

Philos 117AC, Fall 2017
Main Text: Charles Mills, “Racial Equality”

Modes of equality/inequality

Ontological: When Mills discusses “ontological in/equality,” he doesn’t distinguish very clearly between:

- (i) *Having* equal personhood, weighty interests, claims, etc. in justifying rights, duties, etc.
- (ii) *Being socially recognized* as having (i).

Whereas (i) actually obtains, (ii) ought to obtain, but does not.

Capability: *Capacity* inequality is compatible with *ontological* equality.

Claims of capacity inequality based on the claims that:

- (a) Either intrinsic potentials vary by race
- (b) Or achieved potentials vary by race. Some, but not all, such claims are, in Mills’s view, (1) racist and (2) taken to justify inaction: e.g., appeals to an “oppositional culture.”

Again, Mills doesn’t distinguish very clearly between:

- (i) *Having* equal capabilities.
- (ii) Being *believed* to have (i).

Social/Substantive:

- What is this, exactly? “disproportionality in the relevant social statistics”?
- Equal social *goods*: e.g., jobs, money, etc.?
- Equal *opportunity* for these goods?
- Equal *status, relations*?

Treatment:

- “Same” treatment is not always “equal” treatment.
- Is affirmative action “reverse discrimination”? This seems to assume:
 - Recognized ontological equality + equal capabilities + “same” treatment
→ substantive social equality
- However, given structural differences, “same” treatment may actually be unequal. So, to achieve social equality, we may need “different” treatment. Presumably, “same” treatment is color-blind, whereas “different” treatment takes race into account. But in what way is “same” treatment unequal? What does Mills have in mind? He doesn’t explain.
- Possibilities:
 - (a) When a race is underrepresented in a career, young people who know that others will classify them as belonging to that race are dissuaded from pursuing it?
 - (b) The *tests* of capacity are *unreliable* for certain racial groups? (This is a new argument for race-sensitive admissions/hiring.) In this case, the people from those racial groups *have the same developed capacities*. The problem is just that the *tests* miss those capacities.
 - a. Stereotype threat.
 - b. Biased in favor of experiences and acculturation that whites are more likely to have. (E.g., the infamous “Boat : Regatta” SAT question.)
 - c. Biases of teachers and administrators, leading to poorer records.
 - (c) The *opportunities to develop* capacities are unequally distributed along racial lines? (Suggested by, e.g., “a racialized opportunity structure.”)
- While (a) and (b) may well argue for non-color-blind measures, it’s not clear why (c) argues for non-color-blind measures. Why do we need to be sensitive to race, in particular, in order to give everyone adequate schooling, nutrition, etc.?
- If Rawls’s fair equality of opportunity (FEO) (roughly, “same genes, same chances”) were satisfied, would any of these problems remain? If not, then maybe Rawls’s FEO *does* suffice?

No, Mills seems to say, because of...

Corrective justice

- Responding to illicit white advantage requires *corrective* justice: that is, responding to *past* injustice, not simply securing just conditions *going forward*.
- Rawls's FEO is irrelevant here, because it is not a principle of *corrective* justice.
- But it's unclear what Mills means:
 "[I]t is not—of course—that the correction of the violations of the basic liberties and opportunities of the R2s can trump the basic liberties and opportunities of the R1s. That would be unjust, and would indeed constitute 'reverse discrimination.' But what are being trumped are the *illicitly* expanded liberties of the R1s, the *differential* rights they acquired from the racial subordination of the R2s, and their correspondingly *unfairly* expanded opportunities."
- How is this *corrective* justice? How does it depend on the *past*? Isn't the problem just that *going forward*, unless something is done, the R1s will have more than their fair share and the R2s will have less?
- And won't Rawls's principles explain perfectly well why this is unjust?

Can "white" "mainstream" political philosophy address issues of race?

Mills claims that Rawls and other "white," "mainstream" analytic political philosophers both (i) have ignored race and (ii) proposed a set of ideas, conceptual tools, etc. that are insufficient to address racial injustice.

- At first, this seemed to me a pretty plausible hypothesis. Wouldn't one expect white theorists, researchers, etc. to be blind to certain issues of race in their theories, research, etc.?
- This hypothesis may be right. But does Mills make a strong argument for it?
- The question is not whether white, mainstream political philosophers, *as people*, are blind to certain issues of race. The question is whether the *ideas, theories, concepts* that they propose are inadequate to address the issues. That's a different question. (Recall Boxhill's use of Locke to argue for reparations.)

Mills argues that this is in part because Rawls focuses on "ideal theory": describing a perfectly just society, in which case there would be no racial injustice.

- Mills argues that it is a mistake to focus on ideal theory, because actual societies are not ideal. They are not, as Rawls says, "cooperative ventures for mutual advantage."
 - Reply: Rawls isn't describing the society we *do* live in. He's describing the sort of society we *ought* to live in.
- Mills gives another, stronger reason to be dissatisfied with ideal theory. The ideal is so far from the actual that it isn't a useful guide to how we might *transition* from the actual to the ideal.

Mills argues that Rawls et al. ignore *racial* inequality as such:

- True, Rawls's main examples are classes (e.g., low-skilled workers) and religious minorities.
- But why does it matter? *It might* well matter. But how? Mills doesn't say.

Mills argues that Rawls et al. ignore *affirmative action*:

- But, as we've seen, Dworkin and Scanlon haven't ignored it.
- And wouldn't Rawls's principles, if realized, solve the problems that affirmative action is supposed to address?

Mills argues that Rawls et al. ignore *corrective* justice:

- True, Rawls doesn't say anything about corrective justice.
- However, Locke, Nozick, Simmons do have something to say about corrective justice.
- Boxhill (although he's not white) shows how, using Locke, one might argue for black reparations in particular.
- Moreover, Rawls's doesn't say anything about corrective justice because, for principled reasons, he thinks that it's a mistake to make distributive justice too dependent on history. What matters is instead a just basic structure going forward.