Race, Equality, and the Burdens of History

This book philosophically addresses problems of past racial discrimination in the United States. John Arthur examines the concepts of race and racism and discusses racial equality, poverty and race, reparations and affirmative action, and merit in ways that cut across the usual political lines. A former civil-rights plaintiff and professor at an historically black college in the South, Arthur draws on both personal experience and rigorous philosophical training in this account. His nuanced conclusions about the meaning of merit, the defects of affirmative action, the importance of apology, and the need for true equality illuminate one of America’s most vexing problems and offer a way forward. His book is relevant to any society struggling with racial differences and past injustices.

John Arthur died of cancer in January 2007, after completing this book. He was professor of philosophy and Director of the Program in Philosophy, Politics and Law at Binghamton University, State University of New York. He is the author of Words That Bind: Judicial Review and the Grounds of Modern Constitutional Theory; The Unfinished Constitution: Philosophy and Constitutional Practice; and Studying Philosophy: A Guide for the Perplexed. Since 1979, Professor Arthur was the editor of one of the most widely used ethics anthologies in the United States, Morality and Moral Controversies, soon to be published in its 8th edition.
Race, Equality, and the Burdens of History

John Arthur

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State University of New York
For Amy, who made this and so much more possible
Contents

Preface ........................................... ix

Introduction ........................................ 1

1 Racism ........................................ 8
   1. Racism as a normative concept 9
   2. What is racism? 14
   3. Institutional racism as an interpretive concept 30
   4. Racism and racial inferiority 33
   5. Generalizations and stereotypes 36
   6. Racial profiling 43

2 Race ........................................ 52
   1. Is it racist to believe in races? 52
   2. The idea of social construction 58
   3. Social construction and race 65
   4. The reality of race 72
   5. What race is Tiger Woods? 82
   6. Conceptual neutrality? 85

3 Slavery ........................................ 89
   1. A brief history of slavery 89
   2. What is slavery? 92
   3. Slavery and racism 99
   4. The philosophy of slavery 107
   5. “All men are created equal” 114

4 Racial Equality ................................ 122
   1. The equal value of persons 122
   2. Justice and equality 134
   3. Segregation and racial contempt 137
Contents

4. Self-respect and self-esteem
5. Institutional racism and the United States Constitution
6. Is racism natural?

5

Poverty and Race .................................... 160
1. Economic inequality and groups
2. Race and I.Q.: The repugnant hypothesis
3. Explaining African-American poverty
4. Educational achievement and culture
5. “Rumors of inferiority”
6. Pragmatism’s insight

6

Compensatory Justice: Restitution, Reparations, and Apologies ..................................... 198
1. Two forms of compensation: Restitution and reparation
2. Restitution and slavery
3. Some puzzles about reparations
4. Who owes reparations?
5. Tracing the effects of ancient wrongs: The problem of the baseline
6. Apologies, guilt, and remorse

7

Merit and Race ............................................. 228
1. What is merit?
2. Merit and institutional goals
3. How merit matters
4. The “myth” of merit?
5. When is race a qualification?

8

Affirmative Action and Equal Opportunity ............... 256
1. Debating affirmative action
2. Is affirmative action self-defeating to blacks?
3. Successful lives
4. Equal opportunities
5. The way forward

Bibliography
Table of Cases
Index

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This book has been many years in the making. My academic interest in racism and racial equality dates from graduate school at Vanderbilt University, where I minored in Afro-American studies (as we called it then) at neighboring Fisk University while working on my Ph.D. in philosophy. After completing my Ph.D., I also did an M.A. degree in sociology, writing a thesis on racial integration of higher education. I later taught for nearly a decade at historically black Tennessee State University in Nashville.

Faculty and students at Tennessee State worked in appalling conditions, often overcoming obstacles that nobody should have to put up with, while a few miles away predominantly white Middle Tennessee State University enjoyed far better facilities. In an attempt to redress this injustice and eliminate de facto segregation, another faculty member and I decided to organize a biracial group of faculty and students in order to go to Federal Court. Our suit accused the State of Tennessee of violating the Equal Protection Clause of the U.S. Constitution through its failure to desegregate its educational system and for its neglect of Tennessee State University. We eventually agreed to accept a settlement offer that brought new programs and millions of dollars to improve Tennessee State University as well as a new Desegregation Plan for the state’s entire system of higher education. I decided to write a book about racial equality during those years, and I have worked on it intermittently ever since.

Various parts of this book have appeared in print as articles. Sections of Chapter 1 appeared in “Critical Race Theory: A Critique”¹ and in


Preface
Preface

“Multiculturalism.” My discussion of institutional racism in Chapter 4 draws on “Institutional Racism and Equal Protection.” An earlier version of parts of Chapter 6 appeared in “Racism and Reparations.”

I have also presented earlier versions to colloquia at many universities. My discussion of affirmative action formed the basis of presentations at Balliol College, Oxford, and at George Mason University. The material on racial equality and strict scrutiny also benefited from comments in the Oxford Seminar on Law and Philosophy in the spring of 2003. Parts of my discussions of Critical Race Theory were presented to the Philosophy Triangle at Cambridge University and at Hamilton College. And, finally, I gave parts of Chapter 6, on reparations and apologies, in talks at the University of Reading and at Green Mountain College. Whenever possible, I have indicated my debts to individual commentators and critics in my footnotes.

An early draft of this book was completed while I was a Visiting Fellow at Balliol College, Oxford, and I want to thank Balliol College and its fellowship for the opportunity to spend the year 2002–2003 in their remarkably stimulating and congenial environment. Jerry Cohen, Joseph Raz, and Nicos Stavropoulos were especially generous and helpful during that year. Many other friends and colleagues also provided invaluable criticisms and suggestions. These include Charles Goodman, Christopher Knapp, Mel Leffler, Steve Scalet, Danny Shternfeld, Bill Throop, and Lisa Weil. I especially want to thank Phyllis Leffler and Amy Shapiro, who read and made valuable comments on earlier drafts of this book.

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