Research Note

TO CONFRONT OR NOT TO CONFRONT: MEASURING CLAIMING RATES IN DISCRIMINATION GRIEVANCES

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This note reexamines the generally accepted belief that persons with discrimination-related grievances are much less likely to complain about their problem than are persons with grievances arising from consumer purchases, torts, or other common kinds of personal problems. We find that previously reported analyses greatly overstate the gap between complaining in discrimination problems and other kinds of problems. Drawing on data from three surveys, each conducted in a different country (the United States, Canada, and Australia), we find that for some types of discrimination problems the level of complaining in fact equals or exceeds complaining in other arenas.

INTRODUCTION

Prior research indicates that most types of legally actionable grievances produce behaviors intended to obtain redress, but discrimination grievances stand out for their *apparent* association with what Felstiner (1974, 1975) called "lumping it." Using the "naming, blaming, and claiming" terminology of Felstiner, Abel, and Sarat (1980–81; see also Vidmar 1981), discrimination victims name and blame but do not claim. Based on their analysis of claiming rates for a variety of different types of common problems examined by the Civil Litigation Research Project (CLRP), Miller and Sarat (1980–81:540) reported that the rate of claiming by victims of discrimination was much, much lower than for any other

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kind of problem they examined. Claiming rates varied from a low of 80 percent for grievances having to do with real property to 95 percent for debt-related grievances.[1] In contrast, the claiming rate was only 29 percent for discrimination problems.[2]

Kristin Bumiller (1988) examined this apparent anomaly in detail (see also Crowe 1978). She argued that in the discrimination context, the requirement that the *victim* of discrimination come forward leads to what amounts to a second round of victimization. As a result, discrimination victims are unwilling to seek redress for what they see as unfair treatment. As Baum points out (1990: 230–31), this expectation of revictimization reflects a variety of factors: lack of knowledge of the available remedies, inadequate resources or inefficient procedures at administrative agencies charged with handling discrimination problems, unwillingness of lawyers to accept cases that will be difficult to win or not profitable to handle on a contingency fee basis, and the likelihood that persons or organizations charged with discrimination will vigorously resist the complaints because "they see themselves as blameless and because the prospects for unfavorable court action are limited."

Other research appears to be consistent with the pattern reported in Miller and Sarat and examined in detail by Bumiller. FitzGerald's (1983) replication of the Miller and Sarat survey in the Australian state of Victoria generally found similar or slightly lower claiming rates by problem area (ibid., p. 31). The major exception involved discrimination problems with a claiming rate of 49 percent. Thus, while Australia had a substantially higher claiming rate for discrimination problems than did the United States, it had a sharply lower claiming rate than for any other type of problem. Bogart and Vidmar's (1990:22) general replication of the CLRP survey in Ontario also found that discrimination problems had a sharply lower claiming rate, 30 percent.[3] Finally, a recent survey reported in the *National Law Journal* (Samborn 1990) found that 49 percent of victims of job-related discrimination took no action at all and only 28 percent complained to their employer.[4]

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[1] The other specific problem areas (and their associated claiming rates) reported in Miller and Sarat (1980–81:537) are torts (85.7 percent), consumer (87.3 percent), government (84.9 percent), postdivorce (87.9 percent), and landlord (87.2 percent).

[2] This lower level of claiming is consistent with a survey of legal needs conducted in the early 1970s, which found that of the legal needs examined, job discrimination problems were the least likely to result in attempts to seek legal assistance (Curran 1977:135).

[3] One other type of problem, violations of privacy, that was not included in U.S. and Australian surveys also had a low claiming rate (42 percent). In general, Bogart and Vidmar found that claiming rates in Ontario were somewhat lower than comparable rates in the United States.

[4] Respondents could indicate multiple courses of action: 14 percent quit their jobs, 10 percent complained to a state and/or federal agency, and 2 percent contacted an attorney and/or filed a lawsuit.

But are these analyses correct? Our answer, reported here, is yes and no: self-perceived victims of discrimination are less likely to claim than victims of other kinds of problems, but at least in the United States, the "claiming gap" has been substantially overestimated. Furthermore, we also conclude that by lumping all discrimination problems together, previous analyses have missed important differences in claiming rates related to the context in which the problem occurs.

In the discussion below, we rely on the same data set used by Miller and Sarat, and add to it the data sets used by Bogart and Vidmar and by FitzGerald.[5] Miller and Sarat used the household screening survey conducted by CLRP in 1980; this survey covered 5,148 households in five federal judicial districts around the United States.[6] Interviews were conducted by telephone with household representatives; households were selected through a random digit dialing method that produces a clustered random sample. Figure 1, panel A, shows the questions used to identify grievances and actions related specifically to discrimination problems.[7]

Bogart and Vidmar's data are from a replication and extension of the CLRP survey carried out in Ontario in 1988. This survey was sponsored by the Ontario Ministry of the Attorney General in order to obtain systematic data for Ontario on the incidence of the kinds of problems that typically lead to litigation[8] and how those problems were handled. Random digit dialing techniques were used to contact 3,024 Ontario households by telephone; interviews were conducted with the "heads" of each household contacted. The sequence of questions used to identify discrimination problems and actions that followed in the Ontario survey is shown in Figure 1, panel B.

FitzGerald's data are from an earlier replication of the CLRP survey conducted in the Australian state of Victoria. The random digit dialing survey was carried out by a team of five researchers between August 1981 and February 1982; a total of 1,019 interviews were completed. The sequence of questions used to identify discrimination problems and actions that followed is shown in Figure 1, panel C.

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[5] We thank Richard Miller for supplying copies of FitzGerald's data and documentation and thank Jeff FitzGerald for permission to use his data.

[6] The five districts are Eastern Wisconsin, Eastern Pennsylvania, South Carolina, New Mexico, and Central California.

[7] One concern with this question sequence is that many of the "complainers" may have complained only to a friend or family member, and included those complaints in responding to question B1. While this may be possible, only 8 percent of the complainers reported that they had complained only to an "individual not in an organization."

[8] Earlier work by Ash (1980) and by Vidmar (1984, 1988; see also Vidmar and Schuller 1987; Schuller and Vidmar 1987) concentrated on problems that might lead to small claims cases; the new survey focused on "middle-range" problems that might lead to litigation in higher courts.

THE UNITED STATES

A. *The following question sequence was used to identify discrimination grievances:*

1. Another kind of problem which many people have at some time is illegal discrimination or unfair treatment because of race, sex, age, handicaps, union membership or other things. Have you or anyone in your household

   a. Been denied a job or promotion or lost a job because of discrimination?
   b. Had any problems with working conditions or harassment, or being paid less because of discrimination?
   c. Had any other employment problem because of discrimination?
   d. Had any problem with discrimination in schooling and education?
   e. Had any problems with discrimination in buying or renting housing?
   f. Had any other problems of discrimination because of race, sex, age or anything else?

For any of the items above that elicited a Yes answer, respondents were then asked:

2. Has this happened since January 1977?

B. At a later point in the interview, those with a discrimination grievance were asked:

1. Did (PERSON WITH THE PROBLEM) complain to anyone about this problem?

If yes, the respondent was asked:

2. To whom did (he/she/you) complain?

If the open-ended response was something other than a reference to a government agency, the respondent was asked:

3. Did (you/he/she) ask them to do anything, or just register a complaint?

A

ONTARIO

A. The following question sequence was used to identify discrimination grievances:

Thinking back over the last three years, have your or anyone ~~in~~ your household:

a. Been denied a job or promotion or lost a job because of discrimination (by discrimination I'm thinking of race, ethnicity, sex, age, handicaps or union membership).
b. Had any problems with working conditions or harassment or being paid less because of discrimination.
c. Had any other employment problems because of discrimination.
d. Had any problem with discrimination in schooling and education.
e. Had any problems with discrimination in buying or renting housing.
f. Had any other discrimination problems.

B. At a later point in the interview, those with a discrimination problem were asked:

Did you complain to anyone about this problem?

B

AUSTRALIA

A. The following question sequence was used to identify discrimination grievances:

Another kind of problem which people sometimes have is discrimination or unfair treatment because of ethnic background, sex, marital status, age, handicaps, union membership or other things. Since September 1978, have you or anyone in your household:

a. Been denied a job or promotion or lost a job because of discrimination?
b. Had any problems with working conditions or harassment or being paid less because of discrimination?
c. Had any problem with discrimination in schooling and education.
d. Had any problems with discrimination in buying or renting housing?
e. Had any problems obtaining goods or services because of discrimination?
f. Had any other problems of discrimination because of ethnic background, sex, age, or anything else?

B. At a later point in the interview, those with a discrimination problem were asked:

Did you or anyone else in your household (complain about the problem to/make a claim on) [OPPOSING PARTY] or someone representing [OPPOSING PARTY]?

C

DEMANDING AND COMPLAINING: ALTERNATE APPROACHES TO MEASURING CLAIMING

The survey used in Miller and Sarat's analysis was originally undertaken for a specific purpose related to CLRP's overall design: the need to locate *disputes* involving individuals that were handled without recourse to a third-party dispute processing institution (see Kritzer 1980–81:515–17). Only after the data were in hand did the research team recognize the potential for analyses based solely on the screening data. However, in developing the analysis based on this data set, Miller and Sarat relied on the definition of claiming that was arrived at for the operational purpose of identifying respondents for follow-up interviews. That definition was unduly restrictive, particularly for purposes of measuring and explaining claiming behavior. Figure 1, panel A, shows the question sequence that was used by Miller and Sarat to measure claiming in discrimination problems. All respondents were asked the "A" series of questions; only those who reported a discrimination problem since January 1977 were asked the "B" series of questions. In the analysis reported by Miller and Sarat, only respondents who had complained to a government agency (i.e., answered "yes" to B.1 and mentioned "government agency" in response to B.2) or complained and asked the object of the complaint to do something (i.e., answered "yes" to B.1 and responded "ask them to do something" in response to B.3) were counted as having claimed.

One can certainly posit a strict definition of claiming that requires that the grievant make a specific demand. However, in some contexts, simply *complaining* implies a demand for action in response to the grievance. The most obvious example would be a consumer complaint directed at a merchant or service provider; if a customer complains about a product or service, the provider will typically assume that the customer desires a solution or adjustment. Thus, in assessing claiming in consumer problems, Miller and Sarat relied on the question, "Was a complaint made to anyone about the problem?" There was no follow-up concerning whether a specific demand was made; it was simply assumed that by making known the complaint, some action was requested. This logic applies equally to the discrimination context, and when Bogart and Vidmar measured claiming in discrimination problems, they relied entirely on a question about "complaining" (see Fig. 1, panel B).[9]

[9] The language used in the FitzGerald survey is ambiguous. The wording shown for the relevant item on the survey instrument is "Did (PERSON INVOLVED) or anyone else in your household (complain about the problem to/make a claim on) [OPPOSING PARTY] either directly, or through someone else?" In a personal communication, FitzGerald indicated that he believed that in discrimination problems, the "complaining" terminology had usually been employed, but he had no way of knowing what was used in a specific interview.

As shown in Figure 1, panel C, the terminology—claiming or complaining—used by FitzGerald is unclear.[10]

As it turns out, the choice in measurement strategy makes a very big difference in the claiming rate. As noted previously, Miller and Sarat report a 29 percent claiming rate in discrimination problems.[11] Although our recalculations based on their data do not exactly replicate their figure, we arrive at a similar rate of 33 percent.[12] In contrast, when we rely solely on the complaining question (Fig. 1, panel A, B.1), we find a "complaining" rate of 57 percent.[13] While this percentage is still significantly lower than any of the other types of problems considered by Miller and Sarat (the next lowest "claiming" rate was 80 percent for property-related grievances), the gap is much less than that produced by the 29 percent claiming rate originally reported.

How, then, do we account for the recently reported *National Law Journal* survey (Samborn 1990), which found that only 28 percent of those who believed that they had been the subject of discrimination in the workplace complained to their employers?[14] First of all, the 28 percent figure is not an accurate reflection of the total complaining rate, since 10 percent of the respondents who had experienced discrimination problems complained to a state and/or federal agency instead of, or in addition to, the employer; consequently, the 10 percent and 28 percent must be at least par-

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[10] As stated in note 9, FitzGerald told the senior author that he recalled that the complaining terminology tended to be used with regard to discrimination problems.

[11] So as not to imply false precision, we will round percentages to whole numbers rather than reporting decimals.

[12] We suspect that the difference here has something to do with cases included and excluded due to missing data on other variables; Miller and Sarat report an N of 595, while our N is 529 for this way of measuring claiming. Miller and Sarat may have included in their analysis problems related to "other civil rights" that we have omitted. Also, the way the data were organized for analysis in the two studies is very different, and thus the construction of "cases" may lead to some discrepancies as well. The original computer runs are no longer available, so it was not possible to reconcile the differences in results.

[13] The N for the "complaining" measure is 532. To distinguish between the two measures, we will refer to the former as the "claiming rate" and the latter as the "complaining rate"; we will refer to the two taken together as the "generalized claiming rate."

[14] The *National Law Journal* provided us with a copy of the survey instrument. The question used for measuring action taken in response to discrimination on the job was (with the percentage giving each answer):

If you have experienced discrimination on the job, did you take any action, such as:

complained to supervisor or employer	28%
consult or hired an attorney	2%
filed a complaint with state or federal [*sic*]	10%
filed a lawsuit	2%
quit my job	14%
took no action	49%
don't know	5%

tially combined to arrive at a total complaining rate.[15] However, even when action other than direct complaining is taken into account, the total reported complaining rate in this survey was probably no more than 35–37 percent. This is much lower than our recalculated figure of 57 percent for complaining in all types of discrimination problems in the Miller and Sarat study and even lower than the 63 percent complaining rate we get if we look at only work-related problems.[16] We suspect the difference involves two factors. First, the specific question used in the *National Law Journal*'s survey was somewhat different than that in the CLRP survey. Rather than asking in a blanket way about claiming, it asked about taking "any action" and then listed some specific actions which included "complain[ing] to a supervisor or employer" and "fil[ing] a complaint with a state or federal [agency]."[17] There may have been other avenues for complaining not included in the list (e.g., complaining to a union official), and this question may simply have not been as sensitive as the more general complaining question used in the earlier U.S. survey. Second, the Miller and Sarat survey considered only problems that occurred during the three years prior to the survey; in contrast, the *National Law Journal* survey had no such time frame, and about half of the discrimination problems reported were from more than three years prior to the survey. Memory decay may have led to underreporting of actions (particularly low-intensity actions such as complaining to the employer) for problems that occurred in the more distant past.

Using the 57 percent complaining rate that we consider most conceptually appropriate rather than either Miller and Sarat's 29 percent claiming rate or our revised estimate of 33 percent has very significant implications for cross-national comparisons. While FitzGerald found that Australia had a much higher claiming rate in discrimination grievances,[18] we now see that the rate in Australia was slightly *lower* than that in the United States. More striking is the gap in complaining rates between Ontario and the United States. In their original analysis, Bogart and Vidmar (1990) did not discuss comparisons between Ontario and the United States. However, their complaining rate of 31 percent (ibid., p. 22) is the only generalized claiming rate that is higher than the comparable figure in Miller and Sarat's analysis. A reanalysis of the data used by Bo-

[15] Respondents could indicate multiple courses of action, so we cannot simply add together the 28 percent and the 10 percent to get a total complaining rate.

[16] Work-related problems dominate our full set of discrimination problems, involving 310 of the 556 problems for which we have information on complaining. See the next section for a comparison of complaining rates across types of discrimination problems.

[17] See note 14 for the complete wording of the question.

[18] As discussed in note 9, it is likely that FitzGerald used the complaining terminology, but that is not clear from his survey instrument.

gart and Vidmar that we conducted for this research note revealed that they, too, underestimated the generalized claiming rate, although much less so than did Miller and Sarat; the correct figure should have been 38 percent.[19] Even with this corrected rate, the rate of discrimination complaining turned out to be much lower in Ontario than the rate in the United States.

In summary, we find that generalized claiming arising from discrimination grievances in the United States is much higher than previously reported, albeit lower than for torts, property, consumer problems, etc.[20] Using the revised measure of complaining in the United States to make it more comparable to the measures used in the other two countries, we find that generalized claiming in discrimination cases was higher than in Australia and Canada. In fact, the complaining rate in the United States was about 50 percent (19 percentage points) higher than the complaining rate in the Canadian province of Ontario[21] and 16 percent higher (8 percentage points) than the rate reported by FitzGerald for Victoria State in Australia.

VARIATIONS IN COMPLAINING BY CONTEXT OF DISCRIMINATION

Based on their analysis of claiming behavior in the United States, Miller and Sarat (1980–81:551–54) reported that dispute context as indicated by type of problem was the best predictor of

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[19] Bogart and Vidmar's error derived from the way they constructed the denominator for their complaining ratio (individuals who reported multiple discrimination problems were counted in the denominator once for each problem but then asked about their complaining behavior in only one of the problems). A further inconsistency in the tables prepared by Bogart and Vidmar's survey contractor, which formed the basis of their analysis, suggests that the claiming rate might be still slightly higher, about 43 percent. We have selected the 38 percent figure to report, because it comes closest to the 40 percent figure we get working with the raw data including unfair dismissal cases and using the weighting scheme employed by the survey contractor.

[20] In note 2 above we referred to Curran's (1977) study reporting very low lawyer use by those with job discrimination problems; for the U.S. data, we find that only 9 percent of those who complained about job discrimination problems sought legal assistance. Consequently, it is difficult to draw a clear link between seeking legal assistance and complaining behavior, at least in the job discrimination (or discrimination generally) context.

[21] One possible methodological explanation for the lower claiming rate in Ontario is that both the U.S. and Australian surveys included an introductory phrase in the discrimination question sequence:

> United States: Another kind of problem which many people have at some time is illegal discrimination or unfair treatment because of race, sex, age, handicaps, union membership or other things.
>
> Australia: Another kind of problem which people sometimes have is discrimination or unfair treatment because of ethnic background, sex, marital status, age, handicaps, union membership or other things.

No similar phrase was included in the Ontario survey, and it is certainly possible that the phrase increased the likelihood that respondents would report discrimination experiences.

Table 1. Complaining/Claiming Regarding Discrimination by Context of Problem

	United States		Ontario, Canada		Victoria, Australia	
	Claiming	Complaining				
Job	34%	63%	37%		47%	
	(308)	(310)	(121)		(36)	
Denied/lost job				29%		19%
				(62)		(21)
Conditions/salary				57%		93%
				(37)		(14)
Other employment				27%		—
				(22)		(1)
Education	45%	72%	64%		55%	
	(64)	(65)	(22)		(11)	
Housing	17%	31%	19%		43%	
	(102)	(102)	(31)		(7)	
Other	40%	56%	39%		71%	
	(55)	(55)	(18)		(14)	
All	33%	57%	38%			
	(529)	(532)	(192)			

claiming. Discrimination problems were much less likely than other problems to lead to claiming. The categories of problems used by Miller and Sarat were very broad: "tort," consumer, debt, discrimination, property, government, divorce, landlord, and "other." A further breakdown of claiming (using Miller and Sarat's definition) in discrimination cases produces very substantial variations. As shown in the first column of Table 1, "claiming" rates varied by a factor of over 2 from a low of 17 percent in housing problems to a high of 45 percent in education problems.

Using our refined indicator *complaining*, we found essentially the same pattern of variation, as is shown in the second column of Table 1: complaining ranged from a low of 31 percent for housing grievances to a high of 72 percent for education grievances. This latter figure begins to approach claiming rates for some types of nondiscrimination problems (e.g., property problems for which Miller and Sarat 1980–81:537 report a claiming rate of 80 percent). A similar pattern is shown for Ontario in the third column. The highest complaining rate was for discrimination involving education (64 percent) and the lowest was for housing discrimination grievances (19 percent); in Ontario, complaining in education discrimination grievances exceeded the rate for some types of nondiscrimination problems (e.g., auto accidents—58 percent; problems with government agencies—54 percent; invasions of privacy problems—42 percent; Bogart and Vidmar 1990:18–22). The same pattern, albeit in muted form (and for a very much smaller sample of cases), holds for Australia if one omits the "other" category[22] (see the fourth column): the complaining/claiming rate was higher

[22] For the Australian data, the "other" category was formed by combining the nonspecific other discrimination question shown in Fig. 1 with the

for education problems (55 percent) than for either problems with discrimination on the job or with regard to housing (47 and 43 percent, respectively).

Both the Ontario and the Australian data permit distinctions within job discrimination problems. In both countries the likelihood of complaining was higher for some kinds of employment problems than for others.[23] The gap is extremely wide in Australia (although we must note that the samples were very small): 19 percent for denial or loss of a job versus 93 percent for problems concerning salary or other conditions of employment. The gap was sizable in Ontario although not as striking: 57 percent for problems dealing with salary or conditions of employment versus 27–29 percent for other employment-related problems including denial of a job or loss of a job. Thus, in both Australia and Canada, claiming/complaining was more likely where there was a continuing relationship than where the relationship was severed or never established.[24]

CONCLUSIONS

Our purpose here has been threefold. First, we wanted to correct a widely accepted, but incorrect, understanding that discrimination problems represent an extreme deviation from the typical norm that persons usually assert claims in the wake of "perceived injurious experiences" (Felstiner et al. 1980–81). Complaining or otherwise asserting claims appears, overall, to be less likely in discrimination problems than in other kinds of problems, but the gap is much smaller than previous research has indicated. In retrospect, the explanations for the supposed claiming gap for discrimination problems (Bumiller 1988; Baum 1990:230–31) were probably overdrawn.

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question having to do with discrimination in goods and services; only about 30 percent come from this latter category.

[23] In the U.S. survey, there was a follow-up question about the nature of the job discrimination, but it was asked in a different way, so we have not used it for our primary analysis. Interestingly, however, it does suggest important differences between discrimination litigation and discrimination problems more generally. Donohue and Siegelman (1991) report that in 1979 about three times as many federal discrimination cases alleged discrimination in termination compared to hiring; for EEOC complaints the corresponding 1979 ratio was about 3½ (ibid., p. 1016). In the U.S. survey, respondents reported about twice as many hiring problems as termination problems; in addition, the numbers of persons reporting promotion problems and reporting salary problems was about the same as the number reporting termination problems.

[24] Contrast this to Macaulay (1963) and to Donohue and Siegelman (1991:1015–16), who found that the largest set of litigated discrimination cases involve firing; in a private communication, Siegelman reported that two-thirds of all employment cases involved firing, about 10 percent were about hiring, and only about 10 percent involved an employee suing a current employer (over promotion, harassment, salary, etc.). In the U.S. data, only 18 percent concerned termination compared to 32 percent hiring and 44 percent such on-the-job problems as salary, promotion, or working conditions. These differences may reflect the gap between lay definitions and perceptions and the reality of legal doctrine and remedies.

Second, we were interested in comparing complaining rates in discrimination problems cross-nationally. As reported above, we do find higher claiming rates in the United States than in Ontario or Victoria State, Australia. Is this due to a culture of greater litigiousness, to a larger history bearing on the right not to be discriminated against, or to better mechanisms for expressing grievances? In other types of grievances we have examined—torts (Kritzer 1991; Kritzer, Bogart, and Vidmar 1991) and consumer problems (Zahorik 1990; Kritzer, Vidmar, Bogart, and Zahorik 1991)—the United States often had the highest complaint/claim rates, but it was by no means a universal pattern. Our efforts to move behind the overall rates to identify factors that might predict claiming/complaining have, by and large, yielded limited results (see the articles cited above plus Kritzer et al. 1990).[25] In the end, we must conclude that our data do not allow us to tease out the factors that account for differences in the likelihood of discrimination-related complaining across our three data sets.

There is, however, one clear pattern across the three countries and this leads to our third point: the variation in complaining rates within types of discrimination problems appears to be greater than the difference between complaining overall in discrimination problems and complaining/claiming with respect to other kinds of problems (e.g., torts, contracts, etc.). At this point, we can only speculate on what might account for the ordering of complaining rates (from lowest to highest) involving housing, employment, and education.

Hirschman's ideas (1970) of exit (escaping the problem by leaving the scene) and voice (dealing with the problem by bringing it out into the open) provide one possible way to explain the pattern. In the education context, voice appears to be the dominant pattern. This may reflect simply the fact that the exit option is more difficult, particularly if the grievance arises in a public education system and the victim lacks the resources to seek another school or a private alternative. In contrast, in the housing context, exit is almost the natural option (presuming that the problem is a denial of one's housing choice), because other housing options are usually available, and there could be significant problems taking up residence where one might be faced with significant hostility to one's presence. The employment context, which lies between education and housing in complaining rates, also falls between education and housing in the difficulty, or costs, of exit. If the problem is coping with an ongoing problem in a job one holds, the exit option has high cost and the option of silence does nothing to allevi-

[25] In several of those articles we have reported extensive logistic regression analyses that include a variety of demographic and resource variables. Those analyses, including the one specifically devoted to discrimination problems (Kritzer et al. 1990), teased out few relationships between individual-level factors and complaining/claiming behavior.

ate the problem. On the other hand, if the problem is losing or being denied a job, one has in a sense been forced to exit (or has been prevented from entering) the problem setting; while there are costs to not voicing the problem, it is relatively easy to look for other alternatives. This distinction within the job context is consistent with the pattern evident in the Ontario data for different kinds of employment-related problems: complaining is much higher for on-the-job problems of salary and working conditions than it is for problems concerning the denial or loss of a job.

Two other possible explanations for the pattern in the data focus on costs and benefits. With regard to the costs of complaining, the likelihood and severity of expected retaliation may affect the willingness to complain; thus, if the costs in terms of retaliation are highest in the housing setting and lowest in the school setting, persons who perceive themselves as victims of discrimination may simply be responding to those costs. The problem with this explanation is that it is inconsistent with the higher rate of complaining in job discrimination problems for on-the-job problems when retaliation is more of a threat than when a job has not been obtained or has already been lost.[26] An alternative focus on the benefits side of the equation would explain that the higher rates of complaining over job and school problems compared to housing problems are the product of differences in the perceived value placed on the potential benefit if a claim is made. Both employment and school situations involve current or future earnings, but the benefits with regard to housing problems are much less tangible and therefore may be perceived as less valuable.

We have no data that allow us to test these alternative hypotheses about the variations in complaining within the genus of discrimination problems. Exit and voice do make sense here given the striking consistency in the ordering of complaining rates in the three countries for which we have data. On the other hand, explanations that focus on costs and/or benefits have strong intuitive appeals and might be directly tied to the potential for and the nature of legal remedies. Our findings, and our speculations, do suggest important avenues for future research on claiming behavior generally and discrimination problems in particular.

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[26] In a personal communication, Siegelman reported a bit of contrasting evidence in the employment setting: "employees of the federal government, who are protected by strict civil service regulations, are more than 3 times more likely to file a federal antidiscrimination lawsuit than are all other workers."

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