meyers holds that the concept has never been elaborated, although it is generally required to elaborate the definition of the concept to analyze social phenomena (Meyers, 1984). Despite this, the ambiguous minority definition has been largely accepted. As the U.S. has led in social science since World War II, the fact that the concept has not been elaborated and its

[†]元・立教大学社会学部教授

ambiguous definition is widely accepted among academics and the public, and this clearly shows the complicated situation of minorities in the U.S.

The U.S. maintains a negative attitude to ratifying human rights treaties. It was the last country among the developed countries, apart from Japan, to ratify the International Convention on the Elimination of All Forms of Racial Discrimination Convention (ICERD). The U.S. also has reservations about much of ICERD.

The negative stance to the international efforts to protect minority rights seems to be backed by the American minority concept. Once a country ratifies human rights treaties regarding minority rights, it is required to accept the minority definition generally understood in the U.N., which focuses on the national, ethnic, religious, or linguistic characteristics distinct from the rest of the population and the small number. However, this definition conflicts with the American definition, which focuses on the vulnerable who are discriminated against as a minority and gives insufficient weightage to the small number and the national, ethnic, religious, or linguistic aspects.

This paper examines four issues. First, changes in the definitions of 'minority' in sociological dictionaries and an encyclopedia are examined. I thus confirm that the American minority concept acquired its new meaning after World War II.

Second, I explore how the American definitions of a minority have been constructed and spread within the specific historical and social context, focusing on Louis Wirth (1896–1952), a German-born Jewish sociologist of the Chicago school. As an immigrant in the U.S., Wirth expressed great concern about strife arising from the treatment of immigrants in the country during World War II and about social changes associated with immigrants and African American.

Third, I examine the role of affirmative action in the expansion of the definition of a minority, mainly focusing on the use of the term minority.

Fourth, considering that social movements stirred by the rise of identity politics contributed to the expansion of the definition of a minority, I also explore the role of social movements of people with disabilities, LGBT individuals, and others.

2. American minority concept: Deliberately ignoring small number and nationality
2.1 Changes in the minority concept

Few studies have explored the changing meaning of the word 'minority' in the U.S. Gleason (1991) closely examined its historical development. This study is a milestone in research on the minority concept (Berbrier, 2002, 2003). My history of the concept is based on Gleason (1991).

Until the 19th century, 'minority' in American English had only two meanings: one was the

state of being a legal minor and the other was being the smaller in number. National minority issues appearing in Europe after World War I added a new meaning, which was generally negative, because national minorities caused tension both within and between countries by insisting on their rights to autonomy or independence.

In Donald Young's (1898–1977) work *American Minority Peoples: A Study in Racial and Cultural Conflicts in the United States* (Young, 1932), he used the word minority to indicate non-white groups,[1] suggesting the use of the word to develop a comprehensive grasp of race relations; the expression 'race relations' had previously been used only to refer to relations between individual groups. Young focused on the similarity of relations between whites and non-whites. Much scholarship followed in the wake of this study. Young went on to explore the impact of the Great Depression on minorities (Young, 1937).

Wirth redefined the word 'minority' as follows: '⋯ a group of people who, because of their physical or cultural characteristics, are singled out from the others in the society in which they live for differential and unequal treatment and who therefore regard themselves as objects of collective discrimination' (Wirth, 1945:347).

A new meaning for the word 'minority' that was similar to Wirth's definition was added in *Webster's III* (Gove et al., 1961); Wirth's definition had spread to the public in about 15 years.

Groups designated as minorities subsequently expanded. In 1971, in *Other Minorities* (Sagarin, 1971), homosexuals, youth, the aged, the physically handicapped, and others were regarded as minorities. These groups had in common their status as marginal groups.

Wirth's redefinition of minority has been recognized as initiating the American minority concept (Berbrier, 2002, 2003; Gleason, 1991; Mann, 1983; Mckee, 1993; Meyers, 1984; Sagarin, 1971).

2.2 Minorities in dictionaries of sociology

In this section, I examine how 'minority' has been defined in American sociology. The definitions of 'minority' and 'minority group' in *Dictionary of Sociology* are as follows (Fairchild, 1944:194):

> minority: Less than half of any group. In practice the term is usually applied to subdivisions of a society, the numbers of which are so small as to give them a limited social potential (q.v.). Cf. minority group.

> minority group. Cf. group, minority.

While this definition includes being small in number and having less social power due to its small number, it makes no mention of discrimination or prejudice. 'Minority' here was defined based on its traditional meaning.

However, *Dictionary of Modern Sociology,* published in 1969 and reprinted four times before 1977, defines 'minority' focusing on discrimination (Hoult, 1977:205):

> minority (and minority group): In any society, a group that, because it is made up of persons having particular biological or social characteristics, is an object of prejudice and/ or is subjected to negative discriminatory treatment ⋯ often used synonymously with ethnic group. Also see race relations.

A Modern Dictionary of Sociology, which was the first comprehensive dictionary of sociology to appear in decades and the most exhaustive in the history of sociology, shares this view (Theodorson and Theodorson, 1969:258–259):

> minority group: Any recognizable racial, religious, or ethnic group in a community that suffers some disadvantage due to prejudice or discrimination. This term, as commonly used, is not a technical term, and indeed it is often used to refer to categories of people rather than groups, and sometimes to majorities rather than minorities. For example, though women are neither a group (but rather a social category) nor a minority, some writers call them a minority group because supposedly a male-oriented society discriminates against women. On the other hand, a group which is privileged or not discriminated against but which is a numerical minority would rarely be called a minority group. Thus, as the term is often used, a minority group need be neither a minority nor a group, so long as it refers to a category of people who can be identified by a sizable segment of the population as objects for prejudice or discrimination.

These definitions emphasize experiencing discrimination or prejudice rather than small number or vulnerability and they accept Wirth's definition without mentioning it.

The definition in *The Macmillan Student Encyclopedia of Sociology,* published in London, is interesting (Mann, 1983). Michael Banton (1926–2018), a representative sociologist working on racial and ethnic relations in the U.K., wrote the definition for 'minority.' Banton criticized Wirth's definition, which focused on discrimination rather than numerical smallness, and questioned the treatment of even South African Blacks under apartheid as a minority (Mann, 1983:243). In my research, only this dictionary criticizes the American definition.

Two other dictionaries published in the U.K.—*A Dictionary of Sociology* (Duncan, 1968) and *The Penguin Dictionary of Sociology* (Abercrombie et al., 1984)—did not contain a definition of 'minority,' but a series of dictionaries of sociology published by Oxford University Press (Marshall, 1994; Scott and Marshall, 1998, 2005, 2014) have identical discussions of minority groups: all present Wirth's definition and give Blacks in South Africa as an example of a minority. These dictionaries are non-judgmental, although they suggest that one 'distinguish between groups which are actually a minority in numbers and those which are marginal in terms of their access to power.'

Anthony Giddens (1938–) published the first edition of Sociology in 1989 and the seventh edition in 2013. It has been translated worldwide and is used as a textbook even in Japan and South Korea. It has consistently presented the American minority concept and given women and Blacks in South Africa as examples of minorities (Giddens, 1989, 1992, 1997, 2001, 2006, 2009, 2013).

Sociological dictionaries published since 2000 generally present the definition of a minority as a discriminated against and disadvantaged group, ignoring the elements of small number and related vulnerability. *The Blackwell Dictionary of Sociology* (Johnson, 2000) and *Dictionary of the Social Sciences* (Calhoun, 2002) give this definition of a minority and regard women as a minority. The former also presents South African Blacks as an example of a minority.

The American definition of a minority, ignoring small number and focusing on experience of discrimination, is traceable back to Wirth's definition, although it faced criticism until the mid-1980s.

2.3 Features of American minority definition and Wirth's intention

The contemporary American minority concept has three features: small number is not counted; characteristics such as nationality, ethnicity, religion, and linguistics, which are significant components in the U.N. and international human rights law, are disregarded; and instead of these characteristics, the experience of discrimination is given priority. Women, accounting for about half the population, and South African Blacks under apartheid, the majority by population, are regarded as minorities in sociology. Moreover, LGBT individuals and people with disabilities support this definition, presenting themselves as minorities and campaigning for equal rights (see section 5).

Although the word minority originally meant small in number, this meaning was disregarded after World War II. This is a major change. It is difficult for a new meaning of a word inconsistent with its traditional meaning to spread in the short term.

Moreover, there is also the question why the social and political background of groups with

national, ethnic, religious, and linguistic characteristics distinguished from other members have been disregarded in the U.S. definition.

Gleason (1991) describes America's encounter with national minority issues after World War I as the beginning of the introduction of the new meaning of 'a subgroup of the population' to American English, the sociological meaning coming later, and that the image of minorities was not attractive to Americans. Gleason holds that Americans regarded minority issues as existing only in Europe. However, Robert E. Park (1864–1944), a leading sociologist in the Chicago school of sociology and, later, a president of the American Sociological Association who also taught Wirth at the University of Chicago, was already focused on the risk of national minorities threatening national integration in 1913 (Park, 1913 [1950]). Park compared the situation of European nationalities and the Negro in the U.S. and suggested that attention be paid to the increase of their aspirations for autonomy.

Edward Franklin Frazier (1894–1962), who was the first African American president of the American Sociological Association, classified minority groups into three categories: immigrants actually or potentially identified with Nazis and Fascists, immigrants who had loyalty to the U.S., and the American Negro, examining how both World Wars impacted minorities' loyalties (Frazier, 1942).

Thanks to the great impact of the World Wars on international society, immigrants, and African Americans in the U.S. (see section 3), the American minority concept may have been deliberately crafted by Wirth to exclude nationality. Wirth's career is examined here, based on Salerno (1987).

Wirth was born to a Jewish family in a village in Hunsrück, Germany, in 1897. His parents were active in their religious community. His father was a cattle dealer and the family was middle-class. His mother encouraged him to be educated in the U.S. and Wirth left for his uncle's home in Nebraska in 1911.

After obtaining his bachelor's degree in 1919, Wirth was a social worker from 1919–1922 and then went to the University of Chicago for graduate study. His doctoral thesis was on the adaptation of Jewish immigrants to urban life in the U.S., based on a social survey conducted in a Jewish community in Chicago. He earned his doctoral degree in 1925. His dissertation was published as *The Ghetto* (Wirth, 1928).

Wirth became an assistant professor at Chicago in 1931, under Park's chairmanship. He served as the president of the American Sociological Association and the first president of the International Sociological Association. He was also active in the Jewish community throughout his life.

He used sociology to reform American society and engaged in policy in local and national

government.

In relation to Wirth's experience of the national minority issues in Europe, the following two points are interesting. First, Wirth stayed in Europe from 1930 to 1931 before working at the University of Chicago and met European sociologists such as Karl Mannheim (1893–1947). Second, Wirth provided security to his 13 relatives, including his parents, when they escaped from Germany to the U.S. and lived with them at his small apartment in the late 1930s.

He wrote several articles analyzing nations and minorities. In 'Types of Nationalism,' he analyzed nationalism after World War I, stating that 'sociologically a nationality is a conflict group' (Wirth, 1936:724), categorizing nationalism into four types depending on the nature of the oppression: hegemony nationalism, particularistic nationalism, marginal nationalism, and nationalism of minorities. In this article, minority means national minority orientated to separation or integration in their mother country (Wirth, 1936:735).

In 'Moral and Minority Group,' Wirth showed a profound sense of risk in propaganda campaigns by the Nazis and Fascists targeting immigrants from Europe in the U.S., appealing to whites not to be prejudiced or discriminate against minorities (Wirth, 1941). Wirth found that though national states in Europe maintained national unity or national solidarity based on common national traditions, this did not work in the U.S., an immigrant nation. He wrote that the U.S. could attain national unity that included minorities by sharing future-oriented national goals, such as respect for freedom and dignity. He was concerned that poor treatment of minorities threatened national unity.

Wirth wrote the following: 'The concept 'minorities' is here used to apply to those who because of physical or social and cultural differences receive differential treatment and who regard themselves as a people apart' (Wirth, 1941:415). Although this is equivalent to the definition of 'The Problem of Minority Groups' (Wirth, 1945), there is a difference in the examples of minorities between 1941 and 1945. In 1941, only people distinguished by national or religious characteristics were regarded as minorities; women and migrant workers were not (p. 418). Wirth limited his definition to small national or religious groups at this point.

In 'The Problem of Minority Groups,' Wirth showed great concern about minority issues across the world and their impacts on the U.S. as an immigrant nation (Wirth, 1945). After the end of World War I, Wirth stated that solving the minority problem was indispensable for ensuring lasting peace, and the U.S. was forced to address the minority issues at home to be able to play a significant role in constructing international peace after World War II. Wirth indicated that all sorts of social movements assumed universality and recruited supporters beyond national boundaries as the world became interdependent. Along with the American traditional orientation toward the liberation of oppressed peoples, its national character as an immigrant nation

accepting 'virtually every minority group in the world' led to a close connection between the American domestic policies and its foreign policies (Wirth, 1945:347). Wirth was concerned that minorities could threaten the national unity and split Americans along lines of ethnicity and national origin if the U.S. failed to treat minorities equally and discriminated or excluded them from society. Wirth deliberately redefined the term minority to exclude nationality and small number, although both elements had been at the core of the definition. Moreover, many academics and politicians sharing the same sense of crisis accepted Wirth's definition.

In the next section, I examine what social changes led to the birth of the American definition of a minority, focusing on immigrants and African Americans.

3. The spread of the American definition of a minority and social change
3.1 An immigrant nation and caution toward national minorities

Around the turn of the 20th century, the U.S. experienced drastic changes. There was a huge influx of immigrants, population migration from country to city, and a transition to mass production and consumption, caused by rapid industrialization.

Along with the disappearance of a distinct frontier, intensifying imperialism changed the American posture from traditional isolationism to an active foreign policy driven by the growing desire to obtain the position increased national power deserved.

These drastic changes made the U.S. carefully consider its national order and national identity and compare them with those of Europe. There was an active discussion among historians in the 1910s about the meaning of terms such as nation and nationality in the U.S. and in Europe (Matsumoto, 1998:54).

The U.S. was also addressing a flood of immigrants from Southern and Eastern Europe and Asia. Older immigrants from Northern and Western Europe (e.g., England, Germany, and Norway) felt threatened by the new immigrants (e.g., Italians, Poles, and Eastern European Jews) who were heterogeneous in language, religion, experience of democracy, occupational skills, and economic status. While the old immigrant working class feared losing their jobs or wages to the new immigrants, business people were afraid that new immigrants might bring European anarchism or radicalism to the U.S.

The old immigrants' fears of the new immigrants led to various restrictions intended to reduce their number and to an Americanization movement, adapting new immigrants to American values, culture, and lifestyle (Matsumoto, 1998; Nakano, 2015; Wirth, 1941).

The outbreak of World War I in 1914 and the Russian Revolution in 1917 impacted the U.S. The effects of World War I brought fears that immigrants could become a 'fifth column' (Gleason, 1991:396–397).

World War I forced the leaders of the Allies to present persuasive objectives and war rationales to their people because many citizens were mobilized for war. Moreover, the Allies were under pressure to fulfill demands for self-determination by colonial nations they mobilized.

At the beginning of World War I, President Woodrow Wilson (1856–1924) maintained a policy of neutrality. However, he decided to enter the war in August 1917 because American initiatives for peace were failing and war seemed to be the only way to resist German imperialism. The collapse of the Romanovs in March, 1917 also spurred U.S. participation, as the contradiction that the House of Romanov, an authoritarian state, was a member of the Allies, defending freedom, was resolved.

As the Allies' chance of winning increased, the U.S. made the realistic decision that participation in the war would be an indispensable condition for attending the peace conference and influencing the international order toward liberalism after the war.

Wilson was informed of secret treaties among England, France, Russia, and Japan that reflected their territorial ambitions and considered it necessary to present a position different from the other Allies in the postwar territorial division and a vision of a new international order. Wilson gave an address outlining his Fourteen Points to Congress, in January 1918. They proposed the formation of a world organization based on specific covenants guaranteeing political independence and territorial integrity of all states, adjustment of colonial claims, and the promise of self-determination for national minorities, along with open diplomacy, freedom of the sea, removal of economic barriers, and reduction of armaments.

The Fourteen Points was also a strategy to compete with Soviet Russia's new support for democracy and anti-imperialism. Vladimir Lenin (1870–1924) presented a Decree on Peace in 1917, proposing immediate negotiations toward a democratic peace without annexations or indemnities.

As a result of six months of negotiation at the Paris Peace Conference, the war between Germany and the Allies was ended by the Treaty of Versailles, signed June 28, 1919. The treatment of national minorities surfaced as a major issue at the conference, and the bilateral Polish Minority Treaty between Poland and the League of Nations was signed on the same day as the main Treaty of Versailles. It was a model for subsequent Minority Treaties for Czechoslovakia, Greece, Romania, and others. The signatory countries promised to protect minority rights.

The Polish Treaty provided that 'All Polish nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion' in article 7, and 'Polish nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Polish nationals' in article 8.[2] A

minority is defined as a small group with a different race, language or religion from the majority.

However, the first draft used the word 'national.' The Allies changed this to 'racial or national' in the second draft, finally excluding 'national' (Kubo, 2006:267–269). Kubo indicates that David Hunter Miller (1875–1961), a legal adviser to the American delegation at the Paris Peace Conference, deleted the word 'national.' This deletion seems to be consistent with American caution about national minorities.

Minority issues in Europe after World War I were national minority issues first and foremost. These national minorities were the result of changing borders caused by the dissolution of the Austro-Hungarian Empire, the Russian Empire, the German Empire, and the Ottoman Empire. The Allies intended to prevent independence movements of national minorities. The exclusion of the words 'national minority' in the Polish Treaty seems to show American caution.

As the U.S. society became more conservative after World War I, immigration was further restricted. The Emergent Immigration Act of 1921 set the first ceiling on the total number of immigrants and first introduced a quota system based on national origin. The annual number of immigrants of each country admitted could be up to 3% of the number of people from the country in the 1910 census.

The Immigration Act of 1924 gave further restrictions. The ceiling was reduced from 3% to 2%, and the data used to calculate the total number of immigrants admitted were changed from the 1910 census to the 1890 census, when there had been fewer immigrants from Southern, Eastern, and Central Europe. Immigration from Asia was banned.

Quotas based on national origin were abolished in the Immigration and Nationality Act of 1965. The Civil Rights Act of 1964, banning discrimination based on race, color, religion, sex, or national origin, encouraged abolishing discriminatory immigration policies as typified by the quotas. However, the U.S. could not afford to accept immigrants without limit and introduced a seven-category preference system, giving priority to relatives of U.S. citizens, legal permanent residents, and professionals and individuals with needed skills. Annual limits were set: 170,000 for Eastern Hemisphere countries and 120,000 for Western Hemisphere countries.

3.2   African Americans in social change

The number of new immigrants had decreased since the Immigration Act of 1924, so many African American were able to find work in cities. The white middle class began to move to the suburbs, partly owing to the increasing availability of cars and better road construction and maintenance. Values greatly changed in 1920s under the influence of the increase of married women's employment, the decrease in the birth rate due to birth control, the increase of divorce, and so on. There was a new push in African American movements as well.

In New York, where the number of African Americans was rapidly increasing, African Americans expressed their pride and demands for equal treatment through the Harlem Renaissance. Marcus Mosiah Garvey (1887–1940), a Pan-Africanism activist born in Jamaica, urged Blacks to return to their homeland in Africa, and this movement was supported by lower-class African Americans.

The New Deal had a different character in different periods, and not all programs were consistent. However, the series of programs for workers such as the minimum wage, worker's compensation, unemployment compensation, social security, and promoting labor unions encouraged the African American movement for equal treatment and the elimination of discrimination. The federal government spoke with the leaders of African American activist movements, and the numbers of whites against discrimination increased (Shannon, 1965). African Americans began to support the Democrats at this time.

The outbreak of World War II significantly improved the economic and political status of African Americans. The American military assistance to the Allies in Europe increased the demand for military goods and steered the U.S out of its economic downturn from late 1937. The labor shortage during the war gave new jobs to African Americans and new opportunities to demand non-discriminatory treatment.

The federal government had to bow to African American pressure because of the ideological struggle against the Nazis. Asa Philip Randolph (1889–1979), a well-known African American leader in the civil rights and labor movements, began organizing a march on Washington in January 1941 requesting non-discriminatory treatment of African American laborers in the military and the defense industry. This pressure led in June 1941 to Executive Order 8802, prohibiting discrimination based on race, creed, color, or national origin in the defense industry.[3] In response to the enactment of Executive Order 8802, the march on Washington was suspended. President Franklin Delano Roosevelt (1882–1945) was concerned that the march would provide ammunition for Adolf Hitler's (1889–1945) criticism that the U.S. was not democratic. The Fair Employment Practices Committee was established to implement Executive Order 8802. In 1943, as the U.S faced a growing labor shortage, the National War Labor Board issued an order prohibiting wage inequality based on race. African Americans were necessary for the U.S. to win the war.

The ideological war between the U.S. and the Soviet Union had an impact on African Americans during the Cold War (Dudziak, 2000). American diplomatic policy was so-called containment: The U.S. was focused on preventing the spread of communism and promoting democracy. However, racial issues remained an obstacle to promoting democracy abroad. The Soviet Union criticized racial issues in the U.S. As the leader of the free world, the U.S. was

forced to address African American issues to defuse criticism.

The Supreme Court declared in 1954 that racial segregation in public schools was unconstitutional (Brown v. Board of Education), and then it declared that the segregation of Alabama buses was unconstitutional. Further decisions prohibiting racial discrimination followed these.

African Americans took strategic advantage of the domestic situation, developing the civil rights movement, which led to affirmative action in employment and admission to universities.

After the New Right, which opposed affirmative action, rose to power in the 1970s, Affirmative Action became the subject of heated debates, including among sociologists, as represented by Glazer (1975).[4] The Regents of the University of California v. Bakke in 1978 was the striking event. The Supreme Court ruled that the racial quotas for admission set by the Medical School of the University of California at Davis were unconstitutional, although affirmative action admission policies for race were admitted under certain conditions. The controversy over affirmative action continues.

Due to affirmative action in higher education, minority faculty increased and minority studies developed. These results related to identity politics (Berbrier, 2002; Wilkinson, 2000), leading to social movements that strategically used the word minority.

4. Minorities and Affirmative Action
4.1 Assumed objects of affirmative action

As it is not easy to grasp the entirety of affirmative action, which straddles multiple areas of social and economic policy with more than 50 years of history (Robinson, ed 2001; Beckman ed, 2004), it is examined here in relation to two points: when did the word minority appear in relation to affirmative action and who were its intended objects.

The term 'affirmative action' was first used in connection with discrimination in Executive Order 10925[5] issued by President John F. Kennedy (1917–1963) in 1961. The order requested that a government contractor 'take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin.' However, no specific definition was presented. Secretary of Labor Willard Wirtz (1962–1969) later confided in an interview in 1998 that the term meant only 'taking the initiative' to help the underprivileged (MacLaury, 2010:42). In short, the concept of affirmative action was vague at first.

President Lyndon Baines Johnson (1908–1973), Kennedy's successor, eventually enacted the Civil Rights Act of 1964, overcoming strong opposition from the southern members of Congress to the bill proposed by Kennedy. While the Civil Rights Law of 1964 (Bureau of National Affairs,

1964) prohibited unequal requirements for voter registration, such as literacy tests and poll taxes (Title I), it also banned discrimination or segregation on the grounds of race, color, religion, or national origin in public accommodations (Title II), segregation of public facilities based on race, color, religion, or national origin (Title III), and segregation of public education on the ground of race, color, religion, or national origin (IV). In addition, it provided non-discrimination on the ground of race, color, or national origin in federally assisted programs (Title VI) and equal employment opportunity in private employment regardless of race, color, religion, sex, or national origin (Title VII).

The word sex was not in the original bill but was added to Title VII by Representative Howard Worth Smith (1883–1976), a Democrat from Virginia (Risen, 2014). Smith was the chairman of the House Rules Committee and was opposed to the passage of Title VII. Risen indicates the possibility that Smith put in the term sex on purpose to make the bill unacceptable to the chamber's anti-feminist members. However, the bill including 'sex' finally passed. As a result, the purpose of affirmative action gained ambiguity.

In 1965, Executive Order 11246[6] was issued by President Johnson to enforce the Civil Rights Act of 1964. Executive Order 11246 focused on equal employment opportunity in governmental sectors, requiring non-discrimination on the grounds of race, creed, color, or national origin in employment by government contractors and subcontractors and non-discrimination provisions in federally assisted construction contracts. Executive Order 11246 has been regarded as the most effective federal program at improving equal opportunity.

This order also has the significance that here the term 'a positive program' first appeared in affirmative action legislation. Paragraph I of Executive Order 11246 stated the necessity of a positive program for equal employment opportunity, although this part was superseded by Executive Order 11478 in 1969.[7]

In 1967, President Johnson issued Executive Order 11375,[8] which banned discrimination based on sex in hiring and employment, to respond to the growing feminist movement. The principle of equal employment opportunity irrespective of race, creed, color, or national origin presented in Executive Order 11246 was extended to sex in Executive Order 11375.

Neither Executive Order 10925, the Civil Rights Act of 1964, nor Executive Order 11246 used the term 'minority,' although all have served as important legal foundation for affirmative action.

This term began to appear during Nixon administration, starting in 1969. For example, President Richard Milhous Nixon (1913–94) issued Executive Order 11458,[9] establishing the Office of Minority Business Enterprise, later changed to the Minority Business Development Agency, to contribute to the growth of minority business enterprises. Nixon delivered a Special Message to the Congress on Minority Enterprise on March 19, 1972, and Blacks, Mexican-

Americans, Puerto Ricans, Indians, and other minorities were here termed as American minorities.[10] Nixon also presented the same recognition in the Statement About a National Programs for Minority Business Enterprise on March 5, 1969.[11]

In 1969, Nixon revised the Philadelphia Plan, which was first drafted in the Johnson administration in 1967 and required government contractors to hire government-determined numbers of minority workers in each firm, using numerical hiring goals and timetables. The U.S. Comptroller General declared this illegal under Title VII of the Civil Rights Act of 1964 because he judged the requirement was equivalent to the quotas prohibited in the Civil Rights Act of 1964. Described as 'greatest irony of all in the story of affirmative action' (Skrentny, 1996:177), the conservative President Nixon defended affirmative action, despite his 'Southern strategy.'

In the Philadelphia Plan, the terms 'minority' and 'Negro' were used. The federal government initially supposed that African Americans were the objects of affirmative action (Skrentny, 2002). The term minority appeared frequently in Order No. 4 of 1970, requiring the submission of an affirmative action plan in written form modeled after the Philadelphia Plan for every contractor with the federal government. The following year, Order No. 4 was revised to cover women.

Affirmative action became associated with the term minority under Nixon, when affirmative action developed into a functioning system. Graham gives four reasons it was strengthened under the Nixon administration: the Nixon administration was motivated to address urban riots of African Americans, civil rights activists were expanding their influence, President Nixon intended to divide African Americans by increasing the proportion of the middle class among African Americans who had supported Democrats, and the courts supported affirmative action, as shown in Supreme Court decisions (Graham, 1992).

In affirmative action, the term 'minority' appeared in the end of 1960s, where it was substantially understood as ethnic minority, with a core of African Americans.[12] This understanding continued. For example, 'Negroes, Spanish-speaking, Orientals, Indians, Eskimos, and Aleuts' are listed as minority groups in The Public Works Employment Act of 1977.[13]

4.2 Absence of the definition of minority and its significant effects

Affirmative action was intended to serve ethnic minorities, with a core of African Americans. However, no definition of minorities was presented. Senator James Buckley of New York questioned the word minority used in the guidelines for the implementation of Executive Order 11246, although neither the Civil Rights Act nor this order included the term minority (U.S. Congress, 1973:16431).[14]

Buckley confirmed that the guidelines were based on Revised Order No. 4, and showed that the word minority or some form of it was used 65 times in Revised Order No. 4 without being

defined. Buckley learned that the Department of Labor relied on the definition of minority in the Philadelphia Plan, and he arrived at an appendix to a memorandum by Arthur A. Fletcher, then Assistant Secretary of Labor for Wage and Labor Standards on June 27, 1969. The appendix states the following:

> For the purpose of this Notice, the term minority means Negro, Oriental, American, and Spanish Surnamed American. Spanish Surnamed American includes all persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry.

Gleason indicates that Revised Order No. 4 did not include a list of minority groups but a later version listed 'Blacks, Spanish-Surnamed Americans, American Indians, and Orientals' as affected groups in Federal Register 49249, Oct 20, 1978 (Gleason, 1991:421; Office of Federal Register, 1978).

'Minority' in affirmative action originally means ethnic minority. However, there was no systematic definition of the term minority, and the great variety of discrimination experiences, discrimination histories, and movements for equal rights among ethnic groups has not been distinguished, which is indispensable in this context (Skrentny, 2002).

While affirmative action programs have been created and implemented based on census data (Ferber, 2004), the category 'race' in the census has lacks logical consistency (Ferber, 2004; Lee, 1993). In censuses, race has had such so-called ethnic/national categories as Japanese, Chinese, Filipino, and Koreans, along with White and Black or Negro (Lee, 1993).

Although census data is seemingly objective, it is substantially quite vulnerable as a foundation for Affirmative Action programs.

Once a group is officially recognized as a minority in affirmative action, it can receive preferential treatment in hiring, promotion, and college admission, among others. So far as affirmative action gives a minority preferential treatment, affirmative action itself induces a social movement for the recognition as minority. The rise of social movements seems to have been partly caused by the absence of a systematic definition of a minority and the fragile census data affirmative action programs have relied on. Affirmative action also lacks a definition of discrimination (Sowell, 2004), which has led to various interpretations of discrimination depending on time, political context, and claimants.

5. Strategic use of the term minority in social movements

Being vulnerable is considered shameful, and the vulnerable try to hide their shame and desire to escape from reality. However, in the U.S., the vulnerable are regarded as victims, due

to incomplete democracy and inequality. 'Victimization' is an important element of the word minority, and it has given it an innocent image and the moral advantage (Gleason, 1991:400; William, 1965:235-237).

This element of victimization was connected with identity politics and used to promote social movements by various groups such as the disabled and LGBT individuals. 'Minorities' that are not ethnic groups use the word minority to reject negative identities imposed by others and establish new identities by presenting their characters as something worthwhile.

The term identity politics appeared in academia in 1979 and originally meant activities to transform the general public's negative view of the disabled and the negative self-identity of the disabled themselves (Bernstein, 2005). Various groups have developed social movements since the 1980s; these groups use the term minority.

Strong social movements developed in the context of identity politics adopted strategies of African Americans. One successful moment in the civil rights movement was the Birmingham campaign in 1963 on the 100th anniversary of the Emancipation Proclamation. In the early 1960s, Birmingham was one of the most racially segregated cities in the U.S. Martin Luther King, Jr. (1929–1968), who was a minister and leader in the civil rights movement, organized a nonviolent campaign with other civil rights leaders. They planned sit-in protests and marches that led to over 1,000 arrests. The police used high-pressure water hoses and dogs on demonstrators. The nonviolent protest was broadcast and brought domestic and international attention to harsh racial discrimination in the South. King and other leaders made use of victimization.

The success of the civil rights movement inspired the disabled to establish in 1974 a national organization, the American Coalition of Citizens with Disabilities, and they energetically developed a disability rights movement. They used the strategies of the civil rights movement and succeeded in the enactment of Section 504 of the Rehabilitation Act of 1973, which first created civil rights for persons with disabilities, and the American with Disabilities Act of 1990 (ADA, 1990), which comprehensively prohibited discrimination against people with disabilities, guaranteeing equal opportunity in employment, government services, public accommodation, and telecommunications. Although ADA 1990 did not use the term affirmative action, it stated 'individuals with disabilities are a discrete and insular minority' in section 12101, on the findings and purpose.[15] This suggests that the disabled were recognized as a minority, although this part was deleted in the ADA Amendments Act of 2008.[16]

LGBT individuals have developed a social movement for their equal acceptance, using the term minority to present their experience of discrimination, similar to that of African Americans (Barnes et al., 1999; Epstein, 1987; Hahn, 1985, 1986). Not only gays but also the deaf and white supremacist groups have taken the strategy of presenting themselves as minorities (Berbrier,

2002).

Minority groups that are not ethnic groups use the word minority in their social movements for non-discrimination and equality in the context of the rise of identity politics. The use of the term 'minority' in various social movements expanded the term.

6. Conclusion: The exclusion of nationality in an immigrant nation

Here, I review the findings.

Corresponding to the four issues presented in section 1, the findings are summarized as follows. First, the meaning of the word 'minority' in the U.S. has changed: traditionally, it had only two meanings, being small in number and being a minor; after World War I, a new meaning of national minority was added; and after World War II, the meaning of national minority was replaced by a sociological meaning focusing on discrimination. Currently, the word minority substantially means the vulnerable who are discriminated against. The word minority now indicates various groups, such as women, South African Blacks under apartheid, the disabled, and LGBT individuals, along with ethnic minorities with a core of African Americans. Even women and Blacks under apartheid, each accounting for more than half the population, are regarded as minorities. This shows that the traditional meaning has been attenuated.

Second, the element of nationality in the definition of a minority was excluded mainly because national minority issues in Europe made the U.S. public anxious about the risk that the U.S. as an immigrant nation could be divided due to the dissenting loyalties of immigrants and African Americans. Wirth, a sociologist who was a Jew and an immigrant from Germany, played a significant role in deleting the element of nationality from the U.S. definition of a minority.

Third, affirmative action has been developed for ethnic minorities represented by African Americans as well as women from the Nixon administration; it has made it possible for various groups to insist that they are a minority, entitled to affirmative action, because no systematic explanation of what a minority is has been developed; groups designated by the term minority were only listed in the Affirmative Action program in the 1970s, and census data lack a consistent category of race/ethnicity, although affirmative action programs are implemented based on census data.

Finally, while affirmative action is itself likely to give rise to social movements of minorities for official recognition, because it provides actual benefits once a group is designated as a minority, social movements of non-ethnic groups played an important role in the expansion of the definition of a minority by the strategic use of the term.

African American researchers have criticized various groups' identification of themselves as minorities because this obscures African Americans' problems (e.g., Wilkinson, 2000). However,

many activists continue to use the term 'minority' for equal recognition and rights, and the strategic utility of the term is still supported (Berbrier, 2015).

The U.S. exerts a huge influence globally, including on the definition of a minority. For example, the U.S. has had a great impact on Japan and South Korea in foreign policy, national security, and other social policies. The American definition and usage of the term have prevailed in social movements in both countries. Japan shows a striking similarity with the U.S. in its late ratification of ICERD, coming just after the U.S. ratification and reserving many articles, as did the U.S. The American definition has also spread to Germany and Russia, where national minorities have received more attention than other minority groups.

The American definition, which regards the vulnerable who are discriminated against as a minority, makes it difficult to understand the special needs of national, ethnic, religious, or linguistic minorities recognized in international society and given minority rights.[17]

注

1) Young hardly used the word 'majority,' and his attentions were mainly paid to minorities.

2) Minorities Treaty between the Principle Allied and Associated Powers (the British Empire, France, Italy, Japan, and the United States) and Poland, signed at Versailles, 28 June 1919) [225 CTS 412].

3) 6 FR 3109, June 25, 1941.

4) About sociology and affirmative action see also Beer (1988).

5) 26 FR 1977, March 6, 1961.

6) 30 FR 12319, September 24, 1965.

7) 34 FR 12985, August 8, 1969.

8) 32 FR 14303, October 13, 1967.

9) 34 FR 4937, March 5, 1969.

10) *Public Papers of the Presidents,* 1972: 444-448.

11) *Public Papers of the Presidents,* 1969: 197-198.

12) About African Americans as Minorities, see also Lewis (2001).

13) Pub. L. No. 95-28, 91 Stat. 116 (1977).

14) Gleason presented a brief description of Buckley's question (Gleason 1991: 407-408). The process of Buckley's investigation is traced in more detail here based on *Congressional Record.*

15) PL 101–336, July 26, 1990, 104 Stat 327.

16) PL 110–325, September 25, 2008, 122 Stat 3553.

17) For a comparison between American and European definitions of "minority" see Hepburn (1978).

References

Abercrombie N, Hill S and Turner BS (1984) *The Penguin Dictionary of Sociology.* London, UK: A. Lane.

Barnes C, Mercer G and Shakespeare T (1999) *Exploring Disability: A Sociological Introduction.* Cambridge, UK: Polity Press.

Beckman JA (eds) (2004) *Affirmative Action: An Encyclopedia.* Vol.1. Connecticut, CT: Greenwood Press.

——— (eds) (2004) *Affirmative Action: An Encyclopedia.* Vol.2. Connecticut, CT: Greenwood Press.

Beer WR (1988) Sociology and the Effect of Affirmative Action: A Case of Neglect. *The American Sociologist* 19:218-231.

Berbrier M (2002) Making Minorities: Cultural Space, Stigma Transformation Frames, and the Categories Status Claims of Deaf, Gay, and White Supremacist Activists in Late Twentieth Century America. *Sociological Forum* 17, no. 4: 443-591.

——— (2003) Why Are There So Many Minorities? *Context* 3: 38-44.

——— (2015) Disempowering Minorities: A Critique of Wilkinson's 'Task for Social Scientists and Practitioners.' *The Journal of Sociology & Social Welfare* 29, no. 2: 3-19.

Bernstein M 2005 Identity Politics. *Annual Review of Sociology* 31: 47-74.

Bureau of National Affairs (1964) *The Civil Rights Act of 1964.* Washington, D.C.: Bureau of National Affairs.

Calhoun C (eds) (2002) *Dictionary of the Social Sciences.* New York: Oxford University Press.

Duncan MG (1968) *A Dictionary of Sociology.* London: Routledge & Kegan Paul.

Dudziak ML (2000) *Cold War Civil Rights: Race and the Image of American Democracy.* Princeton, NJ: Princeton University Press.

Fairchild HP (eds) (1944) *Dictionary of Sociology.* New York: Philosophical Library.

Epstein S (1987) Gay Politics, Ethnic Identity: The Limits of Social Constructionism. *Social Review* 93/94 (May-August): 9–56.

Ferber AL (2004) Census Classifications, Ethnic and Racial. In: Beckman JA (eds) *Affirmative Action: An Encyclopedia,* Vol.1. Connecticut, CT: Greenwood Press, 154-156.

Frazier EF (1942) Ethnic and Minority Groups in Wartime, with Special Reference to the Negro. *American Journal of Sociology* 48, no. 3: 369-377.

Giddens A (1989) *Sociology*. Cambridge, UK: Polity Press.

——— (1992) *Sociology*. Second Edition. Cambridge, UK: Polity Press.

——— (1997) *Sociology*. Third Edition. Cambridge, UK: Polity Press.

——— (2001) *Sociology*. Fourth Edition. Cambridge, UK: Polity Press.

——— (2006) *Sociology*. Fifth Edition. Cambridge, UK: Polity Press.

——— (2009) *Sociology*. Sixth Edition. Cambridge, UK: Polity Press.

——— (2013) *Sociology*. Seventh Edition. Cambridge, UK: Polity Press.

Glazer N (1975) *Affirmative Discrimination: Ethnic Inequality and Public Policy.* New York: Basic Books.

Gleason P (1991) Minorities (Almost) All: The Minority Concept in American Social Thought. *American Quarterly* 43, no. 3: 392-424.

Gove PB and the Merriam-Webster Editorial Staff (eds) (1961) *Webster's Third New International Dictionary of the English Language.* Unabridged. Springfield, MA: G. & C. Merriam.

Graham HD (1992) The Origins of Affirmative Action: Civil Rights and the Regulatory State. *Annals of the American Academy of Political and Social Science* 523: 50-62.

Hahn H (1985) Toward a Politics of Disabilities: Definitions, Disciplines, and Policies. *Social Science Journal* 22, no. 4: 87-105.

—— (1986) Public Support for Rehabilitation Programs: The Analysis of U.S. Disability Policy. *Disability and Society* 1, no. 2: 121-138.

Harris WT and Allen FS (eds) (1923) *Webster New International Dictionary of the English Language.* Springfield, MA: G. & C. Merriam Company. (Org. pub. 1909.)

Hepburn AC (1978) Minorities in History. In: Hepburn AC (eds) *Minorities in History.* London, UK: Edward Arnold, 1-10.

Hoult TF (1977) *Dictionary of Modern Sociology.* Totowa, NJ: Littlefield Adams & Co.

Johnson AG (2000) *The Blackwell Dictionary of Sociology: A User's Guide to Sociological Language.* Second Edition. Malden, MA: Blackwell Publishers.

Kubo M (2006) *Mainoritī no kokusaihō: Resupuburika no shintai karada kara mainoritī ye* [International laws for minorities: From a body of res publica to minorities]. Tokyo, Japan: Shinzansha.

Lee SM (1993) Racial Classification in the US Census: 1890-1990. *Ethnic and Racial Studies* 16, no. 1: 75-94.

Lewis E (2001) Constructing African Americans as Minorities. In: Burguiere A and Grew R (eds) *The Construction of Minorities.* Ann Arbor, MI: University of Michigan Press, 15-38.

MacLaury J (2010) President Kennedy's E.O. 10925: Seedbed of Affirmative Action. *Federal History 2010.* Accessed November 25, 2016. http://shfg.org/shfg/wp-content/uploads/2011/01/4-MacLaury-design4-new_Layout-1.pdf.

Manela E (2009) *The Wilsonian Moment: Self-Determination and the International Origins of Anticolonial Nationalism.* Oxford, UK: Oxford University Press.

Mann M (eds) (1983) *The Macmillan Student Encyclopedia of Sociology.* London, UK: Macmillan.

Matsumoto Y (1998) Amerikajin de arukoto, Amerikajin ni surukoto: Nijūseiki shotō no 'Amerika-ka' undōni okeru jendā, kaikyū, jinshu. [Being an American, making it an American: Gender, class, and race in 'Americanization' movement in the early 20th century]. *Shisō* 884: 52-75.

Marshall G (eds) (1994) *The Concise Oxford Dictionary of Sociology.* Oxford, UK: Oxford University Press.

Mckee JB (1993) *Sociology and Race Problems: The Failure of a Perspective.* Urbana, IL: University of Illinois Press.

Meyers B (1984) Minority Group: An Ideological Formulation. *Social Problems* 32, no. 1: 1-15.

Nakano K (2015) *Nijūseiki Amerika kokumin chitsujo no keisei* [Order formation among the 20th century American nationals]. Nagoya, Japan: Nagoya Daigaku Shuppankai.

Neilson WA, Knott TA and Carhart PW (eds) (1934) *Webster's New International Dictionary of the English Language.* Springfield, MA: G. & C. Merriam Co.

Office of the Federal Register (1978) *Federal Register* 43, no. 204: 49249-49250.

Park RE (1913 [1950]) Racial Assimilation in Secondary Groups with Particular Reference to the Negro. In: *Race and Culture: Essays in the Sociology of Contemporary Man,* 204-220. New York, NY: The Free Press of Glencoe.

Risen C (2014) *The Bill of the Century: The Epic Battle for the Civil Rights Act.* New York, NY: Bloomsbury Pub Plc.

Robinson JAO (eds) (2001) *Affirmative Action: A Documentary History－Primary Documents in American History and Contemporary Issues.* Westport, CT: Greenwood Publish Group.

Sagarin E (eds) (1971) *The Other Minorities: Nonethnic Collectives Conceptualized as Minority Groups.* Waltham, MA: Ginn and Company.

Salerno RA (1987) *Louis Wirth: A Bio-Bibliography.* New York, NY: Greenwood Press.

Scott J and Marshall G (eds) (1998) *A Dictionary of Sociology.* Second Edition. Oxford, UK: Oxford University Press.

——— (eds) (2005) *A Dictionary of Sociology.* Third Edition. Oxford: Oxford University Press.

——— (eds) (2014) *A Dictionary of Sociology.* Fourth Edition. Oxford: Oxford University Press.

Shannon DA (1965) *Between the Wars: America, 1919-1941.* Boston, MA: Houghton Mifflin.

Skrentny JD (1996) *The Ironies of Affirmative Action: Politics, Culture, and Justice in America.* Chicago, IL: University of Chicago Press.

——— (2002) *The Minority Rights Revolution.* Cambridge, MA: The Belknap Press of Harvard University Press.

Sowell T (2004) *Affirmative Action around the World: An Empirical Study.* New Heaven, CT: Yale University Press.

Theodorson GA and Theodorson AG (1969) *A Modern Dictionary of Sociology.* New York: Crowell.

U.S. Congress (1973) *Congressional Record.* Proceedings and Debates of the 93d Congress. First Edition. Volume 119, Part 13. May 22. 16429-16459.

Wilkinson D (2000) Rethinking the Concept of 'Minority': A Task for Social Scientists and Practitioners. *Journal of Sociology and Social Welfare 17,* no. 1: 115-132.

William P (1965) *The Politics of Population.* New York, NY: Garden City.

Wirth L (1928) *The Ghetto. Chicago,* IL: Phoenix.

——— (1936) Types of Nationalism. *American Journal of Sociology* 41 no. 6:723-737.

——— (1941) Moral and Minority Groups. *American Journal of Sociology,* 47, no. 3: 415-433.

——— (1945) The Problem of Minority Group. In: Linton R (eds)*The Science of Man in the World Crisis.* New York City, NY: Columbia University Press, 347-372.

Young D (1932) *American Minority Peoples: A Study in Racial and Cultural Conflict in the United States.* New York City, NY: Harper.

——— (1937) *Research Memorandum on Minority Peoples in the Depression.* New York, NY: Social Science Research Council.