

PERPETUATING RACISM: AN ANALYSIS OF LIBERAL PRINCIPLES

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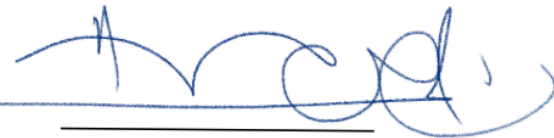
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Madison Flood. Perpetuating Racism: An Analysis of Liberal Principles.

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This thesis investigates whether and how liberalism has perpetuated racism by examining the use of liberal principles in the past and exploring their capacity to address racial injustice. The thesis focuses on the work of two philosophers: Charles Mills (against liberalism) and Tommie Shelby (for liberalism). The questions of this thesis arise from a desire to explore how, despite the existence of liberal theories that seem to establish ways for societies to be fair and just, the United States has managed to maintain a long history of unjust discrimination and disenfranchisement on account of race. If these are the theories that have contributed to the structure of society, how could their principles have played a part in the perpetuation of this discrimination—and why they have not been able to prevent it?

Chapter 1 introduces the problem and the question that the thesis seeks to answer. Chapter 2 introduces and explains the arguments made by Charles Mills against liberalism. Chapter 3 introduces and explains the response made by Tommie Shelby in favor of liberalism. In chapter 4, I evaluate their dispute. Chapter 5 provides a brief conclusion and suggestions for next steps in research. Ultimately, I conclude that liberal principles have a history of being used to perpetuate racism and that they lack the capacity to adequately address or rectify racial injustice. This thesis contributes to discussion surrounding the complicity of liberal principles in the development and continuation of racism and racist practices and encourages further inquiry into how and if any part of these principles can be salvaged to combat racial injustice.

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Chapter 1: Introduction

*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.*¹

These words sparked the fire that led to the implosion of British rule in the American colonies in 1776. These are the same words that established the very structure of what we know to be America today, based on liberal principles of justice, fairness, and rights of the people—which never applied to all people. The very men preaching these words of freedom wrote racism into law and advocated for the dehumanizing of Black people by recognizing them as property and denouncing their capacity as rational beings and citizens. Joel Olson writes in *The Abolition of White Democracy*² about the "screen of racial contempt" that tied Africans in the Virginia colonies to slavery, grouped all people of African descent to establish a 'black' race, and make that race a subordinate group in society to aid in the developing capitalist structure. He continues: "By a series of acts, the [Virginia colonial] assembly deliberately did what it could to foster the contempt of whites for blacks and Indians" and that the "systematic exclusion of Black people-free or slave-through such legislation is a primary fact of American history."³ If Olson is right, it seems that the same philosophies and principles that established basic rights and liberties also further developed the distinction and relationship between blackness and whiteness.

¹ Thomas Jefferson, et al, The Declaration of Independence, 1776

² Joel Olson. *The Abolition of White Democracy*. (Minneapolis: University of Minnesota Press), 2004

³ Ibid., 37

In this thesis, I will investigate the relationship between liberal principles and racial injustice. My question is: Do liberal principles perpetuate the distinction and therefore the subordinate relationship between the races. As I will discuss in the next chapter, some theorists argue, because the country was built on the labor and degradation of black people, liberal principles are involved in the same injustice that they seem to be preventing. Liberal principles structure many of our institutions—the formal system of roles and rules that enable and regulate sustained cooperative action. But those institutions—social, political, economic, educational, and legal—all have the capacity to negatively impact the lives of Black people, exemplary by institutional racism, as when an institution employs a policy that is race-neutral in its content and public rationale but nevertheless has a significant or disproportionate negative impact on an unfairly disadvantaged racial group.⁴ Liberalism’s critics believe that, in this and other ways, the degradation of the black race has seeped into the crevices of society so that racism is a part of the very structure of the many institutions in the country. They believe, in short, that liberalism has a race problem.

Some liberals, however, disagree. Although they might accept the historical facts about how liberal principles have been (mis)used to play a clear part in racial injustice, they believe that there is a more sophisticated version of liberalism—Rawlsian liberalism—that has the capacity to address and account for racial injustice. John Rawls presents a theory of justice in which people in a society are guaranteed basic liberties and fair equality of opportunity while maintaining that the greatest benefit should come to those with the greatest disadvantage, by way of what he calls the difference principle.

⁴ Shelby, *Dark Ghettos*, 24

The just society is maintained by reciprocity amongst both citizens and the state that protects these rights and liberties—not by social hierarchies that highlight the differences between people to establish white superiority. He presents an ideal theory that serves as a guide for the establishment of justice in a given society. Ideal theory implies the existence of non-ideal theory which should serve as a guide for what to do when a society is encountered by injustice.⁵ The question of this thesis then is whether or not this sophisticated version of liberalism—in either the ideal or non-ideal parts of the theory—can adequately address racial injustice in full.

Some philosophers like Charles Mills argue that liberal principles and even this sophisticated version of liberalism lack the capacity to adequately account for racial injustice in the way that it should be accounted for. He believes that addressing racial injustice means both providing remedy for past injustice and aiming to prevent future injustice. According to Mills, liberalism has the capacity to only do one of these. Other liberal-egalitarian philosophers like Tommie Shelby by contrast believe that liberal principles do have something to say about racial injustice. Shelby argues that non-ideal theory and liberal principles have the capacity to account for racial injustice when suitably interpreted. I will focus my discussion of liberalism and its critics on these two theorists. In chapter 2, I present and explain Mills' arguments against liberalism. In chapter 3, I turn to Shelby's rebuttal and defense of liberalism. Finally, in chapter 4, I evaluate the dispute between them. Chapter 5 is a brief conclusion. The thesis I argue for is that Rawlsian liberalism is not an adequate account of or for racial injustice in our society.

⁵ Leif Wenar, “John Rawls,” Stanford Encyclopedia of Philosophy (Stanford University, April 12, 2021), <https://plato.stanford.edu/entries/rawls/#TwoPriJusFai>.

Chapter 2: Mills's Critique of Liberalism

Introduction

Charles Mills wrote that

What is needed, in other words [...] is a recognition that racism (or, as I will argue, global white supremacy) is itself a political system, a particular power structure of formal or informal rule, socioeconomic privilege, and norms for the differential distribution of material wealth and opportunities, benefits and burdens, rights and duties.⁶⁷

In this work, he analyzes the progression and development of western philosophy and the social contract. He argues that the social contract and the abstract, ideal-society theories that rely on it are ill-fitting and do not represent the nature of social justice with regard to racial disputes and disparities. He feels that his 'racial contract' is better suited to give an adequate account of social justice. In this chapter, I will explain the argument developed by Mills which draws on the theories of many of the philosophers whose works contributed to the structuring of society in its current unjust state. The arguments of these philosophers that claim to be promoting liberalism are actually promoting racialized liberalism—a form of liberalism that only applies to white people or people deemed inherently "rational". Mills makes two arguments against liberalism and the goal of this chapter is to reconstruct each one and explain the differences between them.

⁶ Charles W. Mills, *The Racial Contract* (Ithaca: Cornell University Press, 1997)

⁷ *Ibid.*, 3

Before beginning to discuss Mills's arguments, it will help to first give some preliminary definitions and characterizations of some key terms and ideas Mills uses in these arguments.

Definitions relevant to racism

- 'Racism' is prejudice, discrimination, or antagonism directed against a person or people based on their membership in a particular racial or ethnic group, typically one that is a minority or marginalized.⁸ Racism can also include the belief that different races possess distinct characteristics, abilities, or qualities, especially to distinguish them as inferior or superior to one another.⁹
- 'Systemic' means relating to a system as a whole as opposed to a part or parts of it. 'Engrained', 'structural', and 'inherent' can all be used in place of this word and will be used interchangeably throughout.

Combining these two definitions, then, racism being systemic implies that prejudicial and discriminatory practices are a part of the very structure of society and can be found in social, political, and economic institutions.

- 'White supremacy' is the belief that white people constitute a superior race and should therefore dominate society, typically to the exclusion or detriment of other racial and ethnic groups, in particular black or Jewish people.¹⁰

Definitions relevant to liberalism

⁸ *Oxford English Dictionary*, 2nd ed. (Oxford: Oxford University Press, 2004)

⁹ Ibid

¹⁰ Ibid

- ‘Liberalism’, as a general term, is a political and social philosophy that gives an important role to individual rights, fair equality of opportunity, civil liberties, democracy, and free enterprise as elements of a just society.¹¹
- ‘Fair equality of opportunity’ (FEO) requires that social positions, such as jobs, be formally open and meritocratically allocated, but, in addition, each individual is to have a fair chance to attain these positions.¹²

One specification of FEO, developed by John Rawls, will be of central importance in what follows:

- ‘Rawlsian FEO’ requires that each individual have fair chances in the sense that their prospects for success in the pursuit of social positions are a function of their level of native talent and willingness to use them and are not a function of their social class or background.¹³

With these preliminary definitions of key terms in place, I can now turn to explain and reconstruct Mills’s arguments.

2.1 Mills’ Critique of the History of Liberalism and its Effects

In this section, I explain the background to Mills’s argument against liberalism on the basis of the history of the application of its principles. In short, Mills believes that the history of liberalism is a problematic one that has had an active hand in promoting and

¹¹ *Oxford English Dictionary*

¹² “Fair Equality of Opportunity,” Fair Equality of Opportunity | Equality of Opportunity and Education (Stanford University), accessed November 22, 2021, <https://edeq.stanford.edu/sections/fair-equality-opportunity>.

¹³ Leif Wenar, “John Rawls,” Stanford Encyclopedia of Philosophy (Stanford University, April 12, 2021), <https://plato.stanford.edu/entries/rawls/#IdeNonIdeThe>.

perpetuating racial injustice. He argues that philosophers have used liberal principles to establish racial hierarchies often to the disadvantage of minorities. These hierarchies have allowed for the dehumanization and disenfranchisement of these groups that promote inequality and injustice rather than the justice, fairness, and equality among rational individuals in society that it claims to. I will focus here on explaining the support Mills gives for these claims and return in chapter 4, section 4.1 to evaluate the argument based on these claims.

Liberalism supports its key claims, as defined in section 2.1, by appealing to the idea of a social contract. The social contract is an unspoken agreement between the government and the governed to cooperate for the sake of a cohesive society. The concept originated with the French philosopher Jean-Jacques Rousseau legitimizing the claim to authority the state had over citizens. The idea is that these citizens renounce some of their rights and freedoms in order to have the most important of these rights and freedoms protected by the state and develop social order. Mills argues that these principles of the social contract were adapted by philosophers during the Enlightenment period: although originally developed to address how Christians could rationally agree to the authority of the state despite religious differences, they came to be applied to the case of how white or ‘civilized’ people and non-white or ‘savage’ people could live together despite alleged biological differences. That is why Mills calls the version of social-contract theory developed by these philosophers the ‘racial contract’.

The racial contract, in contrast with a (non-race-involving) social contract, is what Mills believes to be the actual agreement that has formed the basis of societies. Instead of an unspoken accord between the governing body and the governed, it is actually an

‘agreement’ between white people and the racial minorities that have been historically deemed inferior to them. Because social-contract liberalism ignores the nature of the actual agreement between these two groups with different levels of social esteem and power, Mills explains, liberal ideals that they value do not manifest in our actual society. Instead, the racial contract allows for and perpetuates the systemic exploitation of minorities. The idea of the racial contract, in other words, is to act as a “conceptual bridge between two areas now largely segregated from each other”¹⁴: white ethics and political philosophy versus that of the people of color around the world who have been somehow affected by racial injustice.

To illustrate these claims, consider the following example. With the recent influx of conversations about racial injustice came the discussion about the difference between raising black children and raising white children.¹⁵ As black children grow older, there tends to be a point at which black parents feel the need to have what is sometimes called ‘the talk’. Black children, particularly black boys turning men, have to be *taught* how to interact with law enforcement. They are instructed to behave as respectfully as possible whether they receive this respect in return or not. They are never to run even if they are afraid for their lives because this makes them an automatic threat. They are never to make any sudden movements or not have their hands visible at all times because this will also be perceived as a threat. There are rules and stipulations for having the mildest of interactions with police in an attempt to preserve their lives and prevent another life ended so soon and so unjustly. Black children have to ‘grow up’ a bit earlier and

¹⁴ Mills, *The Racial Contract*, 4

¹⁵ Barbara Rodriguez and Mariel Padilla, “‘We Can’t Protect Them’: Mothers on What It Means to Have Black Children in America,” *The 19th*, April 28, 2021, <https://19thnews.org/2021/04/mothers-black-children-police-brutality/>.

understand that bad things happen to people that look like them and that, as result, they have to be more careful than an otherwise similar nonblack person.

Unlike their black counterparts, white parents never have to have this conversation with their children. They have the luxury of pretending that police brutality and racial disparities do not exist, because they are less affected by them. White people are far less likely to be harassed by law enforcement for any reason and because it is not their problem in this sense, they have no similar need—or at times no desire—to address it. They are able to shield their children from seeing injustice and violence because it doesn't affect them directly. Analogously, according to Mills, white philosophers, when establishing their views on justice, fairness, equality, and ideal society, sidestep discussions about white supremacy and systemic racism. They talk about these issues in the abstract as if the concepts apply to the rights and freedoms of every individual. These philosophers tend to disregard slavery, colonization, religious persecution, and other events that aided in the development of our current systems of oppression. White supremacy just is: - it is fundamental to the structure of how the world works. It is not discussed because again, it is not their problem. Non-white philosophers and those in third world countries have pointed their political thought in the opposite direction, and have “historically focused on issues of conquest, imperialism, colonialism, white settlement, land rights, race and racism, slavery, Jim Crow, reparations, apartheid, cultural authenticity, national identity, indigenismo, Afrocentrism, etc.”¹⁶ They have to address these issues because they affect their day-to-day lives; they cannot ignore them

¹⁶ Mills, *The Racial Contract*, 4

because the aftermath of these events and occurrences is a part of their now and their future. That, put bluntly, is the core of Mills's claim about the history of liberal thought.

I next discuss why Mills believes that liberalism's race problem matters: the negative effects of liberalism. Mills reveals through his interpretations of the work of philosophers like Aristotle, Thomas Hobbes, Immanuel Kant, and of course Jean-Jacques Rousseau how racial distinctions were socially constructed and came to be a driving force of discriminatory practices-starting at slavery and leading up to the implicit racism of today.

Aristotle first argued that there are people who are naturally destined for slavery.¹⁷ This gave Europeans the perceived authority to determine who was a natural citizen and who was a natural slave. Initially, the distinction was made between those who practiced Christianity and those who practiced Islam. Then race became a large indicator because it is more permanent, and you cannot convert races in the same way that you can convert religions. This began the targeting of people of color. Immanuel Kant develops the modern concept of what we perceive as race later down the line by developing a racial hierarchy dependent upon innate talent. He believed that race determined the capacity of an individual to be both rational and intelligent. Innate talent included the ability to act morally and respect the humanity of others, something that in his opinion only fully rational and human people are able to do which allows them to agree to and participate in the social contract. Kant's racism is often glanced over by

¹⁷ Mills, *The Racial Contract*, 64-71

philosophers quoting his works, but it was an essential component of his philosophy that was widely accepted in the philosophical realm¹⁸.

Jean-Jacques Rousseau and Thomas Hobbes both presented arguments about savagery and the state of nature. Rousseau believed that “noble savages” lived freely in the state of nature but only considered non-white peoples to be those noble savages. Hobbes on the other hand, argued that the state of nature is full of war and savage people live “nasty, brutish, and short” lives while also arguing that this state actually never existed. Mills theorizes that Hobbes was insinuating the state never existed for rational white people as he had also stated that Europeans presumably could have lived in a similar state of nature should they have allowed themselves to “sink that low”¹⁹. With time, social contract theories aimed to create a stricter distinction between white and non-white people and Mills explained this as the racial contract coming to rewrite the social contract. The racial contract is “continually being written” according to Mills and adapting with the shifting of political climates²⁰. Because slavery has ended and segregation is no longer legal, it is generally easy for people to insinuate that racism no longer exists. But Mills points to the implicit nature of racist practices and racial contract principles. These manifest in mass discrimination, lack of opportunity for minorities, and a sense of widespread contentment with the state of inequality.

Works by these white philosophers, Mills agrees, appear to be all-inclusive and to focus on the individual regardless of race, class, sex, or gender. Ideally, this is what can be expected of a just society—no one is judged by who they are but rather by the content

¹⁸ Ibid

¹⁹ Ibid., 64-66

²⁰ Mills, *The Racial Contract*, 72

of their character. While this sounds promising and like something that we should strive for as a society, in our current state it requires ignoring obvious differences and discrepancies created by past racial injustice. Pretending that all people of all backgrounds have the same rights and opportunities in the current social climate (and for the past few centuries) is essentially the same as not acknowledging the racial injustice that some were and are succumbed to at the hands of others. Slavery led to segregation which introduced discrimination into formal policy that limited the availability and equality of opportunity that is supposed to be guaranteed to all people. This led to generations of underserved communities, proximity to poverty, lack of education, unemployment, mass incarceration, and homelessness-all of the things associated with minority communities that make them “inferior”. That, in sum, is how Mills believes that liberal thought has led to negative effects.

As will be discussed in more detail in the next section, abstractly developing an ‘ideal’ society based on liberal principles of justice, fairness, and equality of opportunity is impossible when not all people in that society are seen as equals or even as people in the first place. Racism, in the view of these philosophers, appears to be a mere divergence from the ideal principles that already govern society. But, in Mills’s view, in actuality, racism closely follows the blueprint laid out by the white supremacist racial contract agreement that is the actual basis for our social institutions. It is agreed amongst these philosophical proponents of the social contract that there is inherent rationality required to cooperate within a society and the racial contract points out that the theorists of the

social contract believe that racial minorities or non-white individuals lack this rationality and therefore lack the capacity to participate as equal members of society.²¹

Let me now summarize and develop Mills's claims about the history of liberalism. The social contract is supposed to explain the consent of the governed that makes the authority of the state legitimate. Mills argues that most states which people live under are not based on popular consent at all but rather on the oppression of one group by another. This oppression is what allows racial distinctions and white supremacy to further develop. Pretending that this racial oppression is not real and active is what allows the problem to persist. The power and advantage gained in this racial inequity were only made possible through violence and ideological coercion used to control and manipulate non-white people for white benefit.²² This desire to maintain control through the oppressive nature of the state has become a part of the social and political culture manifesting as police presence and interaction in minority communities. More than law enforcement interaction, this sense of control and oppression was able to trickle down into the smallest crevices of society. For example, the concept of white supremacy came to affect beauty standards, questions of capabilities, and the senses of self-worth and self-confidence among individuals in minority communities. This overall dominance of whiteness allowed for the building of wealth and generational challenges and traumas for non-white people.²³

In this section, I have explained Mills's views about the history of liberalism. I have not yet discussed Mills's argument against liberalism. But this discussion was

²¹ Mills, *The Racial Contract*, 53-54

²² *Ibid.*, 81-90

²³ *Ibid.*, 57-62

important for two reasons. First, as I will discuss in my evaluation in chapter 4, section 4.1, these historical claims themselves suggest an important argument against liberalism. Second, these facts about the history of liberalism suggest that its normative claims might be mistaken. They suggest that liberals are too quick to accept the basics of social arrangements as ‘just the way things are’ so that they continue to disregard race and see rebellion in any form by non-white groups (whether it be moderate or full-blown civil disobedience) as problematic. This is why slavery gets explained away as a mistake of the past that does not matter now in the present. In other words, the historical facts suggest that liberalism is an inadequate theory of racial justice. As I discuss in the next section, that is the second important part of Mills’s critique of liberalism.

2.2 Mills’ Criticism of Liberalism’s Normative Claims

In this section, I discuss the criticism that Mills makes of a specific version of liberalism, specifically the version developed by John Rawls.²⁴ Rawlsian liberalism is a form of ideal theory; it attempts to describe the features of an ideally just society. Mills, however, argues that while liberal principles have the capacity to account for a society without a history of racial injustice, they do little to explain what should be done in the event that we encounter a society that is already racially unjust and has established racial disparities.

Mills believes that a large part of the deeply ingrained nature of racism, particularly within western philosophy, is due to a sense of imaginary neutrality declared by white philosophers. This theme is emphasized in his *Black Rights/White Wrongs: The Critique of Racial Liberalism*.²⁵ Here he directly points to what he believes to be the

²⁴ John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971)

²⁵ Charles W. Mills, *Black Rights/White Wrongs: The Critique of Racial Liberalism* (New York: Oxford University Press, 2017)

driving force behind racial liberalism through analysis of the works of John Rawls. He looks at six different bodies of work produced by John Rawls and their omission and devaluing of racism and racist practices. Rawls's *A Theory of Justice*²⁶ develops the image of the ideal society with absolute justice and fairness that presents a "crucial ambiguity"²⁷ according to Mills. Here Rawls introduces what he calls the veil of ignorance and has the reader assume that they know nothing about their identity—not their race, sex, gender, or class. Because you know very little about who you are, you would try to ensure that you are treated as fairly as possible and therefore want to establish principles that promote justice and equality. But this, Mills argues, is inadequate. When Rawls describes an 'ideally just' society, he means one without any previous history of injustice. But that is different from an 'ideally just' society in the sense of one with an unjust history that has now been completely accounted for. Rawls means the former, not the latter.²⁸ This is another instance of Mills's general critique that liberalism's focus on an ideal society is misplaced when surrounded by injustice. At worst, this is explained by the fact that:

- 1) Acknowledging racial injustice would destroy the idea of this perfectly just society and call for restructuring, or at best by the fact that
- 2) liberal philosophers do not see the problem; they are completely oblivious to the depth of racial injustice because they benefit from this injustice and see white supremacy as just the way things are and not a failure of liberal ideals.

²⁶ Rawls, *A Theory of Justice*

²⁷ Mills, *Black Rights/White Wrongs*, 140

²⁸ Mills, *The Racial Contract*, 140

In either case, however, this failure to adequately address these disparities serves as a perpetuation of racialized liberalism.

Let me now clarify this discussion and focus on what exactly Mills's argument against liberalism's normative claims is. What Rawls proposes is a way to prevent injustice rather than remedy for past injustice. Mills writes that "preemptive precautions to prevent injustices entering the basic structure of a society are not the same as rectificatory measures aimed at correcting them once they have already entered".²⁹ He claims that the tendency of Rawls and others like him to focus on the preventative aspect of injustice leads them to make suggestions that do very little to make amends for past wrongs and develop a truly just society. This is Mills's crucial claim. Reconstructed carefully, the argument is as follows:

- 1) If there has been racial injustice and discrimination in a given society, it should be addressed with rectificatory measures as opposed to preventative measures to be addressed adequately.
- 2) Liberal concepts suggest preventative measures for injustice.

So,

- 3) Liberal concepts do not adequately address racial injustice and discrimination.

To illustrate the idea underlying the argument, consider this example. Imagine you are a young child learning to ride a bike for the first time. You go through the standard process of your parent following along next to you until they feel as though you are comfortable and let you go off on your own. You become excited because you realize you are riding a

²⁹ Mills, *Black Rights/White Wrongs: The Critique of Racial Liberalism*, 140

bike on your own and doing it pretty well. Amid your excitement, you notice that up ahead of you is a curb. Your rational mind tells you that colliding with it will not end in your favor, but you realize that you never learned how to stop. So of course, you slam into the curb, flip the bike, and end up with a couple of cuts, scrapes, bruises, and a mild concussion. The best thing for your parent to do is come to you and gauge the severity of your wounds and look to treat them or take you to have them treated so that you may feel better, and nothing gets worse. But instead, your parent brings you the helmet, knee pads, and elbow pads you needed in the first place and then explains to you how you should've tried to stop the bike. Now, at this point you should be quite frustrated: what can the preventative tasks do now that you are already hurt? That does very little to address the injuries in the moment. This is exactly what Mills believes happens when liberal philosophers offer preemptive suggestions for dealing with injustice as if racial injustice doesn't already exist and isn't plaguing minority communities as we speak (or read).

The point of Mills's arguments is not to label any one philosopher as a racist. However, he does want not only those philosophers but also those people that have read and will continue to read their works to understand that these 'How to' theories for the perfect society only contribute to worsening the conditions for minority peoples negatively affected by the state of this current society. How can we develop criteria for a perfectly just and equality-promoting society without addressing the racial injustice that has been spreading like wildfire for centuries? The principles Rawls and others present seem to be effective in establishing a fair society in the abstract and Mills does admit that. But he asks: Should we not focus on the elimination of racism first and then move on to promote equality of opportunity and justice for all people regardless of race? This

seems to be a better alternative than trying to develop a just society while ignoring pre-established racial injustice.

Conclusion

In this chapter, I have done two things. I have explained why Mills thinks the history of liberalism shows that it has a problem with race, and I have explained why Mills thinks that liberalism's normative claims are mistaken. Some liberals disagree. Tommie Shelby, a liberal egalitarian philosopher³⁰ responds to Mills, by attempting to use Rawlsian principles to establish how racial justice should be combatted. In the next chapter, I discuss Shelby's arguments in greater detail. Essentially, Shelby recommends the implementation of a more extensive version of Rawls' fair equality of opportunity principle which would essentially call for a redistribution of wealth. This would allow some of the past racial injustice to be remedied in the sense that it is no longer affecting generations of racial minorities. After discussing Shelby's response in chapter 3, I will return in chapter 4, section 4.1 to evaluate whether Mills's further response to Shelby succeeds.

³⁰ Tommie Shelby. *Dark Ghettos: Injustice, Dissent, and Reform* (Cambridge: Harvard University Press, 2018)

Chapter 3: The Liberal Response to Mills' Critique

Introduction

In response to Mills' arguments against (racialized) liberalism and its implications about a just society, some liberals have defended their moral views. They have suggested that liberalism does support plausible remedies to societal injustice, despite its use in the development of a less than just society. I will focus on Tommie Shelby, who has defended liberal egalitarianism against Mills' critique, by drawing on some of Shelby's arguments in his book *Dark Ghettos: Injustice, Dissent, and Reform*³¹. Shelby does not directly address the first line of argument discussed in chapter 2, section 2— that is, that interpretations of liberal principles have led to, and continue to perpetuate, racial injustice and discrimination. But he does forcefully argue that liberal principles can be used to dissipate this same injustice, so long as the principles that govern an ideally just society are adjusted to acknowledge that we are beyond the point of having an ideal society and shift from ideal to non-ideal theory for adequate understanding and redress. The goal of this chapter is to reconstruct and understand Shelby's defense of liberal egalitarianism. In the next chapter, I evaluate whether the defense succeeds.

Shelby takes a liberal-egalitarian approach to understanding how policies perpetuate racism through the lens of American ghettos. As in chapter 2, it will help to introduce some preliminary definitions and key concepts before discussing his arguments. Ghettos are metropolitan neighborhoods visibly marked by racial segregation

³¹ Tommie Shelby. *Dark Ghettos: Injustice, Dissent, and Reform* (Cambridge: Harvard University Press), 2018

and multiple forms of disadvantage.³² These disadvantages include lack of access to adequate education, employment, housing, social opportunities, etc. Liberal egalitarianism is the intersection of liberal and egalitarianism where justice involves a combination of equality and respect of individual rights. Shelby thinks that liberals can respond to these problems by drawing on what Shelby calls non-ideal theory. To understand the idea of *non-ideal* theory, it will help first to introduce some key ideas of Rawls' *ideal* theory of justice.

In chapter 2, I explained Rawls' fair equality of opportunity and elements of his theory of justice. Those are parts of Rawls's ideal theory.³³ Rawls' ideal theory is essentially a view detailing what an ideally just society would look like structurally. More precisely, an 'ideal theory' presents a well-ordered society that assumes the full compliance and rationality of people within that society. The theory then explains what principles are necessary to 1) understand what values (i.e., justice, fairness) are critical to this ideal society and 2) how those values should be instituted and then maintained. In this society, citizens agree to follow certain rules and cooperate with the state and each other to uphold a structurally cohesive society. In Rawls's view, as we saw, this kind of justice as fairness requires that people are 1) treated fairly and as equals in this society and 2) have fair equality of opportunity and can pursue their interests. In practice, this theory would provide that there be minimal unjust advantages or disadvantages particularly on account of race as every individual is viewed as an equal. Non-ideal theory, by contrast, asks how

³² Ibid., 38

³³ Mills's view, by contrast, gives special importance to black radical concepts. (Black radical liberalism, or black radical egalitarianism, accepts some basic elements of liberalism while adjusting through the lens of the black experience so that liberal principles can be properly applied to society while addressing injustice through white supremacy and black oppression.)

the principles that govern an ideally just society should be applied to our non-ideal circumstances.

3.1 Responding to Mills' 'Too Ideal' Objection

In this section, I explain why Shelby believes that there is a version of liberalism that is sufficient to address Mills' objections to liberalism—which, remember, is that ideal theory does little to address and respond to racial injustice. He claims that contrary to Mills' belief, liberal principles actually do have something to say about racial injustice when interpreted correctly by way of non-ideal theory.

Non-ideal theory, in contrast with ideal theory, applies to a society that is not, in fact, well-ordered and aims to point out the dysfunctional parts in hopes that this more applied theory might prove effective in providing remedies. It “specifies and justifies the principles that should guide our responses to injustices”.³⁴ The principles that makeup non-ideal theory (as defined by Shelby) are:

1. Principles of reform and revolution (standards that should guide efforts to transform an unjust institutional arrangement into a more just one)
2. Principles of rectification ([standards that] should guide attempts to remedy or make amends for the injuries and losses victims have suffered as a result of ongoing or past injustice)
3. Principles of crime control ([standards that] should guide the policies a society relies on when attempting to minimize and deter individual noncompliance with what justice requires)

³⁴ Shelby, *Dark Ghettos*, pg. 11-12

4. Political ethics (the principles and values that should guide individuals as they respond to social injustices and that serve as the basis for criticizing the failure of individuals to promote just circumstances and to avoid complicity with injustice)

When joined together, the principles of reform and revolution along with the principle of rectification form what Shelby calls a “theory of corrective justice”³⁵ that should effectively aid in the development of solutions in the event that there arises some need for addressing injustice. He moves on to suggest that there are two types of principles. Type one principles aim to tweak the basic structure of a given society to have it resemble a fully just society as closely as possible. They are by definition “forward-looking”. Type-two principles, on the other hand, seek to address the need for reparations and acknowledgment of past wrongs. In contrast to type-one principles, type-two principles are by definition “backward-looking”. The former operates with foresight and the latter operates in hindsight. Understanding these two types of principles and the difference between them will not only be beneficial for this chapter and this thesis but also in understanding past approaches to addressing racial injustice and approaches to come in the future.

To understand what Rawlsian non-ideal theory requires, I will focus on Shelby’s discussion of ghettos and ghetto poverty. Ghettos, Shelby argues, persist and expand as a result of the actions of other members of society—namely, policymakers and governmental entities. The factors most essential to this persistence are how ghettos are “addressed” by governmental entities and those that do not reside within these communities. When these members of societies try to address ghetto poverty, they

³⁵ Shelby, *Dark Ghettos*, 12

characteristically act in line with what Shelby calls the medical model.³⁶ Think about this analogy. When you go to the doctor feeling ill, they tend to ask a few questions and run a few tests to analyze your symptoms. They identify what it is that you may be suffering from and if there is anything that may be making it worse. You are then provided with some method of treatment or medication that should “alleviate” your symptoms and/or illness. There’s no real patience or interest in you as a person. (It is worth mentioning that this model is merely serving as an example of how problems are tackled, it is in no way mentioned to insinuate that doctors operate in this manner.)

On this kind of ‘medical model’ approach to social injustice, ghettos are similarly viewed as problems for which certain policy changes should provide an answer. These policy approaches usually take a specific form—similar to how the doctor would go about establishing treatment for a patient. These steps are as Shelby describes:

1. “Describe some salient and disconcerting features of ghettos (the prevalence of impoverished single-mother families and youth violence).
2. Identify the linchpin that keeps ghettos in place (joblessness or segregation).
3. Propose a cost-effective solution that would remove this linchpin (a jobs program or an integration initiative) with the expectation that ghettos will, eventually, fade away as a result.”³⁷

This kind of medical model approach, Shelby thinks, is not what justice requires. What Shelby proposes that policymakers do instead is adjust their perspective so that they “would view the ghetto poor, not simply as disadvantaged people in need of their help or

³⁶ Shelby, *Dark Ghettos*, 2

³⁷ Shelby, *Dark Ghettos*, 2

government intervention, but as fellow citizens with an equal claim on a just social structure.”³⁸ He calls this perspective the ‘systemic injustice framework’ but for the purposes of this argument, I will label it the respect model. The goal of using this model is to have policymakers and white people in general establish a shift in attitude toward black people in ghettos and acknowledge the privilege held by them just being white. Instead of the focus resting on “fixing” the lives of black individuals and saving them from their circumstances, the focus should be on relinquishing the control of the economy, of housing, of the employment network, and of social acceptability that is made possible by the unjust advantages held solely on account of race. Because Rawlsian non-ideal theory supports this respect model, Shelby believes, it can give plausible verdicts about what should be done about problems of racial injustice like ghetto poverty.

3.2 Understanding the Medical and Respect Models

To understand better the contrast between the medical and respect models, we can use the following example. Suppose we live in a quiet little town where "nothing ever happens". One night you hear a commotion in your garage. You dismiss the noise as wildlife shuffling around at night as it is not uncommon in this town. The next morning, you enter your garage to leave for work and notice that your brand-new motorcycle is missing. You also notice that the side door to your garage had been pried open. Before you can reach for your phone to call the police, it begins ringing with an incoming call from the sheriff letting you know that your "lost" motorcycle had been recovered in a wreck. Upon your arrival at the station, you are informed that the culprit responsible for the incident is the

³⁸ Ibid., pg. 3

sheriff's son who has on occasion vandalized the town and harassed the townspeople. Before you can speak, the sheriff approaches you with a check in the amount of \$2,000 hoping that you all will be able to "sweep the incident under the rug". Instantly you are enraged because 1) the damage done to your garage and motorcycle will cost more than \$2, 000 to repair on account of the damage done and the rarity of the parts, 2) this is not the first time that you had heard of the sheriff's son behaving in such a way with not even a threat of repercussion, and 3) you were never even given a chance to speak or voice your perspective regarding the incident.

The sheriff in theory represents the doctor in the medical model. The boy and the damage he caused represent the problem that needs solving. Instead of listening to you or acknowledging your feelings and/or opinions about the incident, the sheriff gave you his version of an equitable solution-the money. There was no accountability on the part of the chief, or his son and the resolve of this incident will not inhibit the son from doing this or something similar in the near future. The respect model would require that the chief at least consult you in the decision of whether or not charges should be brought against the boy or whether you would even consider money a remedy and if so, in what amount. He treated you merely as a victim of the boy's actions to be handled and not a party able to equally partake in the progression of the conflict. It may have been beneficial for him to offer you the money, but it did very little for you.

After reflecting on this case, we can ask: Would you feel that you were treated fairly and as a reasonably participating party? Would you feel happy with the solution? I assume that most people would answer 'No'. So, this case both illustrates the difference

between the models and shows the desirability of the respect model over the medical model.

In theory, the medical model might sound promising, at least on the surface: identifying a problem and providing an economical solution does sound easy enough. However, this is a very black and white, matter-of-fact approach to what are racial and social injustices involving people, not objects. The dehumanizing and infantilizing of black people remain common themes in this country, whether it is from the standpoint of oppression through slavery and then segregation or the desire to “fix” the lives and communities of people that merely ask for human decency and equal opportunity to be able to pull themselves out of less-than-ideal circumstances. The respect model offers a way of thinking that acknowledges the humanity of those in ghettos and gets to the root of the problem that is deeper than the establishment of segregated communities. It condemns mere anti-poverty measures and promotes transparency and redistribution of wealth.

There is a significant difference between redistribution of wealth and an anti-poverty measure. Redistribution of wealth is not to be limited to the physical redistribution of actual funds from white to black communities but rather the redistribution of opportunity as a whole. White wealth manifests economically, politically, socially, and even in the context of the law. White wealth is advantageous. It equates to privilege and access to a greater number of resources. White neighborhoods come equipped with the best schools, significantly better infrastructure, better policing, better hospitals, more grocery stores in lieu of fast-food facilities, and access to well-equipped recreational spaces. By contrast, black neighborhoods-and more often than not

ghettos-are met with significantly low property taxes that produce underfunded and poorly staffed schools, abandoned and out of shape buildings and roads, little access to medical care, over-policed spaces, and little access to recreational spaces that provide outlets to youth beyond school and home. Redistribution of wealth, in this case, would mean providing Black people not only with more money in the form of adequate funding but also providing more and equitable resources that allow black neighborhoods and therefore Black people to have the same equality of opportunity as their white counterparts educationally, economically, institutionally, politically, etc.

This is a vastly different approach than an anti-poverty measure would be. Anti-poverty measures operate strictly in an economic sense and are usually poorly orchestrated, fleeting, and ill-fitting. They often come in the form of significant amounts of money being distributed to people and entities in underprivileged neighborhoods that do not usually see large sums for income. A perfect example is the child tax credit of \$3,000-\$3,600 that people below a certain level of income (both employed and unemployed) received this past tax season for children under the age of 18. This money was given as a result of the economic devastation that came with the COVID-19 pandemic but came with no guidance for how to appropriate the funds or equitable access to understanding what the money was for or if they would receive it again. The most help received in that regard came by word of mouth and the funds were misappropriated by a significant amount of the (Black) people that received them. It came merely as a temporary boost in income. Anti-poverty measures also manifest in lower-income schools by way of budget increases or grants but because there is no guidance for how to spend the money and there tend to be multiple facets of schools that need improvement-

these funds tend to be misappropriated and misallocated. In both cases, money (often in lump sums) is given to people who are used to having no money with no guidance and the resulting misappropriation of the funds is used as justification for not placing wealth in black communities on account that it will not be "properly managed".

The medical model allows for the introduction of anti-poverty measures while the respect model asks for more of a redistribution of wealth and genuine opportunity. A shift in thinking from the medical to respect model would lead to a few things. First, it might help to shed some light on the fact that the conditions of the ghetto and what those conditions mean for the people that live there are both racially and socially unjust. The disadvantages that come with being black in America are not surface-level issues exhibited through explicit instances of racism but rather a structural development that makes even mild social progression significantly more difficult for them than their white counterparts. A study produced by Echoing Green (a group that invests in social entrepreneurs and their ideas) and Bridgespan (a nonprofit consultant) highlighted this issue by exposing racial inequities in philanthropic funding. They noticed that out of Echoing Green's highest qualified applicants (those who progressed to its semifinalist stage and beyond), research found that on average the revenues of the black-led organizations are 24 percent smaller than the revenues of their white-led counterparts. The unrestricted net assets of the black-led organizations are 76 percent smaller than their white-led counterparts. Similar racial disparities appear in Echoing Green's applicant pool between leaders with the same education levels, and the black women leaders consistently received less financial support than either the black men or white women. 72 percent of leaders of color had board members who did not raise money compared to 64

percent of white leaders, 63 percent of leaders of color reported they lack access to individual donors compared to 49 percent of white leaders, and 51 percent of leaders of color lack access to foundations versus 41 percent of white leaders.³⁹ These findings reveal that even in spaces dedicated to progression and helping others, black people are at an inherent disadvantage due to the structural nature of racism in the country.

This shift in thinking from the medical model to the respect model may also somewhat quell the underlying inclination to push white superiority that arises in the form of white savior mentality (a self-serving ideology that allows white people to feel validated for providing “help” in some way, shape, or form to people of color that ‘can’t help themselves’ in a way that suggests that they know what is best for these people) as well as the thought that menial budgeted community projects or surface-grazing affirmative action can pose as a solution. The problem with white saviorism is that it

- 1) appropriates the white supremacist state by reiterating ideas of white superiority and viewing people of color as subservient and in need of white grace,
- 2) objectifies people of color as problems to be solved instead of real people experiencing real injustice,
- 3) diminishes the capacity that people of color have to act on their own behalf and in their own best interest, and
- 4) quite frankly does very little to actually help them in any meaningful way.

Shelby notes a similar point about the respect model:

³⁹ Cheryl Dorsey et al., “Overcoming the Racial Bias in Philanthropic Funding (SSIR),” *Stanford Social Innovation Review: Informing and Inspiring Leaders of Social Change*, May 4, 2020, https://ssir.org/articles/entry/overcoming_the_racial_bias_in_philanthropic_funding.

The underlying idea is that some groups in society are already disadvantaged by racism, and an institution that is not intrinsically racist may nevertheless play a role in keeping these groups in their disadvantaged condition, thus leading some to conclude that they occupy this low station because of the disadvantaged groups' culpable failings or inherent inferiority.⁴⁰

The respect model understands that the only way to begin is to understand that these are real people in less than favorable circumstances and that remedying injustices against them doesn't start with analyzing their disadvantage but rather one's own advantages and how they came to create disadvantage for others. He continues: "Justice questions should therefore be a focal point of public policy, political activism, and civic discourse concerning the future of our cities and their most disadvantaged inhabitants."⁴¹

Although the ghetto is a prominent topic in this argument and is a large part of the way that racial injustice has manifested, it is only one on the long list of many. Shelby's medical model is exemplary of how racism as a whole is approached in this country. In addition to the impoverished conditions of the ghetto and the unaffordability of adequate housing, there are schools in these neighborhoods that are significantly underfunded and therefore do not afford students access to any opportunities. Lack of opportunity can lead to lack of employment and lack of structure which in turn leads to a lack of financial stability that can lead to a life of struggle. This struggle is passed down generations of families leaving two options-continue to suffer or find a way to live better. Without opportunity or a means to access conventional wealth, options are even more limited so

⁴⁰ Shelby, *Dark Ghettos*, 24

⁴¹ *Ibid.*, 4

that for some of these occupants a life of crime becomes the only option. Crime usually ends in jail time which contributes to the mass incarceration of Black people. All of these circumstances combine with even more unfavorable situations to form a cyclical pattern of disadvantage and adverse circumstance produced by the development of a system structurally developed on the suffering of black people.

In sum, then, the interim conclusion so far is that the respect model gives a powerful diagnosis of why ghetto poverty is unjust and supports plausible policy solutions to it. Next, I will turn to explaining the connection between liberalism and the respect model.

3.3 How Liberalism Supports the Respect Model

Now that I have explained what Shelby believes to be the problem of racial injustice and his proposed solution (the respect model), I will shift into explaining the basis of the respect model and how Shelby expects that is being applied. Rawlsian principles play a large part in understanding the source of Shelby's solution. The veil of ignorance concept from his *Theory of Justice*⁴² mentioned in the prior chapter places readers in the position of deciding how others should be treated based on how they themselves would want to be treated. To recap, the idea is that in determining your place in society, you are placed behind a veil ignorant to any facts about your identity or your place in society. A reasonable person would want to put themselves in a position to be treated fairly, have equal rights, and be a functioning member of society with access to equal opportunity. A large part of this concept of treating people equally also entails viewing people as equals with the same rights and responsibilities as the next person in any given society. In

⁴² John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971)

agreeing to this treatment, one also agrees to uphold the principles as best they can for others as well as themselves. “Thought about in this way, justice is a matter of reciprocity between persons who regard each other as equals.”⁴³ Reciprocity in this sense means that as equals, people can rationally agree to the rules of society and relinquish any unjust advantages while maintaining that inequality is only justifiable in the sense that it benefits society as a whole.

If this concept is accepted, then the use of the medical model to address injustices would undoubtedly have to be considered unjust. Not addressing inequality but rather presenting it as a small problem that can be fixed with a little money and affirmative action is itself perpetuating said inequality. Any mode of action that fails to address the root of the problem makes that problem have the potential to further perpetuate and make that problem worse. Inequality resulting from institutional and sometimes extrinsic racism cannot be remedied by mere handouts mimicking adequate resources in place of a need for equal access and opportunity.

Treating people equally would first involve accepting the fact that certain actions have the potential to produce inequality. In a technically outdated but still presently relevant example we may look at segregation—the Jim Crow era segregation, to be specific. It persisted on the idea that though things are separate—they are equal. This profited that two groups would live and be in separate spaces with equal resources so that there is no need for the two to interact. The best example of how this not being the case was greatly exemplified in educational settings.

⁴³ Shelby, *Dark Ghettos*, 20

Even if white schools were closer in proximity to black students in black neighborhoods, those students were not allowed to attend and instead had to commute to the designated all-black schools developed to perpetuate racial segregation. Tangibly things were equal- both schools were equipped with the basic school necessities: teachers, textbooks, materials, desks, etc. But the quality of those necessities was often substantially different. School A (the white school) and school B (the black school) might have appeared equal quantitatively, but the quality in school B was subpar and therefore diminished any idea of equality and limited proximity to opportunity. The point here is that it matters *how* something is done, just as much as it matters *that* something is done at all when addressing racial injustice.

Moreover, although legal segregation has been put to an end, there remains a form of what I will call circumstantial segregation based on where people either choose or can afford to live. Schools in black and ghetto neighborhoods are still underfunded and are therefore unable to provide the same resources and advantages as schools in more affluent neighborhoods. It is safe to say in this case that despite the enactment of legislation that aimed at desegregating and ending discriminatory practices (the 14th amendment and the Civil Rights Act of 1964) there still seems to be little change. If anything, there was a slight change in the mode by which racism was presented-from explicit to implicit. Both are harmful to black communities and neither gets adequately addressed through policy. If the policies and remedies were sufficient, then there would be less black impoverishment and overall better treatment of Black people entirely. The respect model, in other words, shows how liberalism can plausibly claim not just to remedy injustices but to do it fittingly or appropriately. So, Shelby's arguments seem to

show, despite Mills's critique, that some versions of liberalism can support plausible remedies to racial injustice.

We can illustrate the idea underlying Shelby's response by returning to the bicycle case used in chapter 2 to illustrate the basic point made by Mills. To reiterate, the issue in the bicycle case arose when you had fallen off the bike and in response, your parent brought you the equipment you would have needed to "cushion" your fall and sustain fewer injuries. They also tell you how you could have avoided being injured. This example was used to point to the counterproductivity of liberal principles when approaching racial injustice because they are better understood as preemptive measures in place of the remedying measures necessary to address past racial injustice. The argument by Shelby in this chapter addresses this objection by presenting a way in which liberal principles can account for and address racial injustice by way of the respect model. Put in terms of this bicycle case, Shelby's theory would rationalize the actions of the parent in that the preventative measures would prove beneficial the *next* time you found yourself in a similar situation.

In this case, the ideal theory presents as an ideal reality in which you either did not fall and injure yourself because you were able to stop the bike from crashing or where the bike did crash but the sustained injuries were not nearly as severe. Shelby would identify your parent's actions as falling under the respect model because they offered you the tools you might need to approach your situation but left you with the agency to decide whether or not you would use them. At no point did they decide for you, treat you without agency, or treat you unfairly. Although the information did little to assist in your current situation, it could prove beneficial if it was to happen again.

3.4 Applying the Respect Model

It may help to give one more detailed example of what the respect model implies in practice. Chapter 6 of Shelby's *Dark Ghettos* focuses on the responsibility to work in society and the relationship between that responsibility as a citizen and the responsibilities of citizens in ghettos experiencing racial injustice. He explains what he calls a reciprocity-based work regime (a system in which a person's duty to work is explained and expected by their participation as a member of society) and provides various reasons for which the 'ghetto poor' might reasonably decide not to work as well as how the government could respond using the respect model. If the available job options pay too little and the 'ghetto poor' decide not to work, then the government could raise the minimum wage or offer income supplements (i.e., tax credits or subsidies) to move full-time workers above the poverty line. He says a "complementary strategy would be for public sector employers to pay their workers a decent wage by local standards and for the government to require private firms that receive public funds to do the same, which would mean paying some low-skilled workers above the federal minimum wage."⁴⁴ Shelby continues that the 'ghetto poor' might decide not to work because "low-skilled workers in the new economy lack an effective right to organize and to join and maintain labor unions"⁴⁵ on account of employers creating barriers to the unionization of workers. Shelby suggests the government respond by "cracking down on union-busting tactics and making it easier for workers within and across firms to form and maintain unions."⁴⁶ Some may refuse to work on account of the grotesque or even

⁴⁴ Shelby, *Dark Ghettos*, 191

⁴⁵ Ibid

⁴⁶ Ibid., pg. 191-192

dangerous nature of the available jobs to which the government may respond by enforcing labor regulations ensuring safe and decent working conditions for all businesses. People also may refuse to work to properly and adequately care for their children which the government may respond to by providing childcare subsidies, forming publicly financed childcare centers, or lifting the societal obligation to work.⁴⁷ Each of the proposed solutions take different approaches to problems in the workforce that disproportionately affect Black people. They align with liberal principles in that they focus on establishing fairness and equality as well as focusing on individual rights and the responsibility of the state to them. This is reflective of the respect model in that the injustice in the problem is directly responded to by directly addressing the concerns of the disadvantaged people at hand, unlike solutions that fall under the medical model.

Conclusion

In this chapter, I explained Shelby's interpretation of liberal principles and how they should be applied to adequately address racial injustice. He develops what I call the respect model that aims to replace the medical model in the way racial disparities are approached. The main task was to show that contrary to the arguments of Mills, liberal principles are not limited to being preventative measures for injustice. Through Shelby's arguments and my own examples, I have provided a substantial liberal response to the claims of liberal philosophy being too ideal for conversations about racial injustice.

⁴⁷ Shelby, *Dark Ghettos*, 191-192

Chapter 4: Evaluating the Dispute About Liberalism

Introduction

I have now explained Mills' critique of liberalism's history and its normative claims (chapter 2) and explained how some liberals have responded to the second part of Mills' critique (chapter 3). In this chapter, I evaluate the dispute. I conclude that Rawlsian liberalism does not adequately address or rectify racial injustice in our society. I will split my evaluation in two. In section 4.1, I evaluate the dispute about ideal theory. In section 4.2, I return to the question of liberalism's history and ask if its history can support an argument against applying liberal principles today.

. Before evaluating these disputes, it is helpful to establish some common ground between Mills and Shelby. Both writers agree that racism or systemic injustice exists and is exemplified in our society; neither argues against that. However, they disagree on the culpability of liberal principles in the perpetuation of said racism. Another significant disagreement between the two philosophers lies in the application of these principles as plausible solutions and remedies for racial injustice. Mills believes that the principles are ill-fitting for society, but Shelby finds them able to produce adequate solutions to racial injustice with the appropriate shift in perspective.

4.1 Evaluating the Ideal Theory Dispute

As we saw in chapter 2, Mills says that the

[Rawlsian theory of justice], extensive and world-historical as it may be, does not extend to the subject of racial justice, despite the fact that Rawls was a citizen of the

Western democracy most centrally structured by racial injustice, a white-supremacist state founded on Amerindian expropriation and genocide, and African slavery and subsequent Jim Crow. Nor has there been many attempts in the secondary literature to develop a "Rawlsian" perspective on racial justice comparable to what feminist political theorists have been doing for the past quarter-century for gender justice.⁴⁸ He argues that the social contract principles underlying this theory are 'too ideal', meaning that they cannot adequately be applied to society in its current state because they do not reflect its reality. The ideal society is marked by the respect of individual rights and cooperation amongst those individuals to uphold principles of justice and fairness that protect those rights. In our society, he claims, it is impossible for these principles to be adequately established for all peoples. He also draws attention to a lack of philosophers (both black and white) who attempt to use liberal principles—specifically Rawls' theory of justice—to address racial injustice. A rejoinder to Shelby's work, he extends his critique of liberalism in the following five respects:

1. Rawls' non-endorsement: Rawls had the capacity and opportunity to include and address race and racial injustice in his theory of justice, but he chose not to. Rawls does not endorse addressing racial injustice, as Shelby suggests, by application of the fair equality of opportunity (FEO) principle, instead claiming that it would require "a special form of the difference principle."⁴⁹ So there is a direct contradiction to Shelby's claims.

⁴⁸ Charles W. Mills. *Black Rights/White Wrongs (Transgressing Boundaries: Studies in Black Politics and Black Communities)*. (New York: Oxford University Press, 2017), 162.

⁴⁹ Mills, *Black Rights/White Wrongs*, 169

2. The ideal/non-ideal theory distinction point: Shelby incorrectly develops a kind of non-ideal theory that “pre-empt[s] the need for non-ideal theory altogether by appropriately extrapolating ideal theory.”⁵⁰ The distinction between the two, Mills argues, is a difference between distributive and rectificatory justice, and Rawlsian principles say nothing about rectificatory justice.
3. The role of FEO: Rawls’s principles of justice are lexically ordered: the basic liberties are most important, followed by fair equality opportunity, and then the difference principle. Since they collectively constitute a just society, one cannot be extracted and applied separately from the others. Mills argues that Shelby attempts to use FEO as a rectificatory measure but that there is no basis for applying Rawlsian principles in this way because that was not Rawls’s own understanding of the role of FEO. Ideal principles cannot be merely adapted to fit non-ideal conditions. He argues further that, even if the principle could be used, it would not call for change to be as drastic as remedying racial injustice would warrant: “To try to transform FEO, a norm of justice lexically subordinate to [basic liberties], into a principle putatively correcting for violations of [basic liberties] is to force it into a role it was never meant to play.”⁵¹
4. Non-controversiality and public reasoning: Mills argues that for a racial justice agenda to succeed, -it has to be “endorsed” by whites and not “forced on them by black threats.”⁵² This endorsement only comes in cases where the accepted facts

⁵⁰ Ibid

⁵¹ Mills, *Black Rights/White Wrongs*, 179

⁵² Ibid., 175

of social theory and scientific conclusions are uncontroversial. In favor of using Rawlsian principles, Shelby would then have to avoid making controversial arguments but in doing so “he would immediately be depriving himself of the weapons he needs to win his case.”⁵³

5. Differentiating between class and racial injustice: Mills argues that Shelby mixes two different types of wrongs. He claims that he blurs the difference between wrongs that violate “norms of opportunity” and wrongs that violate personhood. Mills continues that there is a fundamental difference between left and right liberalism that arises from the type of rights recognized and what types of equality can be presented as the norm. Whereas left-leaning liberalism encourages ““positive” rights, “social” rights, “welfare” rights as well as the traditional ones”⁵⁴, right-leaning liberalism “will only admit “negative” rights of non-interference with life, liberty, and property.”⁵⁵ Racial injustice disrespects equal personhood (whether in the original or legacy of the violation of rights) and is therefore anti-liberal.⁵⁶ Class disadvantage by contrast is the result of capitalist practices and is not directly perpetuated by discriminatory practices. So, is, therefore, anti-left liberal. Mills concludes that Shelby erases an essential distinction between the violation of personhood and a violation of a type of liberalism.⁵⁷

⁵³ Ibid., 176

⁵⁴ Ibid., 178

⁵⁵ Ibid., 178

⁵⁶ Ibid., 178

⁵⁷ Ibid., 179

In essence, the core of Mills' rejoinder is that Shelby misses part of the point; he does not correctly identify what *kind* of injustice racial injustice is. Sure, liberal principles when adjusted can accommodate for present and future injustices, but they do little if not nothing to remedy past injustices in the right way.

Ideally, Shelby's response to the Mills objection to liberal (and specifically Rawlsian) principles should satisfy the dispute. He offers an alternative perspective for the analysis of liberal principles in the form of non-ideal theory that allows those principles to be used in combating racism—which presumes an unjust society and therefore non-ideal society. He also does not fully condemn the medical model as a solution to “worrisome social problems”⁵⁸ but finds that solutions developed with the medical model do little to remedy the injustice that lies at the roots of social issues.

To test whether Shelby's respect model is a sufficient response to Mills' rejoinder, let's return to the sheriff case from the last chapter. Recall that, in this example, the son of the sheriff damages your property and instead of discussing the matter with you he hands you a check for \$2,000 and asks you to sweep the incident under the rug. The chief's response represents the medical model. Under Shelby's respect model, the appropriate action would be for the sheriff to communicate with you the details of the situation and leave you the autonomy to choose what happens next. The idea here is that your agency (that is your capacity as an actor to act in a given situation) should have been left intact. Rather than ask you as the affected party what you would perceive as a

⁵⁸ Tommie Shelby. *Dark Ghettos: Injustice, Dissent, and Reform* (Cambridge: Harvard University Press, 2018), pg. 3

plausible solution, he handed you one that he deemed sufficient which alas was not. We can now ask:

- 1) Would the sheriff here provide an adequate remedy for the problem at hand?
- 2) If so, was the remedy provided on a plausible basis? (In other words, was the method by which the police chief arrived at and presented the remedy appropriate?)

Plausibly, the answer to both questions is 'No'... This suggests that Shelby's respect model is not an adequate account of racial injustice. I next offer reason to believe that the answer to both these questions is 'No'. This, in turn, will provide a reason to doubt Shelby's theory.

In the case of the sheriff, he offers a \$2000 incentive for you to repair the damage done to your property and forgive the incident without legal action. The first problem arises when you realize that the amount that the sheriff offers is insufficient to cover the cost of damage you have sustained-it cannot be a viable solution without a sufficient answer to the problem. This parallels the way that solutions are developed by way of the medical model. The problem is perceived as a social one that should have some economic remedy. This remedy is posed as a solution that oftentimes does little to address the injustice at hand and is therefore ineffective. The second problem is the method by which the decision was made and announced. By not speaking to you beforehand, the sheriff was unable to gauge the damages done to your property or ascertain your desired outcome for the situation. This piece of the example easily speaks to the loss of agency experienced within the medical model when recipients of the "good" that comes from

proposed solutions had no say in the development of the solution because they are seen as problems to solve instead of people entitled to equal opportunity and respect. The third and final problem arises when you realize that the \$2,000 is insufficient to cover the cost of your damages. So now, the sheriff not only decided on your behalf without your input, but he also made a decision that produces a wildly ineffective solution to the problem at hand. Similarly, proponents of the medical model identify a problem (the theft and damage) and pose what they believe to be the most plausible solution (the insufficient \$2000 check). They do not include the affected party in the decision-making (you) and often present solutions that are partially or even wholly ineffective (the insufficient \$2000 check and no punishment for the son). So now, we can see that the answer to both questions (whether the remedy was adequate and whether it was provided on a plausible basis) is no.

Shelby's approach using the respect model would provide that the sheriff does not treat you as a problem to be solved but rather as an agent of your own wellbeing with certain inalienable rights. So instead of presenting you with this check and asking you to let it go, he might have called you into his office, asked how you would like to proceed, actually considered your wishes, gaged the actual cost of your damages, and wrote you a check for the proper amount. He might even throw in an extra \$500 for your troubles and ask that in return you do not press charges against his son. This seems pretty fair overall until we remember that this is not the first time that his son has committed a crime such as this and it probably will not be the last. Now understandably, one could argue that the fate of the boy is of no concern to you so long as your property is cared for financially.

However, this leaves not only you but also the town's other citizens in a position to continue to be victimized by the boy and does little to account for those before you who have had this problem or ended up with physical injuries or damage and did not receive a similarly adequate "settlement" or solution. So now, although you have achieved justice and remedy on your own behalf, you are confronted with a much larger problem that the sheriff's methods provide no assistance for. And this is the problem that Mills continues to have with the solution and application of Rawlsian principles provided by Shelby. We can restructure the original questions to fit the new problem at hand. With the solution that the shift in perspective provided we can now ask this:

- 1) Is this solution an adequate remedy for the problem at hand?
- 2) Was this solution provided on a plausible basis?
- 3) Does this solution remedy or even address past injustice?

Even if the answer to the first two questions is 'Yes', the answer to the third question is undoubtedly 'No'. While the sheriff may have done his part in resolving your immediate problem, he failed to address and therefore adequately account for the past actions of his son that have had a clearly negative impact on the townspeople. So, our judgments about this hypothetical test case provide some support for Mills' view. Although liberal principles do have the capacity to respond to racial injustice, Shelby does not produce sufficient reason to believe that they can be adapted to account for *past* racial injustice in a way that adequately acknowledges and rectifies it.

4.2 Analyzing Mills' Historical Argument

As we saw in chapter 2, in addition to his argument that liberal principles do little for an already unjust society, Mills suggests that the history of liberalism is relevant to assessing it. But in what way? The discussion in section 1 above suggests one argument: that, *because* of liberalism's history, it would be inherently disrespectful today to even attempt to use these principles on account of their role in our history. That is the argument against liberalism that I will focus on in this section. The argument can be explained as follows:

1. If X has been used in such a way that it unjustly causes harm to or allows harm to come to people in such a way that it places them at societal disadvantages, then it is disrespectful to try and use X to find remedies to those societal disadvantages.
2. Liberal principles have been used in such a way that they have unjustly allowed harm to come to minorities and specifically Black people in a way that it placed them at societal disadvantages.
3. So, it is disrespectful to try and use liberal principles to find remedies for those societal disadvantages.

To better understand the argument, we can break the second premise of the argument down even further. In order to cause harm or allow for harm to come to people, the principle(s) in question must threaten the rights that the principles in question are supposed to uphold and protect. But as we saw in chapter 2, liberal principles have unjustly allowed for the establishment and continued development of policies and philosophies that harm black people and threaten their basic liberties which in turn places them at societal disadvantages. So, liberal principles have caused harm.

What is the basis for believing, as the first premise says, that the historical misuse of a principle could make it disrespectful to try to use it now? We can take Tulane's admission process and criteria for admittance as a prime example of this concept. Tulane is named after Paul Tulane, a philanthropist and one of the largest financial supporters of the confederacy, who donated a total of \$288,700 as an endowment to the school that was named the Tulane Educational Fund. After this donation, the former University of Louisiana was renamed Tulane University and the school was transferred from a public to a private entity by 1884. Paul Tulane presented this endowment “for the promotion and encouragement of the intellectual, moral, and industrial education among the white young persons in the city of New Orleans”⁵⁹. We can tell by the year and by the message that accompanied the endowment that Tulane was a private university that did not allow black people to attend. This remained the case up until 1963 after a group of students at the law school brought out a lawsuit that forced Tulane to comply with federal law and integrate the university.

Now with any university, there is an admissions process and certain criteria established to aid the admissions committee in determining who would and would not be admitted. By way of the nature of the time, it is safe to say that the application process was developed in such a way that it kept most Black people from applying and kept those that did manage to apply from being accepted or attending. Upon the required integration of the school, there had to also come a newly established process and criteria for

⁵⁹ Editor Christopher W. Katzmann & Kathryn O'Dwyer, “The Founding of Tulane University,” *New Orleans Historical*, March 6, 2016, <https://neworleanshistorical.org/items/show/1183>.

admittance to the university. Since its segregated nature catered to maintaining the previous "whites only" environment in a predominantly black city, the admissions process had to have been wildly exclusive. It would now have to be adjusted in a way that included black people and allowed them access to equal opportunity for a good education. Had the school decided to not alter this process it would have been inherently disrespectful to potential black students (not that it mattered as much at the time). Even with this adjustment in place to reluctantly include black students, by the nature of the time and what the principle and regulations of the times allowed, we can say that it is also disrespectful to use the adjusted 1963 version of the admissions process to admit students now in a day and age where diversity plays large parts on college campuses. We can use the structure I provided for Mills' argument to test this theory.

The first premise provides that principles that caused harm and in turn resulted in societal disadvantages cannot be used to resolve those societal disadvantages at a later date. Tulane's exclusionary practices of being an institution that only allowed for the admission of white students to pursue quality education in a city with a heavy black presence proved to be harmful to Black people in higher education. These practices were based on principles that threatened the most basic liberties (life, liberty, pursuit of happiness) as well as fair equality of opportunity (FEO) because at the time they were only to be applied to white people. This resulted in black people not having equal access to education and having their:

- 1) right to life threatened by racist white mobs upholding segregation,

- 2) right to liberty threatened by the restriction of their attendance and fear of expressing dissent for fear of retaliation as well as the
- 3) pursuit of happiness as they were denied equitable and accessible education that could lead to jobs and self-satisfaction

This left them with less access to education which undoubtedly made it harder to be a productive and contributing member of society with respect from peers which thereby begets a societal disadvantage. This in turn causes them harm. Similarly, liberal principles of justice and fairness have gained a reputation as guiding principles for an ideal society and have consequently been used to develop the very structure of society. They fail however regarding the ability to guide entities in a direction that provides remedy for past injustice as well as prevent future injustice. This places them in a prime position of influence to create societal disadvantage, with particular respect to racial injustice, and thereby cause harm that is difficult to recover from. So, it would be disrespectful to try and use those same principles as remedies to that injustice.

This Tulane admissions scenario exemplifies the point Mills attempts to make in this argument. Admissions processes are pretty standard for higher educational institutions. They become a bit more exclusive the greater the prestige of a given institution, to accept a certain caliber of student. So, it is likely that had this process *not* been purposely used to exclude an entire race of people rather than just people that could not succeed at or contribute to the school, then it *would* have been acceptable today. But its history makes a difference.

Shelby might respond to this argument by pointing to the fact that, if the admissions process was able to exclude Black people at all, then it might not have been acceptable in the first place. So, he might argue that there is still not a case in which the procedure itself was acceptable but was used incorrectly. By this same logic, he might continue with the fact that liberal principles, therefore, cannot fall within this category because they themselves are not lacking foundationally like the admissions process and therefore could not have been used incorrectly for racial injustice. But this rebuttal would fall short because schools have similar admissions processes. Some chose to use theirs to exclude Black people, but others used that same process to be inclusive-whether they were reluctant to or not. So, the process works but the execution is where it failed.

Conclusion

There is some truth in Shelby's response. It makes sense with approaching future injustices and social problems. But I find it lacking as a sufficient response to systemic racial injustice. The respect model can be applied in less robust cases that are mere social problems. For example, lack of racial diversity, inclusion, and representation in predominantly white institutions is a problem of racial injustice reduced to a social problem. Students of color rarely see themselves represented and thereby do not feel supported. Most schools might approach this problem similar to how doctors would in the medical model: identify the problem as lack of black people and invite a handful of black people into the space-some students, others as professors, and maybe even a speaker or two preaching about racial inclusion. This will not solve the problem but makes it appear as though the school is trying. Others might do something closer to what the respect

model requires: ask its black staff and students what they might need to feel supported and represented and then make attempts to produce the results from there. They may end up with the same results as the aforementioned school, but the latter approach would have treated those black people with respect and agency. For situations such as these that are a *result* of racial injustice rather than the main source, Shelby's respect model works exceptionally well. However, in cases like Tulane's and many other universities in the southern United States, where the school was not made to welcome people of color but rather forced to accommodate them, we realize that the institution is not unjust because there are hardly any black people; there are hardly any black people because the institution is unjust. Shelby's theory is not strong enough to aid in the development of solutions to racial injustice. Because his views rely on Rawlsian principles that promoted fair equality of opportunity for white people, they are inherently a part of the problem, and like those Rawlsian principles, it would again be inherently disrespectful to try and use them for the development of a remedy.

I believe that, instead, what is required to effectively dismantle systemic racial injustice is a complete restructure of the systems that were built on it its principles. This may seem radical. But consider an analogy with construction. If you are building a house that you want to last for generations on end, the key is to ensure that it has a foundation that allows it to maintain stability and withstand bad weather in addition to your standard wear and tear. If the foundation of the structure is cracked, then your house may look nice on the surface, but that crack is spreading slowly but surely. It may not come to affect your generation but at some point, it will become a very big problem for someone later

down the line. When that crack becomes a problem, it can't be bandaged or added to a list of repairs. A crack in the foundation means structural issues-misaligned doors, damaged roofs, leaks in walls, the sloping of hallways. Fixing a crack in the foundation does not come cheap and it is not a minor repair. In most cases, it means there is a need for either an entirely new home or a complete restructuring of the home in question. Either way, there is no staying in the home the way that things are without problems. Someone who values profit above all else may not view the crack as an issue so long as they get their money's worth, but this carelessness is the root of an assortment of unnecessary and avoidable problems.

Chapter 5: Conclusion

While both philosophers make substantial arguments, Mills' arguments against liberalism were a bit stronger. Liberal principles have the potential to develop just societies in the future, but they do little to answer for the racial injustice that has happened or is happening. They look forward without addressing the exclusion or injustice that they had been used to perpetuate. Because racial injustice becomes so deeply ingrained and carries over into multiple institutions to the disadvantage of the racial minority, it is not sufficient to merely prevent the racial injustice from happening again. It has to be accommodated for and wrongs must be made right. Additionally, even if liberal principles could adequately address racial injustice, it would be disrespectful to try and use them while being aware of their unjust history. In this short chapter, I briefly explore the implications of my conclusions and the kind of research that would be especially important to do, if I am right.

Directions for Future Research

Now that I have evaluated this dispute, the next rational question might be: what's next for this discussion on combating racial injustice. If liberal principles can't be the answer, then what can? I don't believe the answer lies simply in anything we've seen before.

Applied principles of fairness and equality have still allowed the permeation of racial injustice into society whether it be because those principles 'didn't apply' for black people or because they simply did not view this racial injustice as a problem. Either way, injustice has been permitted to exist despite the existence of principles that claim to dispel it. The biggest factor at hand is that past racial injustice has to be accounted for- there has to be a remedy. The cyclical nature of black disadvantage is the result of this

past injustice and won't be stopped without some kind of interference. So, remedying past injustice would mean interrupting the pattern of disadvantage.

But how do we disrupt this pattern? Do we call for a dismantling of the whole system? Do we apply principles of the redistribution of wealth? Do we push for more affirmative action and more opportunities for Black people in affluent spaces? The answers lie in all of these questions. The solution should be a combination of actions that both allows us to right past wrongs and prevent future wrongs as well as provide adequate solutions for the problems that may arise. These actions should respect the agency of the people affected and accurately reflect their desires and their problems. While it would be inherently disrespectful to use liberal principles as they stand, it would be beneficial to continue to place value on respecting basic liberties, advocating for fair equality of opportunity, and only allowing inequality in the event that it aids the disadvantaged group and therefore the entire society.

What would be most important, then, if my conclusions are correct, is to find out how to develop policies that focus on the root of the issue rather than throwing money at the problem and hoping it goes away. If the answer to a problem does involve money the goal should be to properly allocate the money so that it goes towards the betterment of the community in question. For instance, if we were to try and address racial injustice in the public school system, then we might start by comparing schools in white neighborhoods to schools in black neighborhoods. We'd compare their resources, recreational activity, quality of teachers, access to higher-level education, and their budgets to see what advantages the white school made hold and have the capacity to relinquish. The issue would likely be that the area does not make enough tax money to

pour the resources that it needs into the school. It lacks up-to-date textbooks, staff (qualitatively and quantitatively), funding for extracurricular activities, and advising entities that aid in the transition of students from school to their next avenues in life. The school needs more funding to pour into these different areas. In this case, the school in the white neighborhood has the opposite plight overflowing with wealth and opportunity. A solution, in this case, could involve funneling some of the resources from the school in the white neighborhood into the school in the black neighborhood. This solution allows the opportunity for the relinquishment of advantage as well as a redistribution of wealth that will at least somewhat address the racial injustice displayed by the difference in the schools.

The example above is only a thumbnail sketch of a policy that would do more to acknowledge and respond appropriately to racial injustice. It roughly illustrates what redistributing wealth and relinquishing unjust advantage would look like. But it also shows how difficult it can be to address racial injustice from a rectificatory perspective. Considering that the funding is what the school needed and likely would have asked for, the solution also treated the affected with agency and respect. This example was on the easier side of approaching racial injustice and still proved to be a bit difficult. The point was to show that the process was not an easy one. It would take substantial research to investigate how to design and execute such a policy, and to examine in each case what kinds of policies would be appropriate rectification—keeping people’s basic rights in mind, acknowledging unfair advantage, and respecting people’s agency to act and think on their own behalf.

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