The Color of Our Shame

RACE AND JUSTICE IN OUR TIME

Christopher J. Lebron

OXFORD
UNIVERSITY PRESS

OXFORD
UNIVERSITY PRESS

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
and education by publishing worldwide.

Oxford New York
Auckland Cape Town Dar es Salaam Hong Kong Karachi
Kuala Lumpur Madrid Melbourne Mexico City Nairobi
New Delhi Shanghai Taipei Toronto

With offices in
Argentina Austria Brazil Chile Czech Republic France Greece
Guatemala Hungary Italy Japan Poland Portugal Singapore
South Korea Switzerland Thailand Turkey Ukraine Vietnam

Oxford is a registered trade mark of Oxford University Press
in the UK and certain other countries.

Published in the United States of America by
Oxford University Press
198 Madison Avenue, New York, NY 10016

© Oxford University Press 2013

First issued as an Oxford University Press paperback, 2015.

All rights reserved. No part of this publication may be reproduced, stored in a
retrieval system, or transmitted, in any form or by any means, without the prior
permission in writing of Oxford University Press, or as expressly permitted by law,
by license, or under terms agreed with the appropriate reproduction rights organization.
Inquiries concerning reproduction outside the scope of the above should be sent to the
Rights Department, Oxford University Press, at the address above.

You must not circulate this work in any other form
and you must impose this same condition on any acquirer.

Library of Congress Cataloging-in-Publication Data
Lebron, Christopher J.
The color of our shame : race and justice in our time / Christopher J. Lebron.
pages cm.
Includes bibliographical references and index.
ISBN 978-0-19-993634-2 (hardback); 978-0-19-026467-3 (paperback)
1. African Americans—Social conditions— 21st century. 2. African Americans—Politics and
government—21st century. 3. Racism—Political aspects—United States. 4. Equality—
United States. 5. United States—Race relations. I. Title.
E185.615.L39 2013
305.896'073—dc23
2012047295

I

Shame and Method

ON SEPTEMBER 2, 2005, Kanye West engaged in political moralizing that disturbed our understanding of a series of events that, on the face of it, appeared to be a national tragedy, but which in fact exposed persistent social and political continuities with America's troubled racial past. In front of an audience numbering 8.5 million television viewers he declared that George W. Bush did not care about black people.[1] What prompted such a scathing indictment? On August 29, 2005, the Gulf coast was battered by Hurricane Katrina, one of the worst storms in American history. New Orleans, a Deep South city bearing the legacy of segregation along two dimensions, was hardest hit. Residentially, it was and remains home to entire wards that are predominantly black. This dimension alone was not at issue, however. New Orleans is topographically diverse and it turns out that, as a result of a long racial history, blacks were located in New Orleans' low-lying lands. Katrina made short work of the coastal levees meant to prevent flooding, so it was not long before it devastated the low-lying wards, sections of New Orleans predominantly black and entirely poor.

To this day there remain questions as to why residents were not warned earlier, as there were indications that a natural disaster was imminent. But that failure was not West's motivation. Rather, it was a second failure of a much more fundamental kind—that of caring for citizens in the aftermath who mostly happened to be dark. The federal government took days to mobilize a response while people crowded into the Louisiana Superdome and proceeded to live in terror under conditions that deteriorated with alarming speed. Food and water were in short supply and people died in the absence of medical services. Where was the government? After all, as Spike Lee documents in his film *When the Levees Broke*, Canadian Mounties were on the scene before US federal agencies even figured out what to do. It seems their first concern was to simply help in a time of need.

Then there was a third failure—that of sympathy. West's complaints were not solely aimed at Bush. As the media covered the aftermath of the disaster, ugly images began to emerge of blacks entering stores and exiting with unpaid-for goods. Stories of looting began to proliferate, and they were accepted with ease because they depended on socio-historical tropes of black criminality. West was sure to not let this go unremarked. He further said, "They portray us in the media, when they see a black family they're looting; when they see a white family, it says, they're looking for food." In other words, two actions based on identical human needs nonetheless assigned different moral description. Although blacks were disproportionately suffering under conditions of severe neglect, they were nevertheless looked upon as pariahs. In less than one minute, West gave us a snapshot of how American society differentially values and assesses behavior along racial lines. But he also did something deeply political and engaged in a kind of moral discourse we tend to shy away from—he shamed us on account of displaying bad national character.

West was alternately maligned and praised for what almost all considered to be a public outburst. But much commentary focused on whether he had really meant to claim that Bush is a racist or whether he was accusing the media of unfair coverage. I think West was up to something much more sophisticated. Let's first take the statement: George Bush doesn't care about black people. This utterance makes reference to a person as the president and there is the target group, black people, and one way to read the relationship is that there is a group of people toward which George Bush does not seem motivated to show proper regard. But let's widen our interpretive lens. West had an audience of many millions, which is to say he had a significant audience comprised of his co-participants in the democratic social scheme. His utterance was not a political act merely because it registered a complaint, but it was a political act because it sought to speak directly to the public about a political failing with real social consequences. Seen in this light, West can be taken to say something else. Major American institutions—the president and his supporting apparatus—failed to express moral concern for a suffering subpopulation of the democratic body politic that happened to be mostly dark skinned. On this reading, West wants us to think about how and why we seem to care about some folks but not about others, although we are all formally equal members in the social scheme.

Let us now consider the other significant statement: When white people seek food, they're hungry; when blacks seek food, they're looting. Again, I believe his statement admits of more than one interpretation. Topically, he is simply saying that our judgments are in logical error: Either both are stealing or both are hungry, to suggest otherwise is to be confused about our use of descriptive terms. But, again, I think much more is happening. West is not only drawing our attention to a failure in logic but also problems of interpretation. It is important for him that the actions of whites are assumed to be reasonable, while the actions of blacks are prima facie deviant and criminal. The problem is that they are the same action taken for the same reasons. How can

our judgment of the same action be so radically different on account of skin color? To be sure, he would want to say that a lot of it has to do with the media and how they frame racial images followed by critical commentary. However, I think he would want to say more. While his first indictment ostensibly targeted Bush, this second comment unsettles our self-understanding, for one reason the media proceeded as they did was because their interpretation of the relevant acts comfortably sat within a matrix of widely subscribed notions of black deviance. West's second comment is largely directed to us as members of a society bearing witness to an avoidable tragedy. In effect, the lesson is—the next time you consider what it means to have a need or pursue a reasonable course of action, be aware of how you corrupt your final judgment on account of your prior racial beliefs. Whites were stealing because they were hungry... and blacks get hungry, too.

In my view, West did something we need more of—he shamed us as a nation at two levels. In targeting Bush he also targeted what Rawls terms the basic structure: the major political, social, and economic arrangements responsible for distributing benefits and burdens. At the level of the basic structure, he meant to remark upon the way the US commitments to social welfare and equal regard for the value of each American life as equal seemed to simply collapse. Something between the commitment to valid principles of justice and institutional actions and dispositions was severed in the face of race. In targeting us, the audience, he was speaking to persons who play a role in the social scheme, for we populate these institutions by being employers, educators, service providers, municipal functionaries, judges, loan officers, politicians, and so on. However, particularly by way of calling attention to the different ways the stealing of food can be interpreted, he meant to draw our attention to fundamental inconsistencies in personal character—how our deeper and correct principle of the right to meet personal needs applied to whites while becoming corrupted in the face of black needs. West's second statement indicates a failure of other-regardingness upon which well-ordered democracies depend.

Shame is the moral response we should and tend to have when we fail to uphold principles we affirm on our own account in the face of conditions that cannot possibly be thought to justify that failure. The view of this book is that given the deeply complex nature of racial inequality over forty years after the ringing success of the Civil Rights Act, racial justice depends upon our being ashamed of a problem that both institutions and members of the polity ought to have already overcome.

In this chapter I give content to this claim as an initial step in developing a response to racial inequality. First, I provide an account of shame and the work it does in our sociomoral apparatus. What I mean to be doing in invoking shame is to orient the reader toward thinking of justice in a more capacious manner than has been typical in contemporary political thought. Shame does not indicate a fault in rules or laws or expectations, but a failure, as a society, both institutionally and personally, to consistently align actions and dispositions with a commitment to those rules, laws, and expectations. It indicates

a failure of national character. So that is my complaint against contemporary political thought—it needs to re-envision what it means to think about justice and race in the face of the appropriateness of shame.

Thus, my second aim is to do the preparatory work of the normative political thinker and offer a critical engagement of two perspectives I take to represent the core of the philosophical intersection of race and justice. I turn to the two leading thinkers of those respective fields: John Rawls and Charles Mills. Each has developed important tools in thinking about their respective areas of concern, but there is a way in which they each fall into error or confusion that seriously hinders the project of racial justice. As I shall argue, while Rawls justifiably focuses on the basic structure as the primary subject of justice, he has an importantly incomplete view of what is "political" about a political theory. And while Mills is right to direct our attention to relations of power and concerns over social epistemology, he relies on overly blunt analytic devices, such as "white supremacy"; further his recent embrace of reparations is a puzzling solution to a problem that is not fundamentally rooted in problems of distribution. As Mills seems to acknowledge (though in different terms), and as I shall argue in more precise terms in chapter 2, the problem of racial inequality is that of social value. That is to say, blacks do not occupy an equal place in the scheme of normative attention and concern upon which our society depends in the first place to justify the distribution of benefits and burdens, as well as to identify those who are deserving or appropriate recipients. If I am right about this, we will have to move beyond Rawls and Mills onto new ground in understanding racial inequality. Shame sets us up to reconceive that ground. George W. Bush might or might not care about black people, but he is not alone in being subject to that descriptive ambiguity, and that is certainly shameful.

THE COLOR OF OUR SHAME

The Idea of Shame

Racial inequality is a peculiar kind of a moral problem for our society. Typically, political debates surrounding moral problems begin from disagreement about whether one side or another of an issue is the right one. For example, consider the battle over reproductive rights. One side believes that morality requires the decision over abortion to be left within the domain of a woman's choice. On this view, you try to construct the most persuasive argument that settles the viewpoint of a woman's choice as the right perspective—if that can be accomplished one imagines there is a clear way to embody reproductive rights in law. However, the other side of the argument denies that a woman's choice is paramount because it is believed that a life, even at such an early stage, is (morally on religious grounds) sacred thus abortion offends against certain fundamental values. Similarly this view believes it has the right approach to the question, and if it can establish its standpoint as the most appropriate one, a rather clear way forward presents itself. This exercise

can be repeated with respect to many other morally inflected issues. Consider the death penalty. As with abortion, there are two sides that think there is a clear right and wrong answer to the question, is the death penalty a morally acceptable way for a society to deal with severe deviance? However, there is such little overlap between the opposing views in both the above cases that they seem destined to clash for the foreseeable future, thus we are without a shared public normative standpoint on these and similar questions.

What makes the problem of racial inequality peculiar is that there is almost no disagreement that inequality on account of one's race is morally acceptable. Only the strident racist accepts the rightness of blacks being denied an opportunity to conceive and pursue a good life on account of their racial heritage. There is a reliable normative consensus on this question that is absent in most others. Interestingly enough, however, the possibility of coherence from consensus to solution runs in the opposite direction from the cases of abortion or the death penalty. As soon and as readily as we can agree on the moral status of racial inequality, possible solutions become elusive. One main reason for this, as indicated in chapter 2 and explored further in chapter 3, has to do with the sheer number of practices that exhibit racial bias and unfairness. But another more basic reason for the ensuing confusion is likely grounded in our being perplexed over why something so obviously wrong can be so clearly persistent. We affirm better, but we rarely do better, so over forty years after the success of the Civil Rights Movement, racial inequality remains a distinctive feature of American society. And, for this reason, the problem of racial inequality ought to be a source of great shame. But why should it be a source of shame rather than, say, moral outrage?

Consider the recent environmental disaster in the American gulf. Due to a number of questionable decisions, BP Amoco's operations resulted in one of the worst oil spills in American history.[2] Although it will take time to fully assess the damage it has wrought, there was and is an immediate response that is entirely appropriate: moral outrage. As citizens, we place a good deal of trust in institutions, organizations, and companies. However, it sometimes turns out that they behave badly. Many are morally outraged over the spill because it is clear that it was in part a result of corporate greed that ultimately marginalized considerations over environmental prudence and responsibility. In short, it seems BP was committed to the wrong kinds of principles (i.e., profit at the expense of environmental sustainability or public accountability). We are therefore morally angered because we think, given the nature of and risks inherent to the oil industry, BP should have reflected upon what it means for it to take on such incredible responsibility in pursuing profit. Because it (or, maybe better put, its management) did not do so, we are eager to hold it responsible for it is fairly easy to identify where things went wrong.

The problem of racial inequality surely recommends an urgent response but moral outrage seems an incomplete response, maybe even one that risks confusing the issue. The reason is that people generally affirm the right principles with respect to basic moral equality, so we cannot say that there is confusion about race's appropriate moral status. In contrast to BP, people are generally very clear about the principle of basic moral equality

(even if they do not put it in those same words). But yet, persons and institutions act badly. Both kinds of actors often exhibit a morally important failure due to a rupture between deeply held or publicly affirmed beliefs and the practices they respectively employ in dealing with blacks. So while the rupture is morally important—after all, it subordinates blacks—the outrage appropriately expressed toward BP seems incommensurate with respect to racial inequality.[3]

Shame, however, does seems appropriate with respect to racial inequality. Shame is commonly understood as a moral reaction of a certain kind. It is one in which a person becomes aware of a discrepancy between the person one takes oneself to be and the person one is at a given moment. As some have argued, shame is likely to arise "where there is a contrast…between [one's] unselfconscious state, what [one] thought or hoped or unthinkingly assumed [one] was, or was doing, and what [one] has now under the observer-description turned out to be."[4] The reaction of shame is one of disappointment and dismay over a perceived failing or a falling away from one's ideals.[5]

Now, it is clear that the notion of ideals can make trouble for us. If I have an ideal to be the laziest person I can be though others have always recognized in me a certain talent for art, it would be highly peculiar for me to rightfully feel shame, for few think that being lazy is the right kind of ideal for anyone, much less a person with distinct productive capabilities.

Thus, while it is certainly important for shame that one recognize that one is coming up short on account of one's own standards, judgment requires perspective. Anthony O'Hear writes, "Logically, there is obviously a connexion between one's judgments and those of others."[6] Thus, the basis for our judgment is partially grounded in sources located outside of our independent moral apparatus. That is to say, our judgments are not free-standing. Rather, as morally capable beings situated within social and political practices, we come to learn rules of the game—the game of interest to us is democratic life, the rules are embodied in the ideal of moral equality. However, this need not commit us to the notion that shame always requires a distinct other. Rather, shame minimally requires a shift in our perspective such that we become our own audience. Even though moral learning is partly a function of socialization, we come to independently identify with particular principles in such a way that our sense of self is bound up with them. Shame, then, is an important notion for moral assessment because it opens the way for each of us to be active participants in holding ourselves accountable. Further, it allows us to be sensitive to the fact that sometimes our morally questionable attitudes and behavior are psychologically complex, but nevertheless are ours, thus we also own responsibility for bringing our way of being into line with our more deeply held principles. We are at once owners and agents of our normative commitments, as well as observers of our successes and failures in living up to them. Moreover, this feature of the self is situated within a wider community that plays a role in teaching us our moral lessons, as well as accepting or rejecting us on account of our successes and failures.

The relationship between shame indicating a failure in achieving morally relevant excellence, responsibility for responding to that failure, as well as our situatedness within

a broader community indicates the place and role of perfectionism in the final chapter. Taken as the view that others may be justified in urging, even compelling us, to be better selves, perfectionism is a moral doctrine that attends to human fallibility and limitations while respecting human possibility and potential. Perfectionists generally hold that the value of genuine freedom underwrites and justifies the actions of external agents to redeem fallibility by way of realizing potential. As I shall later sketch it, perfectionism can play a powerful role, then, in correcting that which causes us shame (in this case, by prompting amendments to character), thus being an effective partner in responding to racial inequality.

Shame and Politics?

The preceding comments suggest three distinctive features of shame. First, we are each an active participant in our own moral judgment because we care about our standards. Our standards provide a sense of personal integrity, and when we fail to meet them we come to recognize a disparity between what we affirm, as well as what we thought we were like as persons in light of our affirmations and what we actually turn out to be like on any given occasion. This disjuncture demands our attention and we call ourselves to account. This is in fact a remarkable feature when compared to guilt, wherein we tend to feel bad over something we have done or felt (or, maybe only imagined doing or feeling, i.e., the child who out of anger wishes his parents would go away or come to harm) but without that feeling necessarily having substantive correspondence to our respective principles. Think of the locution, "I did it because you made me feel guilty for backing out." I do not want to make too much of a comparison between shame and guilt save to say that shame is important on account that it readily implicates us in coming up short on our own account, on account of principles and standards for which we have expressed a prior standing preference: "What is important here is precisely the idea that in the experience of shame there is a sense in which the individual concerned is playing two roles, judger and judged."[7] And, as judger of oneself, one has a particular and particularly important connection to the moral apparatus in question. Thus, when we observe a falling away, we also perceive failure to be a whole and good self—a person of integrity in a manner demanded by principles of right and virtue we readily recognize as worth abiding by.

We sometimes fall away from our ideals because of basic confusion or a failure to connect the morally important dots between virtue and practical reasoning, but these instances themselves can sometimes be explained by moments wherein we are beset by cognitive-affective blindness. Consider a situation wherein you pick up your child from school to find her in the company of a classmate whose parents are not alarmingly late, but late enough to warrant concern—not for the parents, but the well-being of the child. As you reach for your child, she asks if you can give her friend a ride—after all, it is on the way home. You decline muttering that her parents should learn to

pick up their own children on time and that finding their child on the curb outside the school should set them straight. That evening as you recount the event to your partner, you find that you are met with deep disapproval—how can one justify making a child pay for the shortcomings of an adult? And rather than defend your decision, you immediately know you did the wrong thing. Moreover, you feel shame precisely because you so easily recognize this error. Why is the error easily recognizable as such? It will partially be on account of you possibly flouting a rule of reciprocity you have affirmed in the past to assist your child's friends when possible as a member of a community of local parents. However, it will also be because you will wonder how you let trivial resentment trump your typically operative ethic of care and concern for those unable to care for themselves. Here, we see shame's second important feature—shame illuminates the temporary dark spots in our cognitive-affective capacities, and while this often happens after the relevant moment, such moments position us to "see" better next time.

One reason we care about our ideals and the possibility of falling away from them is that they are instrumental, if not intrinsically valuable, for our flourishing. In light of this, the final feature of shame is that it serves as a kind of harbinger of our failure to flourish. Here we should note that precisely because notions such as shame and character are most comfortable in the company of virtue ethics, this view depends in part on a view of the virtues. That the virtues are crucial for flourishing is a fairly standard view, articulated by Aristotle and further elucidated by scholars since.[8] The interesting point to be pressed here is that even the person who is typically virtuous can be in error, substituting virtues for vices (i.e., not being sufficiently courageous to chastise a friend for making a racist comment), thus the virtuous can fall away from their own ideals. This does not endanger the possibility of reclaiming virtue, but in those moments where confusion is involved, we may need to rely upon a number of mechanisms to prompt reflection and to be confident that it is the kind of reflection where our falling away can be understood in its proper light thus adequately addressed. In this sense, shame can be deeply important for realizing a flourishing life.

But there is another aspect of flourishing that comes with significant politically important goods. A flourishing life on the standard account of virtue ethics is not an egoistic endeavor. Rather, to truly be virtuous, thus to flourish, we must attend to the circumstances necessary for others' flourishing, and the most immediate circumstances for which we can reasonably be held accountable are the ways in which we treat others. A clear example is that of justice, which is fundamentally a matter of giving to one what one is owed. Importantly, what one is owed can depend on a number of criteria not least of which is being owed something on account of sharing a life in common by dint of citizenship, as a partner in the stability and rightness of the polity. As Nancy Sherman notes: "Virtuous agents conceive of their well-being as including the well-being of others. It is not simply that they benefit each other, though to do so is both morally appropriate and especially

fine. It is that in addition, they design together a common good... the ends of life become shared, and similarly the resources for promoting it."[9] Thus, extending the view of shame as that in which it serves as an important reflective mechanism, it is clear that in those moments when it operates fully and best, it also represents a foundational feature of our normative apparatus wherein the work of acting on behalf of others, particularly where it concerns justice, is strongly supported. I want to indicate, then, that beyond the role of shame as a means for critical self-reflection, thus raising concerns, on the one hand, of prompting persons to turn away from the critical gaze, while, on the other hand, prompting insurmountable resentment, shame can be important for aspirational politics. On this view, the critical self-assessment unleashed by shame is meant to operate in the light of achieving a better life on our own, as well as with and among others; thus, it can be embraced as a resource for positive change rather than merely stirring within us a sense of shortcoming. Let's further consider shame's political significance to better appreciate its role as instrumental to an aspirational view of achieving the good and right.

In engaging Plato's *The Gorgias*, Christina Tarnapolsky finds that Socrates, and Plato in a more refined manner, holds a view of shame as both respectful and public. Socrates's dialectic approach relied upon lulling people into fallacies if he perceived weaknesses in an argument. For him, the strategy was not to embarrass people by showing they lacked philosophical skill, but in a manner consistent with how we have been proceeding, show that they could not be committed to some initial principle and ultimately be committed to a conclusion that fundamentally undercut the initial principle. It was also presumed that such inconsistency could have detrimental affects on shared democratic life. She writes: "Socrates and Plato felt there was something salutary for moral and political reflection and deliberation within the occurrent experience of shame and that this experience could have both intra-psychic and inter-psychic consequences. This is precisely why they tried to shame others."[10] For Tarnapolsky, it is important for democratic politics that Socrates and Plato offer a vision of respectful shame—respectful because it takes persons where they stand but also aims to help them hold themselves accountable on their own view of appropriate principles and ideals. "In the Gorgias, itself, the moment of recognition is vividly illustrated by Socrates' ability to shame each of his interlocutors into contradicting one of their deeply held beliefs."[11]

> So what Socrates sees as potentially salutary about the moment of recognition is that it can reveal a common truth between the self and the 'other' about the fact of our human vulnerabilities.... the 'other' can be the repository of a realistic and yet still wholly new and admirable image of human life. Furthermore the person shamed and the person doing the shaming can both come to recognize this in the shame situation. Thus, Socrates felt that discomfort and perplexity don't necessarily lead the person who is shamed to hide or withdraw from a debate or discussion. Instead they may lead the person to transform themselves in accordance with new or old 'others' and/or to contest new or old 'others'.[12]

Tarnapolsky senses the political utility of shame on the grounds that (1) it is not necessarily demeaning to the person being shamed, and (2) it can be particularly valuable for a democratic society that depends on clear and consistent arguments that shape the terms of our shared association.

I think Tarnapolsky is right to make this move. Moreover, it is a move that is especially useful for racial inequality, for as has already been noted, it is a form of mistreatment that few would reflectively endorse but in which the polity is largely complicit. The US founding charter embodies a principle of fundamental human equality—this is a good moral principle. Moreover it is affirmed in the widest possible sense. It is on account of this affirmation that I think there is a third way in which shame is politically useful, as well as normatively valuable. Precisely because fundamental human equality is affirmed in the first place, shame carries with it significant aspirational ambitions. The notion of being in error has been used many times for a particular reason: Error is a different kind of thing from stubborn refusal or dogmatic shortsightedness. To revisit an earlier example, we may disagree as to whether federal taxation promotes or suppresses freedom, but we do not disagree that freedom itself is a core, nonnegotiable value for democratic life. Indeed, our disagreement is important because we feel the need to be clear so as to best secure it. Being in error does not undercut the goal of making certain ideals manifest, nor does it offend against the possibility of being capable of achieving those ideals, thus reaping the attendant goods. Needless to say, we cannot achieve those ideals if we are in error or confused, save by the grace of fortune. Because we think justice is something we can do rather than receive as a result of fortune, it also indicates our common aspiration to be better, more good, and more upstanding. To the extent that we can fall short of these ambitions on account of error or confusion, and to the extent that shame can be instrumental in setting us straight, we should conceive of shame as something more than a means of criticism or prompting feelings of failure or guilt. Shame on this view can support our best aspirations in a manner beyond helping make our vision for a better way clearer; indeed, it can help bring our deliberations and actions into coherence with our prior affirmed ideals.

Before moving on—a word on the relationship between the idea of shame and the nature of institutions. Racial inequality has often been characterized as structural or institutional inequality. Further, I said above that persons and institutions sometimes act badly, thus I drew a distinction between kinds of actors. This raises the question as to whether shame applies to institutions as well. A major argument of this book is that, following Rawls, the idea of institutions is important for conceiving of justice. He says that justice is the first virtue of institutions because they are responsible for distributing society's benefits and burdens. I think this is right given, as I shall argue, that the dynamics driving racial inequality have become deeply embedded in institutional development. Moreover, institutional practices beget the reproduction of racial disadvantage. However, because shame is often considered an emotion, thus expressing an affective capacity, and institutions are not agents in the way persons are, it may seem out of place to speak about shame as extending beyond the scope of personal morality.

The above position is not inherently unreasonable since institutions do not have emotions. But so far as shame is also a particular kind of moral idea, I think there is a way in which it makes sense to speak of shame with respect to institutions. Consider that institutions have, just as persons, ideals that give shape to their being. As Rawls argues, a basic ideal is fairness, but these may get more specific with respect to various institutions (i.e., the legal system would also be committed to the ideals of neutrality and consistency). Just as institutions can be committed to ideals, they can fall away from them. There is a rich literature describing the many ways the legal system, for example, fails with respect to blacks and that this failure is on account of race[13]—it is not coincidental or merely unfortunate. While I acknowledge that this discussion reaches into complex phenomenological and ontological territory, I simply want to flag that there is nothing incoherent about the idea of us ascribing to institutions, as actors, for the purposes of moral assessment, the notion of shame. We easily and coherently make statements such as, "Congress should be ashamed for failing to pass educational reform." We do so because an entity—Congress—has definitively failed to uphold an ideal we all know it to affirm on its own account. This is what is most important about the idea of shame from the more general point of view of moral assessment.[14]

Race and Shame

Racial inequality and inappropriate racial treatment persist contrary to our better judgment. Shame, then, is a fundamentally important moral notion when reflecting on racial injustice for it simultaneously holds in view the fact that we are already positioned in principle to overcome racial inequality, but despite that fact, we have not and seem to not be doing so. More precisely, the idea of shame helps us develop a view of racial justice in three respects. First, it settles the general moral nature of a social wrong in which we all play a part. Second, in doing so, it helps specify the direction a broad inquiry and response to racial inequality must take. Last, it indicates and frames the central aims of that response, especially from a political perspective.

In what way does shame help settle the moral nature of racial inequality as a social wrong? To begin, let's keep in view the differences between the example of a racially unjust society and that of the clearly culpable oil company. I said above that what justifies moral outrage in the latter example is that the company was fundamentally committed to the wrong principles in the first place; whereas in the former, the moral problem enters later when a rupture between affirmed principles and attitudes or actions is exhibited. An important feature of this example is that in the case of a racial society, the question of responsibility becomes very complex—how responsible is a person for her moral failings when she has grown up in a community where there are no blacks, but yet plenty of stereotypes abound, thereby significantly shaping her racial views? This person may find herself acting in ways that, reflectively, she would disavow, thus causing shame. How so? At base, there is an inconsistency between a principle of equal respect

and attitudes or acts reflecting groundless differential normative consideration. More importantly, the person in question is likely to not merely acknowledge some failing, but is likely to experience consternation and dismay over this failing exactly because she is not the person she took herself to be—she has fallen away from an ideal she has set herself.

This indicates why shame is important for settling the moral nature of racial inequality as a social and political problem. We tend to fall away from our ideals when blacks come into view. This indicates that, first, we can be made aware of where we go wrong; further, it introduces nuance into notions of responsibility for it allows more complex explanations of moral wrongdoing, especially in light of race's social and historical nature (see below discussion); last, it opens the way for redemption for it simultaneously acknowledges that we retain the power to reflect on our shortcomings and thus empowers us to try to do better when next we are faced with a kind of situation that we felt shame over in the first place.

This in turn sets the direction for a broader inquiry into and response to racial inequality. Moral wrongs typically result in blame or assignment of responsibility wherein the actor must first, own his or her wrongdoing, and second, must in some ways make amends. A distinct line connects agent, act, and outcome. However, racial inequality resists this usual way of thinking about moral responsibility. As I shall argue in the section below and chapter 2, the fundamental problem underlying racial inequality is complex because of its long historical lineage, its many manifestations in a wide array of social, economic, and political practices, and last, because explicit racism is not an explanation for its persistence. The fact that we ought to feel shame means that when we do find ourselves holding racial beliefs or disrespecting ourselves on account of our race, we betray the principles with which we identify and those represent ways of being and of comporting oneself to others and ourselves as having inherent moral worth. Importantly, they are principles within which racial justice can find a home in. This means that a general inquiry must accomplish a number of things.

In the first instance, it must appropriately specify the nature of racial inequality. It is clear that we cannot simply say that racial inequality is a matter of blacks not getting as many goods or receiving as many opportunities as others. This much is patently obvious, but it explains nothing. However, that we ought to feel shame begins to indicate that some other ideas and beliefs are playing a role in our practical judgments (i.e., that many blacks are poor because they prefer handouts to working hard), making our failing a more common social occurrence than it ought to be. Second, once the right conception of racial inequality is specified, we will have to settle on a general explanatory framework for the problem over which we ought to feel shame—the problem of social value. This conception of racial inequality states that racial inequality is fundamentally a function of blacks holding a lower place in our normative scheme from the perspective of social, economic, and political arrangements—what this means more precisely is explored in chapter 2.

Finally, the appropriateness of shame indicates what the content of a response to racial inequality ought to take as central and fundamentally appropriate given the nature of the problem. In the final chapter, I shall offer a perfectionist argument for institutional design in the pursuit of helping align democratic citizens' actions and dispositions with important moral lessons with which we already identify. In brief, democratic perfectionism holds that we can be nudged or directed to become persons of better character, not on account of some elite or independent conception of what makes a person good, but on account of what we tend to rationally affirm yet fail to accomplish. The fit with shame is immediate—a society committed to guiding its citizens in being the kinds of persons they already affirm and desire to be is one in which our falling away from racial ideals can be redeemed, and importantly, preempted on future occasions. Of course, this is a position that requires more justification than merely saying it is a good fit with the appropriateness of our shame—a fuller argument is offered in the final chapter. However, I want to flag that a basic concept like shame can drastically reorient our assessment of a moral problem we would all prefer to live without. Its stubborn persistence in our social, economic, and political arrangements forty years after the Civil Rights Movement suggests that it may be time to take a fresh look at racial inequality, for we are often lulled into the simplicity of our observations even though those sometimes fail to adequately describe the moral nature of the problem in view.

The question we now face, and must answer with precision, is the following: Where does political thought, in the scheme of intellectual division of labor, stand with respect to the problem of racial inequality? What resources are available to us and to what degree and in what ways will we have to re-imagine the theory of justice with race in mind? My view is that political thought has significantly failed to come close to properly addressing racial inequality on its own terms, yet it does provide resources for doing so, as I will highlight in the next section. Rescuing these resources requires a shift in method, as well as a concession to basic facts of American sociology. An engagement with Rawls and Mills will be particularly helpful in giving content to these admittedly vague comments. This in turn pivots us toward focusing solely on the social and political problem of race rather than academic debates over it or justice generally.

EXPLORING THE FUNDAMENTALS OF A THEORY OF RACIAL JUSTICE

Rawls, Justice, and the Political

Rawls was not one for making assertions, so it is of some moment that *A Theory of Justice* begins: "Justice is the first virtue of social institutions, as truth is of systems of thought."[15] Although an assertion, it is one worth accepting with respect to racial justice, for institutions are central to the idea of systemic racial inequality as they systematically distribute benefits and burdens along racial lines. However, while Rawls offers important guidance in thinking about the role of the basic structure, the potential efficacy of his theory

for addressing cases of injustice hinges on it being political in the right way. This matters because first, Rawls's work has become a dominant force in political thought, and second, because he himself claims the theory is political, not metaphysical. That claim suggests that the theory is a ready friend to those who wish to address extant matters of socio-political concerns relevant for justice. In what follows, then, I am not so much interested in contesting the general goodness or moral desirability of the principles he articulates as I am in making sense of what it means for a normative theory to be a "political" one. Rawls's theory is often accepted as political, thus is often, to the consternation of race and gender scholars, taken to be robust enough to settle what counts as a just society, regardless of the facts or nuances of actual inequalities. I think this is wrong. To ultimately move toward a more appropriate position, I begin by elucidating some compelling aspects of Rawls's philosophy that theorists concerned with race can and ought to appreciate.

To begin, Rawls's theory of justice is intended to regulate a society imagined as possessing a fundamentally important feature—it is a scheme of ongoing cooperation among moral equals. The idea of moral equality is meant to ground a principled commitment that each person is owed fair treatment without qualification. Thus, the main enemy of justice is moral arbitrariness coupled with institutional practices. How does this relationship affect each of us, thus raise questions of social justice? First, we are each endowed with varying skills and attributes that may or may not be to our instrumental benefit. In either the better or worse case, these are undeserved but inevitably play a role in our ability to achieve lives of our choosing. Second, we are born into societies that already value certain pursuits and abilities. For example, regardless of how intuitively invaluable the education of young children may be, our society chooses to pay many millions of dollars to bankers for moving other people's money around compared to the barely working-wage provided many schoolteachers. Both these observations suggest that much of what we can hope to achieve in life is shaped prior to our birth by the nature and shape of major institutions: They distribute the benefits and burdens that we will experience over the course of a complete life. Thus, the basic structure is the primary subject of justice on Rawls's account—the principles of justice apply to them in the first instance so as to appropriately guide their distributive practices.[16]

Rawls's next move is to devise a bargaining situation that models perfect rationality by imposing radical epistemic constraints on those behind what he terms the veil of ignorance, thus placing them in the original position—a device that denies participants any situated knowledge of themselves (i.e., whether they are currently rich or poor) as well as of their society (i.e., whether it is currently a very rich one or not). But they are allowed to know basic facts, such as those pertaining to economic laws of supply and demand. Rawls argues that imposing such conditions guarantees fair deliberation as it represents a morally appropriate initial status quo.[17] The implication is that building fairness into the deliberative scheme ensures fair principles of justice, thus a fair society. Of course,

Rawls is looking to eliminate the greater or lesser advantages gained through moral arbitrariness, so behind the veil of ignorance we contract for principles of justice that will necessarily be fair, since we cannot know ahead of time what our own position in the resulting society will be. Rawls's innovations are attractive on account of the fact that they seem to reflect the substance of serious concerns over the way social and political structures greatly influence the way our lives turn out; further, the placement behind the veil of ignorance seems to reflect a common sense intuition that pure fairness is necessarily hindered by the facts of what we stand to gain or lose when we bargain.

This last move, however, is controversial for those concerned about cases of systemic inequality because while the original position is an epistemically minimal environment for deciding, choosing, and preferring, thus seemingly effective at securing fairness at one level, it eliminates whole histories of sociopolitical subordination from consideration, thus endangering fairness from a different moral and practical perspective. As Rawls writes, ideal theory "assumes strict compliance and works out the principles that characterize a well-ordered society under favorable circumstances. It develops the conception of a perfectly just basic structure and the corresponding duties and obligations of persons under the fixed constraints of human life."[18] From another perspective, then, Rawls appears deeply confused about the proper nature of *political* theory because his method effectively marginalizes the relationship between injustice and justice, and the history and practices that have shaped that relationship.[19] On this view, a political theory ought to be in part genealogical. Its main guiding question should be: How did we, as a society, get to this point? Further, it ought to be attentive to the experiences of those subject to injustice and the claims those experiences give rise to. Is this the right way to think about a "political" theory?

To answer that question we need to first be clear as to what Rawls understands by the idea of the political and the extent to which it is taken to settle the political relevance of the theory. On the view Rawls advances, justice as fairness is rightly considered a political conception because (1) its subject is the basic structure and (2) it is a public conception in that it depends on widely accepted reasons among competing political views once out from behind the veil of ignorance (what later in Rawls's corpus comes to be termed an "overlapping consensus"[20]). I will take each of these in turn and show that while the first criteria does some work in holding off Rawls's critics, the second introduces deep problems that strain the idea of Rawls's theory being political in the sense demanded by racial inequality.

As mentioned above, the principles of justice are to apply in the first instance to the basic structure, which is defined as "society's main political, social, and economic institutions, and how they fit together into one unified system of social cooperation."[21] In one sense, a focus on the basic structure is understood to qualify justice as fairness as a political conception precisely because major institutions structure opportunities thus impact our plans of life. But the story here is deeper in a way that very much matters for race and justice.

In *Theory*, Rawls offers two arguments for making the basic structure the primary subject of justice. First, is what I call the historical contingency premise. Rawls says that agreements which are initially fair may aggregate in such a way that "together with social trends and historical contingencies are likely in the course of time to alter citizens' relationships and opportunities so that the conditions for free and fair agreements no longer hold."[22] Institutions can be informed by the arc of history in such a way that the circumstances supporting fair agreements at one time can change to undermine justice at a later time. Second, Rawls justifies the focus on the basic structure on the grounds of social psychology. Rawls writes, "A theory of justice must take into account how the aims and aspirations of people are formed; and doing this belong to the wider framework of thought in the light of which a conception of justice is to be explained."[23] Thus, the basic structure is taken as the primary subject in part because it plays a nontrivial role in determining the kind of persons we ultimately become—it affects the sense of self. The basic structure limits persons' hopes and ambitions "for they will with reason view themselves in part according to their position in it and take account of the means and opportunities they can realistically expect," as well as provide support for the proper development of respectful and supportive attitudes of other free and equal persons who share in the benefits of a scheme of ongoing cooperation.[24] Thus, the basic structure has a nonnegligible impact on our sense of self, internal deliberations, attitudes, and belief formation. It seems to me, then, that justice as fairness is political because it focuses on a site of political development that has pervasive effects for each of our lives. To this point, Rawls is on solid ground—his theory does seem political in a way sympathetic to concerns over race and racial inequality.

The second aspect of justice as fairness that Rawls argues makes it a political conception is that it can be agreed upon from within a diversity of what he terms comprehensive doctrines. The mechanism that makes this possible is the original position, a state of reflective deliberation that Rawls imagines we can enter and exit at will. We will recall that the original position models perfect rationality insofar as it imposes radical epistemic constraints upon us. From within the original position, influences on judgment that may stem from religion, for example, are redirected so that they may be reformulated in widely acceptable reasonable terms. Rawls writes, "We introduce an idea like the original position because there is no better way to elaborate a *political* conception of justice for the basic structure from the fundamental intuitive idea of society as a fair system of cooperation between citizens as free and equal persons."[25] And this is so because "Society's main institutions and how they fit together into one scheme of social cooperation can be examined on the same basis by each citizen, whatever that citizen's social position or more particular interests."[26]

However, I believe Rawls is involved in a serious muddle—a muddle that did not hinder the argument for the primacy of the basic structure in justice as fairness. Indeed, I believe that his justifications for making the basic structure primary help inform why he seems confused about the original position serving to qualify justice as fairness as a political conception. Let me explain.

The first step is to appreciate the impact the imposed radical epistemic constraints have on deliberating agents in the original position. I take it that it is fairly uncontroversial that in the most general sense, justice importantly depends upon giving one what one is properly owed, and liberal justice ultimately depends on moral reasons for doing so. But the epistemic constraints imposed by the veil of ignorance strip the possibility of history informing the idea of owing; and, one might think, absent that information, moral reasons became significantly and, on my view, problematically pulled apart from our actual status, here and now, as moral beings. Thus, it is very difficult to imagine how one can identify and demand what one is owed if one is not allowed to invoke a narrative of past transgressions which are the grounds for moral and morally relevant reasons—transgressions grounded in social positions sanctioned by the political process.[27] Thus, while the original position certainly provides a moment wherein discord can give way to consensus, it comes at the price of important historical, sociological, and political truths that limit the kinds of justice claims one would have reason to press.

The second step is to get a hold on the idea of the reasonable. Persons eventually "emerge" from behind the veil of ignorance, and once out, they will face the more prickly questions of how to implement the principles of justice. Reasonableness is the criteria for taking for granted the kinds of seemingly absurd demands for which we assume people simply will not make a case. Thus, for Rawls, something being reasonable depends in large part on certain propositions that we can take for granted as having obvious moral force. For instance, "slavery is rejected as inherently unjust, and however much the aftermath of slavery may persist in social practices and unavowed attitudes, no one is willing to defend it.... We can regard these convictions as provisional fixed points which any conception of justice must account for if it is to be *reasonable* for us."[28] But notice what Rawls has done here. What seems to settle matters for him is that "no one is willing to defend it." However, a theorist concerned with racial inequality as it actually stands in the lives of blacks would focus on the following portion of the statement as embodying unreasonableness: "however much the aftermath of slavery may persist in social practices and unavowed attitudes." And this would be unreasonable precisely because almost no one in the twenty-first century would defend the proposition that blacks are inherently inferior or less worthy. (The reader will notice that this formulation indicates the preconditions for shame.) Thus, Rawls's reliance on reasonableness is likely to lead to racially uncertain outcomes, since he merely requires that no one will defend slavery, rather than being attentive to the unreasonable fact that the aftermath of slavery persists even though no one will defend that practice. I said above that Rawls's premises for making the basic structure the primary subject of justice actually tell against this second argument for how his conception qualifies as political. The preceding comments suggest the basis for this line of criticism.

The historical contingency premise indicates that practices of asymmetrical power can insinuate themselves in the workings of institutions, and importantly, that the patterns begotten by asymmetrical power can over time undermine fair agreements

reached at some earlier point. Thus, in thinking about justice, we would need to know the extent and robustness of the relevant patterns of power over the relevant periods in history. Further, the sociopsychological premise tells us that our position in the social scheme has a profound impact on becoming the persons we ultimately develop into. Now, if a society is home to systemic racial inequality, it is not surprising that its members will not defend slavery and nevertheless be populated by agents with unavowed racial attitudes. This is captured by the idea of implicit racism: a sociopsychological disposition wherein people might consciously and wholeheartedly disavow racist doctrine yet find themselves holding racial beliefs (i.e., that black employees are not to be equally trusted). The crucial point about implicit racism is that, on the one hand, it need not overtly and explicitly invoke racial reasons during the deliberative process. However, on the other, it will nevertheless lead some to draw conclusions consistent with racially motivated reasoning. On this view, it seems the fact that no one will defend slavery or racism cannot do the work of providing the platform for sociopolitical reasonableness. And the reason is very important—as we shall see in the next chapter, a hallmark of American race relations in our time has been a certain tragic consistency between holding a view denying the appropriateness of slavery and a set of normatively relevant attitudes that nonetheless arbitrarily and systematically deny blacks a place of normative worth in American society. Just as we sometimes say that one man's terrorist is another's freedom fighter, one theorist's view of the reasonable is an oppressed person's experience of marginalization. The major critical point here, then, is that if we depend on the original position, we give up too much knowledge about the world, and if we depend on what Rawls considers reasonable, what we do know about the world is reshaped in ways that denies the issue appropriate moral urgency. In either case, the political is suppressed or it is ignored.

The conclusion we are working toward, then, is that a political conception of justice must take a view and stand located in the relevant temporally aware social position rather than a view from no particular social position at all. This is to say, it must be attentive to the way political history interacts with institutional practices, which have implications for persons' sense of self and others depending on their place in the social scheme. Ruth Frankenburg, in writing on her experiences in the field of whiteness studies says: "There is a link between where one stands in society and what one perceives. In addition, this epistemological stance made another, stronger claim: that the oppressed can see with the greatest clarity not only their own position but also that of the oppressor/privileged, and indeed the shape of the social system as a whole."[29] Frankenburg's observation suggests that the experience of racial inequality keeps us honest about the content of reasonableness and related normative devices and their scope within the theory of justice. More generally, it helps us bring the formal nature of moral principles into coherence with the actual mechanisms of injustice, allowing us to give robust content to our principles thereby allowing them to be political in the right way—they will take the problem of racial inequality on its own terms as informed by political reality.

Now I suspect a defender of Rawls may yet try to salvage the applicability, thus political value of Rawls's theory by saying that all the needs of racial inequality could be handled in what Rawls terms the four-stage sequence.[30] Here, Rawls refers to a process in which the veil of ignorance is gradually lifted at increasingly more applied stages of institutional design, and at each stage we have more empirical evidence, as well as judgmental latitude, in attending to instances of injustice. Thus, the defender would say, we can simply adjust policies and laws to reflect the facts of racial inequality across all relevant social, economic, and political practices.

This response seems to pose a serious challenge at first glance—but only at first glance. The defender would have to distinguish between two ways of understanding racial inequality. First, she might believe that racial inequality is merely blacks not being paid equal wages in some cases and in other discrete cases young blacks are denied quality education and in yet other cases have difficulty acquiring quality housing. That is to say, she would have to believe that racial inequality is merely a collection of discrete instances of inequality wherein the disadvantaged party is black. If this were all racial inequality consisted in, the two principles would almost be sufficient under the purview of the four-stage sequence. But if, second, she instead understood the idea of *systemic* racial inequality as not linking discrete instances of racial disadvantage but rather indicating substantive failures in the underlying public racial norms that serve to undergird the various policies, procedures, etc. that produce racial inequality she would consequently understand race as fundamental to the way politics works. That is to say, by the time we reach the later stages where full knowledge is brought to bear, we would be poorly positioned to reflect on how race pervades everyday lived experience in a myriad of ways, some of which are not susceptible to legal action or reform. A final related point: the four-stage sequence nevertheless treats matters of injustice as matters of institutional reform or response wherein the appropriate attendant civic ethos necessary for justice is a byproduct of rightly ordered institutions. In principle I have no complaint to raise against an ethos being a byproduct of institutional practices, but given the deeply embedded nature of racial norms in the polity, we ought to desire from the four-stage sequence a more secure way of directly addressing our co-participants' ethical shortcoming in forwarding the interests of a scheme of ongoing cooperation among moral equals.

We may yet think that despite issues of methodology, we ought to nevertheless fall back to the substance of Rawls's theory as embodied in his two principles of justice Rawls's two principles of justice. The two principles are general guidelines that (1) guarantee basic rights, and (2) mandate equality of opportunity while ensuring a material minimum for the least advantaged. However, it is difficult to see how they might yet redeem the shortcomings of Rawls's method with respect to systemic racial inequality. Consider that our society already affirms and legally guarantees equal rights and equal opportunity; further, consider that what we call a social minimum today, welfare, has become a hotly contested policy domain on account of race and our racial past.[31] I mean

to indicate here that the political nature of racial inequality casts a shadow over our ability to merely rely on formal principles, particularly ones focusing on distributive justice, no matter their soundness. Put another way, that no one will defend slavery is little help in the face of an aftermath that replicates not merely the outcomes of racial disadvantage, but the underlying normative status of blacks that gives rise to that disadvantage. So, our response to the four-stage sequence objection should be, even if we want to accompany Rawls all the way to the four-stage sequence, at some point, probably early in the second stage (the constitutional convention stage), we will need some other resources to begin dealing with cases of injustice—resources that help us assess the normative substance of those cases, as well as justify more muscular specific responses that move us beyond the procedures and transactions Rawls's theory makes central. Indeed, we would need to question the state of our national character. So nothing in the defender's response embarrasses the project of a theory of racial justice as distinctly necessary, if not preferable. If anything, it further calls attention to the limits of Rawls's theory—limits that Rawls himself acknowledges.[32]

A political theory of racial justice will rightly focus on the basic structure but must be positioned to assess the ways a society is actually unjust—this is what it means to be political in the right way. From this perspective, the nuances of systemic racial inequality become much more distinct, since we are now sensitive to the ways our political history begat racial norms that in turn burden personal judgment and interfere with institutional fairness. This is what the idea of social value will do for us in supplementing the idea of systemic racial inequality as we move toward a positive account of racial justice. However, once we expand our view of the political, we are further committed to understanding the forces that shape the political processes that in turn give rise to racial inequality.[33] In a word, we must be attentive to power. Here, Mills makes an important contribution to thinking about race and justice that must be acknowledged even if we ultimately believe it to be crucially flawed in other respects.

Mills on Race and Justice

Characterizing racial inequality as systemic implicates relations of power in shaping social, economic, and political arrangements in a racially disadvantageous manner. While Rawls's focus on the basic structure provides (an unexploited) opportunity for reflecting on the ways in which racial power operates, Mills, in contrast, takes considerations of power to be central to an inquiry into racial injustice. Mills's approach to power and race depends on two propositions. First, racial inequality is the result of a particular system of power: white supremacy. Second, Mills identifies what I consider to be a problem of experientially informed perspective—white supremacy is (mostly) only visible to either its colored victims or the genuinely morally attuned.

I want to first show that Mills's general description of the various facets of racial inequality is spot-on. Indeed, Mills is to be applauded for seeking to bring matters of power and

social epistemology to the theoretical fore. In doing so, he invites us to embrace a more capacious and immediate understanding of the political. Yet, there is a two-prong flaw in his work that demands our attention. First, Mills underspecifies the mechanics of racial power, proceeding as if defining various dimensions of the problem using the predicate "white" (i.e., white supremacy, white privilege) settles our understanding of what drives and sustains systemic racial inequality. However, this is a radically incomplete specification of systemic racial inequality—simply indicating background processes and describing those as "white" or beneficial to whites is of marginal analytic usefulness. Mills might respond that all he means by "white supremacy" is that it describes the beneficiaries who perpetuate racial inequality by accepting its benefits. This is fine save that it fails to specify the mechanics by which racial inequality evolves and reproduces itself.[34] It also fails to analyze the distinctive nature of race in the twenty-first century as compared to the nineteenth century, for example. Second, Mills's recent foray into prescriptive theory mobilizing a modified original position and distributive justice to argue for reparations is inconsistent with the substance of his own arguments regarding the moral utility and critical force of a situated perspective. Surely, if a virtue of Mills's work is his call to be attentive to the facts of the experience of race, we should be puzzled at an attempt to sharply qualify its inclusion in a normative theory. Let's take up these two critical points in turn.

In working toward the first critical point regarding Mills's approach to racial power, we need to be clear on what he means when he relies on the idea of "white supremacy." I perceive two components to Mills's understanding of the notion. First, it is coextensive with what Mills refers to as *Herrenvolk* ethics and is intended to address the sociology of knowledge in political thought.[35] When Mills invokes this term, he means to bring a charge against the social contract tradition that undergirds contemporary liberal theory. On his view, the social contract did not achieve, and was not intended to achieve, universal validity. Upon analyzing Immanuel Kant's wider racist beliefs and citing John Locke's support for racist practices in North Carolina alongside considering the abstraction introduced by the social contract, Mills claims that one of the most important ideas in Western political thought was produced by whites in service to whites. The social contract, so Mills argues, is a vehicle for a set of values that are antithetical to racial egalitarianism.

The second component, more concerned with social conditions outside the academy, is that whites are simply in a position of power not readily or easily available to blacks (though Mills would argue that this power disparity indeed has shaped the academy's sociology of knowledge). Mills tells us that white supremacy is "a *system* run by, and in the interests of whites."[36] When pressed for further specification, Mills draws upon the work of Frances Lee Ansley: "[White supremacy is] a political, economic, and cultural system in which whites overwhelmingly control power and material resources, conscious and unconscious ideas of white superiority and entitlement are widespread, and relations of white supremacy and non-white subordination are

daily reenacted across a broad array of institutions and social settings."[37] So, on the one hand, there is the issue of asymmetrical access to the levers of power. On the other, there is a psychological component in which explicit and implicit racism are in play.

Although I will ultimately disavow Mills's deployment of white supremacy, I want to first highlight what is analytically useful about the term. The idea of white supremacy forces us to reflect on the past and to accept that it has implications for the present. By this I mean that historically it is absolutely true that whites (white men, more precisely) unilaterally wielded power in America and unilaterally enslaved blacks and rendered them something less than human. On this first cut, we simply acknowledge that racial inequality would not be a live problem if it were not for the brutal history of black mistreatment. On a second cut, white supremacy has the virtue of drawing our attention to the continuing relevance of race in twenty-first-century America. The comedian Chris Rock offers an anecdotal lesson when he informs us that only a handful of blacks live in his neighborhood, one of America's most exclusive. Each of his black neighbors has attained wealth by being nearly the best at what they do in their respective professions (i.e., acting or singing) thereby earning them fame. Meanwhile, and here is the punch-line, his white neighbor is merely a dentist—not a world-famous dentist, just a dentist. (*Kill The Messenger*. Perf. Chris Rock. 2008. DVD. HBO Home Video. 2009.) By this, Rock means to tell us that while it is true that blacks can get rich and even buy their way into traditionally white bastions of advantage and prestige, it seems that the bar for having that privilege is inordinately high and that its height is set by race. Mills's approach, then, is appropriately political.

The idea of white supremacy is somewhat useful as a reminder that blacks are often social, political, and economic losers in the social scheme or can be winners at great cost thus inviting us to be suspicious of commonly deployed narratives of Americans who pull themselves up by their bootstraps, whose wealth and mansions are purely a result of dedicated labor, thus available to anyone with the right amount of get-up-and-go. White supremacy, then, serves a partly evaluative function in that it replaces a purportedly neutral causal explanation for racial inequality with one that allows history to inform our current observations about disparities of power.

However, as true as the historical thesis of white supremacy might be, we need something that is both more robust and more nuanced to address racial inequality in our time. If we turn back to Mills's precedent framing of white supremacy, we notice an aspect of its definition that even the most racially suspicious of us ought to accept in only a qualified sense: a system run by whites in the interests of whites. There is a strong and weak sense in which this may be true. On the strong view, whites widely coordinate activities to co-opt and subordinate blacks. I do not need to say much for this notion's exaggerated thesis to disqualify itself. Let me be clear—there are racists in American society, and there are even instances where some may get together to deny benefits with respect to race, but all the evidence we have suggests that widespread explicit racism is not the phenomenon it once was. Additionally, although racial inequality is a fact, it would take coordination (nay,

conspiracy) of the first order to multiply racial outcomes across all the domains in which race plays a part. So, this clearly cannot be what Mills means.

We are then left with a weak view: that it is true whites disproportionately occupy positions of power and it is true that blacks are systematically at risk of not being able to pursue and achieve a good life in equal measure as their white co-citizens. This weak view admits empirical descriptors of racial inequality yet remains non-committal with respect to intentional causality. Yet, when we deny the stronger view and acknowledge that explicit racism is no longer a significant explanatory variable, it now seems that white advantage is nearly epiphenomenal—this is why it is a weak view. That it is weak signals the important ways in which we need to move beyond Mills to best understand racial inequality. Let's work through this point carefully.

Institutions and political structures position persons within a scheme of advantage and disadvantage. The effect of this positioning is that it works to create kinds of persons. John Gaventa has found that some structures of power create quiescent subjects while Michel Foucault argues that they create pliant subjects.[38,39] Nonetheless, in addition to structuring opportunity, the basic structure becomes a purveyor of norms that citizens orient themselves toward and are very likely to adopt in various ways such that the persons they are reflect broader norms, expectations, and values—this is in large part shaped by one's place in the racial scheme.

Now, my charge against Mills is not that he is unaware of this, for he writes:

> In a sense, it all comes down to the "ontological."...the dismantling of white supremacy will require an ontological leveling, ontological equality, the end of differentiation, once overt and de jure, now hidden and de facto, between persons and subpersons....dismantling of the supports of whiteness....is not to be directly legislated into existence or rather nonexistence, rather it will be the cumulative result of social change, the eradication of the multiple social structures that underpin the social ontology of hierarchy.[40]

It seems to me that Mills's diagnosis is correct and farther reaching than he might imagine. Racial power is robust and operates widely, thus, it helps make all citizens in certain ways, namely either sensitive to their disadvantage as blacks, for example, or unappreciative that more than mere hard work brings benefits to whites. This is a natural entailment of the ontological argument in the face of political and social reality, but the nuance it allows plays a minor role, if any, in Mills's understanding of racial power. Describing the workings of power as "white" and linking it to white interests analytically distracts us from closely inquiring into "the multiple social structures that *underpin* the social ontology of hierarchy." On the view I put forth in chapter 2, racial justice requires precisely that we unpack the mechanisms that allow for the social ontology of hierarchy to be underpinned by multiple social structures. There, the idea of white supremacy can be

implied in the genealogical aspects of the argument, but that is where the implication remains—as society has changed over time, we will find that the causal link between distinct white interests and distinct cases of black disadvantage becomes less clear-cut. However, Mills's invocation of the ontological concern is not without its merits. This gives way to my second complaint against Mills.

If we accommodate the weak view of white supremacy (as informed by the ontological argument), then we also must be committed to a conception of justice that can be sufficiently responsive to the deep nuance the weak view of white supremacy presents us—justice must reach down into the practices of race, informed by the perspective of subordination. At base, this requires attention to (conceptual) detail. Consider that one of Mills's major complaints, and the one pressed in "Repairing the Racial Contract," is that ideal theory is far too abstract to grant us purchase on the complexities of racial inequality. He writes, "The issue of racial justice is, by definition, a matter of *non-ideal theory*, since it presupposes corrective measures to remedy the legacy and ongoing practices of racial oppression."[41] This informs his criticism of contemporary liberalism as being inattentive to the facts of racial subordination and the power dynamics that make it a social and political reality. This conclusion is supported by my above analysis of justice as fairness and the criticism of it as insufficiently political. We also just saw that Mills believes racial ontology to be a fundamental problem of racial inequality. So two of Mills's moves in that essay are particularly confusing.

Mills's first move is to argue for a veil of ignorance "thinner" than that in Rawls's theory. In his amended original position persons still lack all information about their own place in society, as well as their own attributes, but they are provided information on extant and historical injustices (i.e., racial inequality against the backdrop of slavery). Mills's basic argument is that holding Rawls's application of the rules of rational choice constant, it is easy to justify and articulate principles of racial reparation (you might affirm the rightness of reparations on the chance that you are black upon exiting the original position).

However, the first move would only be sensible if Mills were to endorse a basic premise of Rawls's method—that ideal theory gives us the best grasp on nonideal cases, thus we must begin our normative deliberations under racial epistemic constraints. But, as indicated in the above cited passage, Mills's corpus has been (rightly) built upon rejecting that premise. A major component of Mills's work hinges on the problem of racial perspective and the deep value of subjective experience under a regime of racial disadvantage—this largely drives his criticism of the social contract tradition as beholden to *Herrenvolk* ethics. To have such a perspective is the first step toward being a genuinely free agent under oppressive circumstances; it is also the first important step toward attaining the kind of critical awareness crucial for whites' participation in seeing racial inequality for what it is. This is in part what makes his view appropriately political on my view. I have always understood Mills to hold his position precisely because the experiential aspect of racial

injustice provides epistemic resources to speak truth to power, thus to deny *Herrenvolk* ethics primacy in our structure of normative reflections. For example, with respect to what Mills terms alternative epistemologies, he writes:

> The sentiment tends to be that [the status quo] framework needs to be transcended and that the standard, hallowed array of "problems" in the field should itself be seen as problematic. Thus a destructive genealogical inquiry underpins part of their recommended reconceptualization, the suggestion being that certain issues have been seen as problems in the first place only because of the privileged universalization of the experience and outlook of a very limited (particularistic) sector of humanity—largely white, male, and propertied.[42]

The deployment of a thin veil of ignorance, then, is consistent with the aim of justifying reparations but precisely because persons still work under epistemic constraints, other approaches to racial injustice informed by the experience of social subordination will be marginalized. (This unfortunately seems to make Mills complicit in developing a theory that retains what he himself might consider a colonial tinge embodied in historically European conceptions of property and individualism.) On this view, then, the original position should remain, on Mills's own account, an enemy of racial equality in the deepest sense—it denies us the weapons of the weak. Consequently there seems to be a significant asymmetry between Mills's demands that we directly confront racial power and an approach that discounts exactly that principle. I want to say, then, that Mills's concerns about power, even on a weaker view of white supremacy, appear to fall to the wayside for one cannot speak truth to power of any sort without knowledge of it in its deepest sense.

Second, Mills's presentation of the arguments in the amended original position is intended to yield justification for reparations, which he conceives as a distributive solution.[43] Mills's failure to look beyond reparations is puzzling, and it is not difficult to see why. He argues that the problem of ontology is fundamental to the problem of racial inequality, so it is difficult to grasp how an argument for reparations from behind a thick or thin veil of ignorance can do the necessary work. Consider that the title of Mills's 2003 volume is *From Class to Race*—many of the essays in this volume are intended to lay the groundwork for understanding the idea of domination as more comprehensive than that captured by Marxist critiques of social power indexed to property (material) relations. This reveals an inconsistency in Mills's commitment to approaching justice as motivated by a desire to undermine racial power since an argument for reparations suggests that material distribution morally and analytically tracks a history of disrespect, as well as being able to address the power dynamics underpinning the social ontology of hierarchy—indeed Mills says this is what it all comes down to. On Mills's own critical views, responding to race requires directly confronting the problem of the status of blacks as begot by power—not the deployment of a device such as the original position that is

bankrupt of epistemic utility, and certainly not by writing a check in response to being socially marginalized.

I submit, then, that in Mills's move to argue for a material solution to racial equality—a solution generated from behind the veil of ignorance no less—he has lost sight of what a transformative theory of racial justice would entail. In effect, he has succumbed to the same errors he often accuses Rawls of making in offering a normative political theory. While the theory of racial justice must be sufficiently nuanced to diagnose the problem of race in our time, as well as stay true to the principle of addressing the way power makes race a problem for our social scheme, it must resist understanding racial inequality as equivalent to white supremacy. It must stay true in speaking experientially informed truth to power, as well as continuing to resist distributive frameworks that necessarily fail to address questions of moral status. Mills opens the space for us to think of racial inequality in very political ways but precisely because the political is complex, we must address racial inequality in a manner that more accurately reflects a deep understanding of what it consists in—we must be able to address racial inequality as it is in our time.

CONCLUSION

Academic orthodoxy tells us that Kanye West is a long way from John Rawls and Charles Mills. After all, these are "elite" thinkers "trained" to "analyze" social phenomena and think "clearly" about the problems therein. Is that right? If there is such a distance, how is it that in West's two utterances we have been given a more urgent and, because more urgent, more relevant analysis of the state of race in America than either Rawls or Mills has provided. Of course, West does not have a theory of institutional design nor does he have a theory of social epistemology. However, he has the conviction of an intuition situated as a concerned observer of political processes—the intuition is that something is so fundamentally flawed in our national character that before we can talk about what blacks should have, we should examine our shared understanding of what blacks are worth as members of the social scheme. That is to say, how is it possible to say that we do not care about them as persons yet simultaneously claim to be participants in a fair democratic social scheme? We affirm those principles but they fail us in the face of race. That is why shame is appropriate—we are not generally morally corrupt people but we are in moral error of a most significant kind. But, our engagement with Rawls and Mills may yet be be profitable for it helps us to better understand the role of institutions in both reproducing racial inequality and the potential they have in eradicating it so long as we remain aware of the power relations that underwrite racial subordination.

Thus, racial inequality is a truly complex phenomenon for if studied closely, it indicates the interaction between a lack of affective concern and moral care alongside formal institutional processes to result in offenses that span a wide range of social, political, and economic practices. But, it is susceptible of a rigorous response if we approach it from

the right perspective and are willing to depart from commonly relied upon theoretical frameworks. In the first instance, we need to recognize that racial inequality does not represent a moral problem for which we do not possess ready resources. In principle, it requires affirmation of moral equality, and it then requires that that principle be made the guiding light for personal attitudes and behaviors, as well as institutional policy and development. It is precisely because we already have some of the appropriate resources in hand—namely, affirmation of moral equality—that racial injustice should be a cause of shame. Our most deeply held principles seem to come apart—we seem to fall away from our ideals as individuals and as a society—in the face of race. That shame is the proper response to invoke does double duty—it prompts earnest moral assessment of our failings but also motivates us to be better than we are, in just the ways our own affirmation of moral equality obligates us.

And this is why racial inequality is peculiar. Why is it that we fall away from our ideals in the face of race? I argue in the next chapter that the answer is as simple as it is morally problematic—blacks hold a lower position in the normative valuational scheme from the point of view of social, economic, and political arrangements. This is the problem of social value, and on my view of it, it drives all forms of racial inequality on account that racial inequality is racial. The problem of social value is fundamental to understanding racial inequality. As elegant as this conception may be in providing a comprehensive explanation of the persistence and reproduction of racial inequality, it actually presents us with a set of challenges from the point of view of normative thought. I would like to briefly set these out to prepare the way for the remaining series of arguments.

If we refuse to give "white power" a role in explaining the persistence of racial inequality, what ought to take its place and how shall we specify it? My response in the next chapter is a conception of power: historically evolved socially embedded power. It is a conception that takes the historical thesis of white supremacy seriously and deciphers its more nuanced remnants in terms appropriate for dealing with racial inequality in our time. The conception is pivotal for explaining the persistence of racial practices both institutionally and personally and thereby serves as the grounds for assessing racial inequality as problematically tied to bad national character. If we use the term "character," we need to have a clear understanding how we make character claims of a whole nation at both the aforementioned levels. Additionally, what makes that character a bad one? The first step taken by the chapter is to specify the problem of racial inequality as one of social value: Blacks do not hold an equal place as whites do in the nation's normative framework, thus our character is one that marginalizes black interests and well-being.