May 26, 2008

The Cause of Racial Inequality in America Today: Innocent Victims or Guilty Victimizers

Leigh E Dalton, University of Baltimore
THE CAUSE OF RACIAL INEQUALITY IN AMERICA TODAY:

Innocent Victims or Guilty Victimizer?

I. Introduction.........................................................................................2-4

II. The History of Racial Inequality in America.................................5-10
   A. Origins............................................................................................5-6
   B. Race Classifications: Slavery and Statutes......................................6
   C. Race Classifications: After Slavery..................................................7-8
   D. Brown v. Board of Education............................................................8-9
   E. Civil Rights Movement.................................................................9-10

III. Theories.........................................................................................10-333
   A. Racial Inequality Does Not Exist in American Society Today.........10-23
      1. Shelby Steele..............................................................................10-17
      2. John McWhorter.......................................................................17-23
   B. Racism Causes Racial Inequalities in America Today....................23-33
      1. Derrick Bell...............................................................................23-29
      2. Patricia Williams.......................................................................29-33

IV. Analysis.........................................................................................33-39
   A. Structuralism and Symbolism.......................................................33-36
   B. Negotiations...............................................................................36-37
   C. Responsibility and Poverty...........................................................37-39

V. Conclusion......................................................................................39-40
THE CAUSE OF RACIAL INEQUALITY IN AMERICA TODAY:
Innocent Victims or Guilty Victimizers?

I. Introduction

Excerpts from an Address Dr. Bill Cosby gave at the 50th Anniversary Commemoration of the Brown v. Board of Education Supreme Court Decisions read as follows:

Ladies and gentlemen, the lower economic and lower middle economic people are [not] holding their end in this deal…

I’m talking about these people who cry when their son is standing there in an orange suit. Where were you when he was two? (clapping) Where were you when he was twelve? (clapping) Where were you when he was eighteen, and how come you don’t know he had a pistol? (clapping) And where is his father, and why don’t you know where he is? And why doesn’t the father show up to talk to this boy?...

The church is only open on Sunday. And you can’t keep asking Jesus to do things for you (clapping). You can’t keep asking that God will find a way. God is tired of you (clapping and laughing). God was there when they won all those cases. 50 in a row. That’s where God was because these people were doing something…We cannot blame white people…

And you wouldn’t know that anybody had done a damned thing…50 percent drop out rate, I’m telling you, and people in jail, and women having children by five, six different men. Under what excuse, I want somebody to love me, and as soon as you have it, you forget to parent. Grandmother, mother and great grandmother in the same room, raising children and the child knows nothing about love or respect of any of the three of them (clapping). All this child knows is “gimme, gimme, gimme.” These people want to buy the friendship of a child…and the child couldn’t care less. Those of us sitting out there who have gone onto some college or whatever we’ve done, we still fear our parents (clapping and laughter). And these people are not parenting. They’re buying things for the kid. $500 sneakers, for what? They won’t buy or spend $250 on Hooked on Phonics. (clapping)

…People getting shot in the back of the head over a piece of pound cake! Then we all run out and are outraged, “The cops shouldn’t have shot him,” what the hell was he doing with the pound cake in his hand? (laughter and clapping). I wanted a piece of pound cake just as bad as anybody else (laughter) And I looked at it and I had no money. And something called parenting said if you get caught with it you’re going to embarrass your mother. Not you’re going to get your butt kicked. No. You’re going to embarrass your mother. You’re going to embarrass your family.

Are you not paying attention, people with their hat on backwards, pants down around the crack. Isn’t that a sign of something, or are you waiting for Jesus to pull his pants up (laughter and clapping). Isn’t it a sign of something when she’s got her dress all the way up to the crack…and got all kinds of needles and things going through her body. What part of Africa did this come from? (laughter). We are not Africans. Those people are not Africans, they don’t know a damned thing about Africa. With names like Shaniqua, Shaligua, Mohammed and all that crap and all of them are in jail. (When we give these kinds of names to our children, we give them the strength and inspiration in the meaning of those names. What’s the point of giving them strong names if there is no parenting and values backing it up?).
Brown versus the Board of Education is not longer the white person’s problem. We’ve got to take the neighborhood back (clapping). We’ve got to go in there. Just forget telling your child to go to the Peace Corps. It’s right around the corner. (laughter) It’s standing on the corner. It can’t speak English. It doesn’t want to speak English. I can’t even talk the way these people talk. “Why you ain’t you is go, ra,” I don’t know who these people are. And I blamed the kid until I heard the mother talk (laughter). Then I head the father talk. This is all in the house. You used to talk a certain way on the corner and you got into the house and switched to English. Everybody knows it’s important to speak English except these knuckleheads. You can’t land a plane with “why you ain’t…” You can’t be a doctor with that kind of crap coming out of your mouth. There is no Bible that has that kind of language. Where did these people get the idea that they’re moving ahead on this? Well, they know they’re not, they’re just hanging out in the same place, five or six generations in the projects when you’re just supposed to stay there long enough to get a job and move out.

Now look, I’m telling you. It’s not what they’re doing to us. It’s what we’re not doing. 50 percent drop out. Look, we’re raising our own ingrown immigrants. These people are fighting hard to be ignorant. There’s no English being spoken, and they’re walking and they’re angry. Oh God, they’re angry and they have pistols and they shoot and they do stupid things. And after they kill somebody, they don’t have a plan. Just murder somebody. Boom. Over what? A pizza?...

...Why can’t you hit the streets? Why can’t you clean it out yourselves? It’s our time now, ladies and gentlemen. It is our time (clapping). And I’ve got good news for you. It’s not about money. It’s about you doing something ordinarily that we do – get in somebody else’s business. It’s time for you to accept the language that these people are speaking, which will take them nowhere. What the hell good is Brown v. Board of Education if nobody wants it?

...Brown v. Board of Education, these people who marched and were hit in the face with rocks and punched in the face to get an education and we’ve got these knuckleheads walking around who don’t want to learn English (clapping). I know that you all know it. I just want to get you as angry that you ought to be. When you walk around the neighborhood and you see this stuff, that stuff’s not funny. These people are not funny anymore. And that’s not my brother. And that’s not my sister. They’re faking and they’re dragging me down because the state, the city and all these people have to pick up the tab on them because they don’t want to accept that they have to study to get an education...¹

With this speech Bill Cosby angered many Americans who find racial oppression still present in America’s legal and social structures. His comments sparked public debate around the status of black poor in America. Do the structures in law and society present most black Americans from success? Or instead, do black Americans fail to take person responsibility for their lives? Which of these causes racial inequality today? Cosby’s comments merely renewed ongoing public conversations. For decades much has been written on the subject of whether black poor Americans are responsible for their plight. Many race theorists,

¹ Dr. Bill Cosby, Address at the 50th Anniversary Commemoration of the *Brown v. Board of Education* Supreme Court Decision (May 17, 2004) (transcript available at: [http://www.eightcitiesmap.com/transcript_bc.htm](http://www.eightcitiesmap.com/transcript_bc.htm)).
including Derrick Bell\textsuperscript{2} and Patricia Williams,\textsuperscript{3} assert that racism is a structural reality within America’s institutions and as such, perpetuates oppression and lack of opportunity for African Americans. Race theorists on either side of the argument, such as Shelby Steele\textsuperscript{4} and John McWhorter,\textsuperscript{5} claim racism is no longer institutionalized in America, but instead is used as a crutch to create black power and hold whites responsible for slavery and segregation.

After laying out a brief history of racial inequities in America since 1619, this paper will examines the different theories of each writer: Shelby Steele, John McWhorter and Derrick Bell and Patricia Williams. Next, the author analyzes similarities and differences between each writer’s arguments, and using these theories, argues that the failure to openly discuss and analyze the racial inequalities in society today perpetuates the structuralism that sustains racism in America.

\textsuperscript{2} Derrick A. Bell, Jr. (born November 6, 1930) is visiting professor of Constitutional Law at New York University School of Law for the past 15 years and a major figure within the legal studies discipline of Critical Race Theory. Born in the Hill District of Pittsburgh, Bell received an A.B. from Duquesne University in 1952 and an LL.B. from the University of Pittsburgh School of Law in 1957. Bell is the author of a number of books and short stories, including “Ethical Ambition” and “The Space Traders.” He was the first African-American to receive tenure at Harvard Law School, but subsequently let his tenured position there to protest the failure of the school to award tenure to a female African-American law professor. The story of his protest is detailed in his book “Confronting Authority.”

\textsuperscript{3} Patricia J. Williams (born 1951) is a prominent law critic and a proponent of critical race theory. Williams received her bachelor’s degree from Wellesley College in 1972, and her Juris Doctorate from Harvard Law School in 1975. She was a fellow in the School of Criticism and Theory at Dartmouth College and has been as associate professor at the University of Wisconsin Law School and its department of women’s studies. Williams is a member of the State Bar of California and the Federal Court of Appeals for the 9\textsuperscript{th} Circuit. Williams has served on the advisory council for the Medgar Evers College for Law and Social Justice of the City University of New York and on the board of governors for the Society of American Law Teachers. She was the recipient of a MacArthur Foundation Fellowship, which she held from June 2000 until June 2005. Williams is currently the James L. Dohr Professor of Law at Columbia Law School, and write a column for \textit{The Nation} magazine titled, “Diary of a Mad Law Professor.”

\textsuperscript{4} Shelby Steele was born in 1946 in Chicago. He is an American author, columnist, documentary film maker, and a research fellow at the Hoover Institution at Stanford University, specializing in the study of race relations, multiculturalism and affirmative action. He received a Ph.D. in English from the University of Utah and an M.A. in sociology from Southern Illinois University. IN 1990, Steele received the National Book Critics Circle Award in the general non-fiction category for his book \textit{The Content of Our Character}. He won an Emmy and a Writers Guild Award for his 1991 documentary film with Frontline \textit{Seven Days in Bensonhurst}.

\textsuperscript{5} John Hamilton McWhorter is associate professor of linguistics at University of California, Berkeley until 2003, and is now a Senior Fellow at the Manhattan Institute think tank and columnist for the \textit{New York Sun}. He is the author of several books on language and race relations.
II. The History of Racial Inequality in America

“The past matters...The reason is not that such knowledge will necessarily lead to good policy making, but that ignorance will surely lead to bad.”

A. Origins

Twenty years after Columbus reached the New World, Spanish, Dutch and Portuguese traders transported African blacks to the Caribbean Islands. Transported by these traders and their ships, African blacks first landed on the soil of colonial American in 1619. By 1662, white European colonists had separated themselves from African blacks because of differences in physiological appearance, customs and religion. During the period from 1619 to 1662, no law specifically defined the precept of black inferiority. No precise origin of colonists’ sentiment that blacks were inferior has been specifically pinpointed; much debate exists around whether the perception of black inferiority preceded, or resulted from, the enslavement of black people. Regardless, by 1776 half a million blacks were enslaved and indentured.

As A. Leon Higginbotham writes, “[I]t [is] difficult to isolate one and only factor as the sole explanation for the legislated, adjudicated, and upheld racial deprivation that gained the official approval of the American legal establishment.” Among the numerous varying

---

7 BELL, DERRICK, RACE, RACISM, AND AMERICAN LAW 1 (1973).
8 Id.
11 Id. at 11.
12 BELL, DERRICK, RACE RACISM AND AMERICAN LAW 1 (1973).
factors, economic, religious, and moral differences primarily drove the colonial forces that legitimized racial discrimination and legalized the enslavement of fellow human beings.14

**B. Race Classifications: Slavery and Statutes**

Without a legally and socially entrenched race classification system, race communicates a person’s ancestors’ origination and why s/he looks a certain way.15 However, in a society where rights and privileges are assigned based on race, socio-legal constructs based on race emerge.16 American society was founded as a society that delegated privileges and rights based on race, consequently creating a race classification system.17 The race classification system relied on the proportions of a person’s heritage originating from black and white ancestors.18 Such race classification was important to free people – maintaining race classifications preserved social order and concentrated power in the hands of white rulers.19 Beginning in 1662, state legislatures enacted slave statutes, both substantive and procedural, to define the parameters of slavery, regulate the behavior of slaves, and dictate the way in which free citizens could interact with slaves.20 The slave codes were integral in justifying slavery and rationalizing oppression in the minds of white colonists.21

---

14 *Id.*
15 F. Michael Higginbotham, Race Law Seminar at the University of Baltimore (Aug. 27, 2007).
16 F. Michael Higginbotham, Race Law Seminar at the University of Baltimore (Aug. 27, 2007).
17 F. Michael Higginbotham, Race Law Seminar at the University of Baltimore (Aug. 27, 2007).
19 F. Michael Higginbotham, Race Law Seminar at the University of Baltimore (Aug. 27, 2007).
20 One example is the 1662 Virginia statute, “Children got by an Englishman upon a Negro woman shall be bound or free according to the condition of the mother, if any Christian shall commit fornication with a Negro man or woman, he shall pay double the fine of a former act.” *A. LEON HIGGINBOTHAM, SHADES OF FREEDOM: RACIAL POLITICS AND PRESUMPTIONS OF THE AMERICAN LEGAL PROCESS* 30 (1996).
C. Race Classifications: After Slavery

Slavery legally ended in 1865 with the ratification of the Thirteenth Amendment to the Constitution of the United States, which reads, “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.” However, states passed Black Codes which codified racial classifications and maintained the oppression of blacks after slavery ended.22 The Black Codes restricted blacks from serving on juries, testifying against white citizens, and voting.23 The Codes legislated yearly labor contracts that maintained the lowly economic position of many black laborers.24 In this way, though federal concepts of racial equality existed, states’ power to legislate around federal law left blacks without protection from racial discrimination.25

The Constitutional Amendments that proclaimed concepts of racial equality remained without backing against state legislation because of Supreme Court decisions that allowed discriminatory state laws against blacks.26 State laws excluded blacks from full access to public accommodations, such as education and public transportation.27 In 1890 Louisiana passed a law that read, “All railway companies carrying passengers in their coaches in this State, shall provide equal but separate accommodations for the white, and colored races, by providing two or more passenger coaches for each passenger train, or by devising the passenger coaches by partition so as to secure separate accommodations.”28

---

23 Id.
24 Id.
26 Id. at 94.
27 Id.
28 Id. at 110.
legislators devised this law to prevent interaction with blacks as much as possible so as to maintain white superiority.\textsuperscript{29}

A well-known 1896 Supreme Court case, \textit{Plessy v. Ferguson},\textsuperscript{30} challenged this Louisiana statute. Homer Plessy boarded a Louisiana train, told the conductor he was a Negro man, and sat in a white-only compartment.\textsuperscript{31} When the conductor told him to move and he refused, Plessy was imprisoned.\textsuperscript{32} Plessy filed a case in state court, which eventually ended up in the Supreme Court, challenging the charge that he violated the 1890 Louisiana law.\textsuperscript{33} He asserted that the law violated both the Thirteenth and Fourteenth Amendments of the United States Constitution.\textsuperscript{34} The Supreme Court held that separate accommodations did not amount to perpetuating a badge of slavery.\textsuperscript{35} The separate public facilities did not suggest inferiority as long as the accommodations were equal.\textsuperscript{36} As a result, the “separate but equal” accommodations for whites and nonwhites that had before been a state prerogative became a federally legitimized agenda of racism sanctioning the continued oppression of blacks in America.\textsuperscript{37}

\textbf{D. Brown v. Board of Education}\textsuperscript{38}

Civil rights advocates were unable to undo the damage created by the \textit{Plessy} decision until 1954.\textsuperscript{39} Until this point, the “separate but equal” doctrine remained the status quo for public accommodations. Black children from Kansas, South Carolina, Virginia and

\begin{thebibliography}{99}
\bibitem{29} Id. at 111.
\bibitem{30} 163 U.S. 537 (1896).
\bibitem{31} \textsc{A. Leon Higginbotham}, \textsc{Shades of Freedom: Racial Politics and Presumptions of the American Legal Process} 111 (1996).
\bibitem{32} Id.
\bibitem{33} Id.
\bibitem{34} Id. at 112.
\bibitem{35} \textit{Id.} at 112-13.
\bibitem{36} Id. at 113.
\bibitem{37} \textit{Id.} at 117.
\bibitem{38} 347 U.S. 483 (1954).
\bibitem{39} \textsc{F. Michael Higginbotham}, \textsc{Race Law: Cases, Commentary, and Question} 455 (Carolina Academic Press 2d ed. 2005).
\end{thebibliography}
Delaware, through legal representation, challenged the segregation of public schools in the Brown v. Board of Education case of 1954.\textsuperscript{40} The plaintiffs argued that though the schools were separate, they were not equal, and as a result the plaintiffs were deprived of equal protection of the laws under the Fourteenth Amendment to the United States Constitution.\textsuperscript{41}

Experts in the Brown case presented evidence to the Supreme Court justices that the segregation of white and black children had a negative effect on black children, resulting in a sense of inferiority and limiting the motivation for black children to learn.\textsuperscript{42} The Justices were persuaded by the expert findings and held that the “separate but equal” doctrine was not appropriate in the field of public education.\textsuperscript{43} In the long run, however, the Brown decision dismantled racially discriminatory law beyond those relating to public education.\textsuperscript{44} Brown was the impetus civil rights advocates used to push for the integration of races in all aspects of public accommodations, employment and federally funded programs.\textsuperscript{45}

\textbf{E. Civil Rights Movement}

In the years after the Brown decision, many Americans protested against discrimination and segregation.\textsuperscript{46} In the 1964 Civil Rights Act, the federal government mandated the desegregation in all places of public accommodation, and prohibited discrimination in federally-funded programs and in employment “on the basis of race, color, religion, sex or national origin.”\textsuperscript{47} The Voting Act of 1965 prevented states from requiring voting qualifications based on race or color; the Fair Housing Act of 1968 prohibited the

\begin{itemize}
\item \textsuperscript{40} 347 U.S. 483 (1954).
\item \textsuperscript{41} F. MICHAEL HIGGINBOTHAM, RACE LAW: CASES, COMMENTARY, AND QUESTION 459 (Carolina Academic Press 2d ed. 2005).
\item \textsuperscript{42} \textit{Id.} at 462.
\item \textsuperscript{43} \textit{Id.} at 262-63.
\item \textsuperscript{44} \textit{Id.} at 264.
\item \textsuperscript{45} \textit{Id.}
\item \textsuperscript{46} \textit{Id.} at 707.
\item \textsuperscript{47} \textit{Id.}
\end{itemize}
denial of housing to a person “on the basis of race, sex, color, religion, familial status or national origin.”

Under these laws grew the concept of Affirmative Action. Affirmative Action is meant to “right the wrongs” wrought through the oppression of blacks (and other nonwhites) by putting blacks in the same footing in education, housing, jobs, and politics as their white counterparts.

Today there are many people in America who oppose the preferential treatment they say results from affirmative action. Four decades since the enactment of the Civil Rights laws, many citizens feel the grounds are equal and racial inequality does not exist except on a case-by-case basis. These individuals argue that because there is racial equality in America’s society, the way to advancement is through individual pursuit, not through the continual claim that racial inequality remains. Those who claim that racial inequality remains posit that structural, political, legal and social constructs of racism, prejudice and discrimination remain in society. Racism, according to these theorists, causes racial inequality.

---

48 Id.
49 Id. at 505.
50 Id. at 501.
51 Id.
54 See generally DERRICK BELL, SILENT COVENANTS (Oxford University Press, 2004); PATRICIA WILLIAMS, SEEING A COLOR-BLIND FUTURE: THE PARADOX OF RACE (The Noonday Press, 1998).
55 See generally DERRICK BELL, SILENT COVENANTS (Oxford University Press, 2004); PATRICIA WILLIAMS, SEEING A COLOR-BLIND FUTURE: THE PARADOX OF RACE (The Noonday Press, 1998).
III. Theories

A. Racial Inequality Does Not Exists in American Society Today

“Basing our self-esteem on the ability to look down on one another is not the American way…We have torn down the barriers in our laws. Now we must break down the barriers in our lives our minds, and our hearts.”56

1. Shelby Steele

Shelby Steele and John McWhorter both agree that many black Americans use racism as a crutch in society and perceive themselves as entitled victims.57 Shelby Steele sees the racial distinctions throughout America’s history as a pursuit for power.58 “Your difference from me makes you bad, and your badness justifies, even demands, my pursuit of power over you – the oldest formula for aggression known to man.”59 But in order to pursue power, writes Steel, one must feel entitled to that power; such entitlement is only possible when one feels innocent over that to which he feels entitled.60 One’s innocence, whether real or imagined, inflates the beholder and deflates the opponent.61 So, Steele’s overall argument in Content of Our Character is that America’s racial struggle has always been a struggle for innocence.62 “Power defines [black and white] relations, and power requires innocence, which, in turn, requires racism and racial division.”63

---

59 Id.
60 Id.
61 Id.
62 Id.
63 Id. at 6.
When people of different races are confronted with each other, writes Steele, they engage in something called *seeing for innocence*.64 This is a form of seeing that relates to the seeing person’s need for innocence (and consequently power) more than the need of the person being seen.65 *Seeing for innocence* is the core of racism; it is the use of others as a means to establish one’s own supremacy.66

When whites engage in *seeing for innocence* they find ways to minimize white guilt.67 Many whites use this as a white revisionism – claiming they are “color-blind” when it comes to race. But this claim to color blindness is really just a claim of innocence – preconditions for entitlement and power.68 And this innocence suggests division and conflict because it implies there is a guilty party.69 Usually this guilt is blamed on the black person from whom the white person is claiming innocence.70 Though this power to assert white innocence is greatly diminished, poses Steele, it continues to exist today.71

Blacks have dealt with white’s insistence on innocence in two ways – through bargaining and through challenge.72 “A bargainer says, *I already believe you are innocent (good, fair-minded) and have faith that you will prove it.* A challenger says, *If you are innocent, then prove it.* Bargainers give in hope of receiving; challengers withhold until they receive.”73 The bargaining black enhances white innocence by implying whites are entitled to their innocence, wielding absolution for the black bargainer.74 Bargaining is the best way

---

64 Id. at 8.  
65 Id.  
66 Id.  
67 Id.  
68 Id.  
69 Id. at 10.  
70 Id.  
71 Id.  
72 Id  
73 Id. at 10-11.  
74 Id. at 11.
for a black individual to make a place in society for himself/herself. When a black challenges, s/he becomes a source of irritation to whites. Challenging, claims Steele, works best for the pursuit of a group demand.

As a group, shame is a primary means of reinforcing the history of blacks in America. Shame forces blacks to conform to the group as a measure of love for that group. If a person does not conform to blacks as a group, identified through shame, that black person does not love his own people. So an individual’s failure of group love allies that individual with the group’s enemy. Group love becomes a preoccupation in black life because it is used as a weapon of shame, and as an enforcer of conformity. This conformity creates a one-party politics among blacks that explains why blacks in America have not yet achieved a two-party politics. Those who reject the shame that identifies black group identity also dissent from the explanation of black group authority – “Victimization.”

“Victimization” is the label Steele places on blacks who claim racial innocence. Historically, blacks did not have power but they had innocence as victims. Blacks have been able to assert their victimhood and innocence to pursue power. This pursuit of power, Steele writes, was the fuel behind the civil rights movement in the sixties – “victimization

75 Id. at 16.
76 Id. at 11.
77 Id. at 16.
79 Id.
80 Id.
81 Id.
82 Id.
83 Id.
84 Id. at 8.
86 Id.
87 Id.
metamorphosed into power via innocence.” 88 “Victimization” does not explain the entire fate or the current difficulties of blacks in America today. 89 Black people have created a great literature, transformed Western music, and spread the meaning of democracy throughout the world. 90 “Victimization” cannot singularly explain the fate of black Americans, and when it used to do so it leads people to believe that the only relief is from guilty beneficiaries. 91 The acceptance of “Victimization” is the sole explanation of the failure of post-sixties liberalism. 92

“Victimization,” according to Steele, binds the victim and his or her power to his or her status as the victim. 93 In Western society, this victimhood is associated with poverty. 94 This power may have clout in the short run, but is devastating in the long run. 95 The long run victim, now passive through his or her victimhood, expects society to make changes for him or her, rather than the victim himself or herself. 96

As victims, blacks are unwilling to examine the reality that many of today’s city residents feel less safe than city residents before the civil rights movement of the sixties. 97 Steele asserts that the inability to examine a cause for this implies that blacks can no longer suggest racial “Victimization” is the problem. 98 To admit this would cause blacks to lose the innocence from which they derive their power as victims. 99 This results in blacks’ hidden

---

88 Id.
89 Shelby Steele, A Dream Deferred 9 (Harper Perennial 1998).
90 Id.
91 Id. at 9-10.
92 Id. at 13.
94 Id.
95 Id.
96 Id. at 14-15.
97 Id. at 15.
98 Id.
99 Id.
investment in “Victimization” and poverty as a source of power.\textsuperscript{100} From the standpoint of a black, \textit{seeing for innocence} pressures blacks not only to assume racism, but focus on racism.\textsuperscript{101} As blacks focus on their innocence they miss out on opportunities all around them.\textsuperscript{102} Though whites’ \textit{seeing for innocence} continues to engender blacks’ \textit{seeing for innocence}, blacks pay the highest price through the poverty and future of a possible permanent underclass.\textsuperscript{103} “Not fair, but real.”\textsuperscript{104}

Steele next explains “integration shock,” the shock of being suddenly accountable on strictly personal terms.\textsuperscript{105} Integration shock occurs in situations that disallow race as an excuse for personal shortcomings.\textsuperscript{106} Depending on a black person’s ability to examine his or her own self, some blacks may invoke the fright-flight response – they argue harder still that racism exists and is the core of blacks’ problems.\textsuperscript{107} Steele defines \textit{holding} as any self-description that camouflages a person’s weaknesses, insecurities, fears or inadequacies.\textsuperscript{108} \textit{Race-holding}, according to Steele, is the use of race to keep a black person from looking at him or herself.\textsuperscript{109} It is the instinct to reject whites before they have a chance to reject blacks.\textsuperscript{110}

Once blacks start \textit{race-holding}, it “ensnares blacks in a web of self-defeating attitudes that end up circumventing the new freedoms [they’ve] once won over the past several

\textsuperscript{100} Id.
\textsuperscript{101} Id. at 16.
\textsuperscript{102} Id.
\textsuperscript{103} Id.
\textsuperscript{104} Id.
\textsuperscript{105} Id. at 23.
\textsuperscript{106} Id.
\textsuperscript{107} Id. at 24.
\textsuperscript{108} Id. at 26.
\textsuperscript{109} Id. at 24.
\textsuperscript{110} Id. at 25.
decades.”

Steele admits to having been ensnared in this web himself and finds it to be one of the most debilitating forces in black America. In race-holding there is an assumption that there is always a margin of choice available to blacks. Because the margin has increased and opportunities for blacks have increased greatly, race-holding is more visible today and barriers to the margin are more visible and more loudly protested. The answer, the way to overcome race-holding, according to Steele, is personal responsibility. By denying personal responsibility, race-holders cling to the victim status and fail to use the personal responsibility to be better his or her status. The purpose of invoking the victim status is to hide, and is a false comfort that communicates impotence.

People may complain honestly about a condition but the difference between these people and a race-holder is where the responsibility lies. The race-holder denies responsibility for his or her destiny; the honest victim may protest but asks only that the rules of the game be fair. Conclusively, Steele finds personal responsibility to be the tool for power; a person understands that certain things are in his or her control and that other things are not in his or her control. This person can then choose to change the things within his control; s/he then has power. Thus the power each black has in America today is a

---

111 Id. at 26.
112 Id.
113 Id at 27.
114 Id.
115 Id. at 30.
116 Id. at 33.
117 Id.
118 Id.
119 Id.
120 Id.
121 Id. at 33-34.
psychological conquest as much as it is social or economic.\textsuperscript{122} Past suffering has wounded blacks so they hide behind defensive strategies that are self-defeating.\textsuperscript{123}

2. John McWhorter

Whereas Steele sees the racial distinctions throughout America’s history as an intentional pursuit for power,\textsuperscript{124} writer John McWhorter asserts that “Victimology” is a subconscious, engrained, black cultural characteristic.\textsuperscript{125} McWhorter accepts that race still plays an important role in America today, but not in the negative sense that many African Americans claim it does.\textsuperscript{126} McWhorter writes that “Victimology” – the continued insistence upon racial oppression in American – is taught through the Seven Articles of Faith in the black community.\textsuperscript{127} These Articles of Faith, claims McWhorter, are myths, exaggerations, or distortions, all with the main goal of indignation over solving problems and fueling the “Victimization” mentality in black communities.\textsuperscript{128}

The first Article of Faith is that most black people are poor.\textsuperscript{129} Citing a 1995 statistic that puts 41.5\% of black children in poverty, McWhorter distinguishes this from the assumption that results: that roughly 40\% of black people as a whole are poor.\textsuperscript{130} The assumption is invalid, writes McWhorter, because of the high birthrate of unwed inner city mothers.\textsuperscript{131} McWhorter concedes that inner cities are America’s worst problem, but this does not change “the basic fact that most black people are neither poor nor close to it.”\textsuperscript{132}

\begin{thebibliography}{10}
\bibitem{122} Id. at 34.
\bibitem{123} Id.
\bibitem{124} Id. at 5.
\bibitem{125} JOHN MCWHORTER; LOSING THE RACE: SELF-SABOTAGE IN BLACK AMERICA 32-33 (The Free Press, 2000).
\bibitem{126} Id. at 8.
\bibitem{127} Id.
\bibitem{128} Id. at 9.
\bibitem{129} Id.
\bibitem{130} Id.
\bibitem{131} Id.
\bibitem{132} Id.
\end{thebibliography}
The Second Article of Faith is that black people get paid less than whites for the same jobs. Statistics from 1995 indicated that the median income for black families was $25,970 while the median income for white families was $42,646. Though this would indicate that black families are making only 40% of what white families are making, McWhorter claims that the black family’s income is dragged down because of the number of unwed mothers living on welfare, a larger proportion of which are black, not white. Looking at the median income of black two-parent families, $41,307, the gap is much less, and harder to attribute to racism, writes McWhorter, for two reasons. First, in 1995 more than half of America’s black families lived in the South, where wages were lower. Second, black two-parent families earn more than whites; in the 1990s blacks’ median income was rising faster than whites’.

Article of Faith Number Three says that there is an epidemic of racist arson of black churches. From 1990 to 1996, about eighty black churches were burned, writes McWhorter, but during that period seven times as many white churches were burned every year. Because almost 600 white churches are burned each year, and about fifteen black churches are burned each year, McWhorter admits there is a problem with the burning of churches, but claims this problem cannot be correlated to racist sources. Furthermore, of eighteen arsonists caught in South Carolina, eight of them were black. It is McWhorter’s claim that

---

133 Id.
134 Id. at 10.
135 Id.
136 Id.
137 Id.
138 Id. at 11.
139 Id.
140 Id.
these facts never reach black communities because “Victimology” would not survive if these facts were not censored.\textsuperscript{141}

The fourth Article of Faith is the funneling of crack into South Central Los Angelos. In 1996 Gary Web wrote a report of \textit{The San Jose Mercury} describing how the Central Intelligence Agency sold crack cocaine to South Central Los Angelos dealers in order to fund the Nicaraguan contras in the 1980s.\textsuperscript{142} This report was retracted by \textit{The San Jose Mercury} because there was no proof of this relationship.\textsuperscript{143} However, writes McWhorter, many people in the black community, as well as whites, demanded further investigation, convinced that the inner-city crack problem was engineered by a racist government.\textsuperscript{144}

McWhorter claims that such a deliberate plan on the part of the federal government could never be traced directly to the resulting horror of inner cities.\textsuperscript{145} The effects of white flight, deindustrialization, and the expansion of welfare benefits, existed long before this plan began.\textsuperscript{146} Further, even if the CIA had created this plan for Los Angelos, why are other inner-city plights so similar?\textsuperscript{147} Even if there was some actual proof of the CIA’s funneling crack cocaine into American inner cities, what does that discovery do for people living in South Central Los Angelos?\textsuperscript{148} All that was proven was that the CIA operatives turned a blind eye, allowing some drugs into South Central Los Angelos as a part of a wider effort to aid the Nicaraguan contras.\textsuperscript{149} McWhorter states that if this were something black people

\begin{footnotesize}
\begin{enumerate}
\item Id.
\item Id.
\item Id.
\item Id.
\item Id.
\item Id. at 12.
\item Id.
\item Id.
\item Id.
\item Id.
\item Id.
\end{enumerate}
\end{footnotesize}
had done to whites, the case would be closed and no further discussions would be had.\textsuperscript{150} However, because of “Victimology”, successful and educated blacks continue to trace the crack epidemic to the CIA.\textsuperscript{151}

The fifth Article of Faith is that the number of black men in prison is due to a racist justice system.\textsuperscript{152} Almost half of the prison population is black, which is interpreted, writes McWhorter, to indicate that black people are arrested out of proportion to their black population’s percent in society, thirteen.\textsuperscript{153} But, cautions McWhorter, blacks do not commit thirteen percent of the country’s crimes; blacks commit 42 percent of the violent crimes in this country.\textsuperscript{154} McWhorter concedes that the \textit{reason} these individuals commit the crimes may be traceable to racism, as a disenfranchised population on the fringes of societal norms.\textsuperscript{155} Yet, the reality of the crimes committed and the consequential prison sentences is undisputable.\textsuperscript{156} Furthermore, the severity of the sentences doled out to blacks is not disproportionate to those given to other races; the numbers of death sentences correspond with the proportion of violent crimes, 40 percent.\textsuperscript{157}

McWhorter also points out that whites are more likely than blacks to be executed.\textsuperscript{158} McWhorter concedes that there are individual cases in which the judges and evidence presented is racist (he points to Mumia Abu-Jamal’s trial\textsuperscript{159}) but claims that if the justice

\textsuperscript{150} Id.
\textsuperscript{151} Id.
\textsuperscript{152} Id. at 13.
\textsuperscript{153} Id.
\textsuperscript{154} Id.
\textsuperscript{155} Id.
\textsuperscript{156} Id.
\textsuperscript{157} Id.
\textsuperscript{158} Id.
\textsuperscript{159} Evidence does indicate that crucial exonerating evidence existed, but was barred from Abu-Jamal’s trial. He, thus, does not deserve to be in prison or to die. McWhorter says many factors converged to create this case as a freak tragedy: he was a Black Panther in a city with a particularly racist police chief, he was an effective journalist, and he fell under the jurisdiction of a particularly racist judge, JOHN McWHORTER, LOSING THE RACE: SELF-SABOTAGE IN BLACK AMERICA 13 (The Free Press, 2000).
system were truly racist, the proportion of blacks in jail would greatly out number the occurrences of black crimes. He sites to a time when police forces were seen as racist when officers failed to break up fights; accuse of “hoping black people would just kill each other off.” Then, when police start to combat the streets’ epidemics, and take criminals off the street, critics said the whites were trying to decimate the black population. McWhorter says that this is a product of “Victimology” where blacks cry “racism” rather than committing to any concrete plan to address the problems of the inner cities.

Article of Faith Number Six says that the police “stop-and-frisk” more black people than white people because of racism. If this attention to minorities were unfair, states McWhorter, minorities checked would almost always come up empty-handed, but they do not. Though difficult to prevent racism among all officers, and even if there were to be no racism among the officers at all, the necessity to search certain races would be the same, especially since black officers profile in the same way white officers profile.

McWhorter cited two examples to illustrate some realities around inner city crime. Almost no one carrying drugs in a 1989 New York anti-drug effort was not black or Latino. A 1999 instance in which police shot and killed an unarmed man (who appeared to be armed) during interrogation decreased police arrests because critics said the New York City police were being to harsh in their dealings with minorities in general. The NYC police made fewer arrests; the number of shootings went up, most of the targets of these

---

161 Id. at 15
162 Id.
163 Id.
164 Id.
165 Id. at 17.
166 Id. at 18.
167 Id. at 16.
168 Id. at 16-17.
169 Id. at 16.
shootings were black or Latino, some died and some suffered serious injury. McWhorter concludes from these two instances that, “[e]ven a police force devoid of racism, and never abusive or discourteous in stop-and-frisk encounters, would in some areas have to stop more black people than white to prevent crime effectively.”\textsuperscript{170} The problem is, writes McWhorter, racial disenfranchisement in the past, (though he concedes some may see this as a present ill) but the crimes are still being committed, predominantly by minorities.\textsuperscript{171}

McWhorter next discusses the sixth Article of Faith by admitting that there will always be bad cops – there are always bad people and good people.\textsuperscript{172} But just as blacks do not want isolated instances of black’s poor judgment and bad behavior to be written of as the characteristic of the race as a whole, nor should the poor judgment and bad behavior of individual white people be seen as indicative of the racism held by a whole race.\textsuperscript{173}

Finally, McWhorter cautions the reader: though blacks commit more crimes than whites, most blacks do no commit crimes.\textsuperscript{174} But the detaining of blacks more often than whites is a response to the sad reality that blacks disproportionately commit the crimes.\textsuperscript{175} And most importantly, the criminals in question usually harm the lives of other black people.\textsuperscript{176} To refrain from stopping black people would put other black lives at risk.\textsuperscript{177}

Article of Faith Number Seven is that police brutality against black people reveals the eternity of racism.\textsuperscript{178} This is the only Article of Faith, writes McWhorter, that demonstrates

\textsuperscript{170} Id. at 17.  
\textsuperscript{171} Id.  
\textsuperscript{172} Id. at 19.  
\textsuperscript{173} Id.  
\textsuperscript{174} Id. at 20.  
\textsuperscript{175} Id.  
\textsuperscript{176} Id.  
\textsuperscript{177} Id.  
\textsuperscript{178} Id. at 21.
racism. The disproportionate police brutality against minorities is a product of historical inequities, like the crack and stop-and-frisk issues. McWhorter qualifies this admission by asserting that though he admits racism still exists, through this Article of Faith, the question is whether racism is gradually disappearing. “...[P]olice brutality is not “one more thing” – it is the last thing – or even if you disagree with one or two of my points, one of the last things.” Though it exists, police brutality has decreased and is something towards which our country needs to continue to work. McWhorter encourages his readers to remember the good things happening in black America.

B. Racism Causes Racial Inequalities in America Today

“We have long since grown accustomed to thinking of Blacks as being “racially disadvantaged.” Rarely, however, do we refer to Whites as “racially advantaged,” even though that is an equally apt characterization of the existing inequality.”

1. Derrick Bell

The good things happening in black America, according to Derrick Bell, only occur when such good things benefit white policymakers and have a national benefit. Throughout American history, writes Bell, the compromises made between two opposing groups of whites involve the sacrifice of the interests and rights of blacks. Two past sacrifices were the Dred Scott v. Sanford case and the Hayes-Tilden compromise. Black

---

179 Id.
180 Id.
181 Id. at 22.
182 Id. at 25.
183 Id.
186 Id. at 29.
187 This court decision ruled that a slave, though having resided in the new Missouri Compromise territory for over two years, was not eligible, because of his race, to become an American citizen. Chief Justice Roger Taney wrote, blacks “had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior that
rights and interests underlying policies around the death penalty and the use of standardized testing scores in higher education procedures are examples of contemporary sacrifices.189

Throughout history, politicians make sacrifices for the benefit of their political career. In the realm of American criminal law, Bell asserts that politicians sacrifice a defendant’s right to a fair criminal prosecution in exchange for laws and procedures that result in strict sentences for nonviolent offences, disproportionately affecting black men and women.190 Bell refers to the death penalty, specifically, as a punishment in which those being executed or awaiting execution are poor, over half are racial minorities, and most were sentenced to death for a crime against a white victim.191 He refers to another law review which asserts that most statistics show that where a victim is white, the odds of receiving the death penalty are four times greater for a black defendant than for a white one.192 Bell writes that though these racial biases exist, courts have not provided relief from such discriminatory practices.193

they had no right which the white man was bound to respect,” DERRICK BELL, SILENT COVENANTS: BROWN V. BOARD OF ED. AND THE UNFULFILLED HOPES FOR RACIAL REFORM 37-38 (Oxford University Press, 2004); 60 U.S 393, 407.
188 When plurality of votes in the nation gave Samuel J. Tilden a lead of one electoral vote and promised his presidency for the Democrats, returns from three southern states were challenged. An understanding arose that if Hayes were elected, the national administration would withdraw all remaining troops from the South, ending Reconstruction. The withdrawal of the troops and the end to Reconstruction was not advantageous to the social, political or economic rights of blacks. The federal government no longer had a presence in southern politics. DERRICK BELL, SILENT COVENANTS: BROWN V. BOARD OF ED. AND THE UNFULFILLED HOPES FOR RACIAL REFORM 40-41 (Oxford University Press, 2004).
190 Id.
Affirmative Action is another opportunity for whites in power to compromise black rights and interests.\textsuperscript{194} Studies show that the standardized tests given to applicants are poor predictors of student performance in college, but, Bell continues, these tests communicate well the income of the families from which each applicant comes.\textsuperscript{195} If the use of these tests ended, writes Bell, there would be little need for racial consideration as minorities apply to higher educational institutions.\textsuperscript{196}

The occurrence of these current sacrifices indicates that the government is willing to sacrifice blacks’ interests and rights on another level – as a bargaining chip when at the hands of government or alien invasion.\textsuperscript{197} In Bell’s famous, “The Space Traders” story, he describes a time when Aliens will land in the United States and demand they be able to take all American blacks to places unknown, in exchange for America’s increased wealth.\textsuperscript{198} After much debate and public outcry, the majority of whites – as policy makers and as citizens – lead the United States to make the trade, consummated on “the last Martin Luther King, Jr., holiday the nation will ever observe.”\textsuperscript{199} When reading this story to various audiences, Bell indicates that when asking audience member to vote in the confines of a voting booth, many blacks and whites admitted that the white people they knew in their community would be willing to make such a trade, if the situation ever occurred.\textsuperscript{200}

The only ways in which blacks have gained protection, writes Bell, is when such protection would advance or further the interests of the politicians and policy makers,

\textsuperscript{194} Id. at 45-46.
\textsuperscript{195} Id. at 46.
\textsuperscript{196} Id.
\textsuperscript{197} Id. at 47.
\textsuperscript{198} Id.
\textsuperscript{199} Id.
\textsuperscript{200} Id. at 48.
including civil rights policies.\textsuperscript{201} True relief from racial discrimination occurs only when such legislation provides a clear national benefit, creating an interest-convergence.\textsuperscript{202} There have been a series of these interest-convergence coincidences throughout history, two of which occurred to result in the abolition of slavery in the northern states and the Emancipation Proclamation.\textsuperscript{203}

Bell examines the statutory and common law around the freeing of slaves in the northern states of Vermont, Ohio, Illinois, Indiana, Massachusetts, New Hampshire, Pennsylvania, Rhode Island, Connecticut, New York and New Jersey.\textsuperscript{204} Abolition required great effort in most states but once freed, slaves were not yet citizens.\textsuperscript{205} Freed slaves maintained similar obligations as when enslaved and gained few citizenship rights.\textsuperscript{206} Bell determines that the abolition of slavery was not intended to rise to the level of equality of black men with white men.\textsuperscript{207} Instead, white power to withhold black men’s political and social equality meant that legal protection need not be granted to blacks – it was not in the self-interest of white men to grant any such rights.\textsuperscript{208}

The Emancipation Proclamation is another example of an interest-convergence phenomenon in America, according to Bell.\textsuperscript{209} President Abraham Lincoln and federal

\begin{flushleft}
\textsuperscript{201} Id. at 49. \\
\textsuperscript{202} Id. \\
\textsuperscript{203} Id.; 12 Stat. 1268 (1863). The Emancipation Proclamation provided that as of January 1, 1863, “all persons held as slaves within any state or designated part of a state” where free people were “in rebellion against the United States” shall be free. The Emancipation, therefore, had a limited scope of effect to those areas of the country in rebellion. The Proclamation did not free slaves in areas not in rebellion. A. LEON HIGGINBOTHAM, SHADES OF FREEDOM: RACIAL POLITICS AND PRESUMPTIONS OF THE AMERICAN LEGAL PROCESS 73-74 (1996). \\
\textsuperscript{204} DERRICK BELL, SILENT COVENANTS 50-51 (Oxford University Press, 2004). \\
\textsuperscript{205} Id. \\
\textsuperscript{206} Id. at 51. \\
\textsuperscript{207} Id. \\
\textsuperscript{208} Id. at 52. \\
\textsuperscript{209} Id. 
\end{flushleft}
policy makers felt that the proclamation served the best interests of the country.\textsuperscript{210} For northerners, the emancipation helped because it allowed blacks to enlist in the Union army.\textsuperscript{211} According to Bell, the Emancipation Proclamation highlighted three race relations realities that still exist today. First, generally speaking, when relief for racial injustice serves to profit policymakers and is seen to be in the best interest of the country, blacks find relief for past discrimination.\textsuperscript{212} Second, self-interest is not usually what is focused on when these racially remedying laws are put in place.\textsuperscript{213} Rather, people focus on their gratitude for the relief from the oppression.\textsuperscript{214} Third, the remedy for blacks is symbolic rather than remedial or substantive.\textsuperscript{215} Bell writes that such remedies are perceived by working-class whites as unearned gifts and a government betrayal.\textsuperscript{216} According to Bell, though many blacks and whites see the struggle towards equality as a slow process working to provide blacks with the same rights as whites, the most significant political advances serve the interests of whites rather than remedy racial injustices.\textsuperscript{217} When whites see these as benefits for undeserving blacks, whites oppose these laws legally, politically and violently.\textsuperscript{218} Thus there is no real struggle – the ends have already been determined based on the benefits a proposal may offer whites.

This interest-convergence principle can be put into two rules:

1. The interest of blacks in achieving racial equality will be accommodated only when the interest converges with the interest of whites in policy-making positions. This convergence is far more

\textsuperscript{210} Id. at 54.
\textsuperscript{211} Id. at 55.
\textsuperscript{212} Id. at 56.
\textsuperscript{213} Id.
\textsuperscript{214} Id.
\textsuperscript{215} Id.
\textsuperscript{216} Id.
\textsuperscript{217} Id. at 56-57.
\textsuperscript{218} Id. at 57.
important for gaining relief than the degree of harm suffered by blacks or the character of proof offered to prove that harm.

2. Even when interest-convergence results in an effective racial remedy, that remedy will be abrogated at the point that policy makers fear the remedial policy is threatening the superior societal status of whites, particularly those in the middle and upper classes.\textsuperscript{219}

Bell relates this deal-making to a two-sided coin: on one side are the interest-convergent remedies, and on the other side of the coin exists the racial sacrifice.\textsuperscript{220} The coin toss is what Bell calls \textit{racial fortuity}, and such racial fortuity resembles a contract: two parties contract to provide goods or services for a third party beneficiary – black Americans.\textsuperscript{221} When remedies do not benefit white or national interests, America’s courts do not \textit{enforce} any of the laws made to repair racial injustice.\textsuperscript{222} Rather, the courts allow the laws to sit on the books and \textit{represent} racial reparations.\textsuperscript{223} Whites are the real beneficiaries of policies designed to alleviate racial injustices.\textsuperscript{224}

Bell discusses economics, as well, as a foundation for racism. Bell looks to the writings of a Yale Law professor Amy Chua for three factors that explain how capitalism and democracy do not function well together:

1. Market-generated material prosperity and government-support programs provide wages and benefits sufficient both to meet basic needs and to cause a number of working-class people to identify with conservative economic and political policies that, even on cursory examination, will not further their interests.
2. Powerful economic interests are able to exert disproportionate influence on the exercise of the vote, diluting its potential to challenge existing economic arrangements.
3. Americans believe deeply in upward mobility, that is, that anyone high or low, can move upon the economic ladder, as long as he or she is talented, hard-working, entrepreneurial, and not too unlucky. This

\textsuperscript{219} Id. at 69.
\textsuperscript{220} Id.
\textsuperscript{221} Id.
\textsuperscript{222} Id. at 72.
\textsuperscript{223} Id.
\textsuperscript{224} Id.
theme, explores in countless novels and films, is a key component of our secular relegation and has, for many, quite sacred overtones. A part of this ideology is that each person should be able to meet his or her and the families’ needs without reliance on the state or anyone else.\textsuperscript{225}

Bell writes that he would add a fourth factor – consumerism and the belief that causes one to believe that credit card debt enables individuals to meet basic needs and acquire materials goods.\textsuperscript{226} These four factors are identifiable with other ills along economic lines in other lower developed countries.\textsuperscript{227}

Because the lower class is stigmatized as such, racism plays a role in boosting the self-confidence of lower and working class whites.\textsuperscript{228} Racism gives these whites a sense of status superiority.\textsuperscript{229} And as law cases and academic literature illustrate, a sense of “whiteness” is seen as a property right in America.\textsuperscript{230}

\textbf{2. Patricia Williams}

Patricia Williams asserts that there is a tension between material conditions and what is cultured to see or not to see.\textsuperscript{231} She does not suggest that people need walk around feeling guilty, responsible or burdened; yet ignorance and imagining away racial problems is not acceptable to Williams either.\textsuperscript{232} In the United States “white” is normative and white also


\textsuperscript{226}Derrick Bell, Silent Covenants: Brown v. Board of Ed. and the Unfulfilled Hopes for Racial Reform 79 (Oxford University Press, 2004).

\textsuperscript{227}Id.

\textsuperscript{228}Id.

\textsuperscript{229}Id.

\textsuperscript{230}Derrick Bell, Silent Covenants: Brown v. Board of Ed. and the Unfulfilled Hopes for Racial Reform 79-80 (Oxford University Press, 2004); see Plessy v. Ferguson, 163 U.S. 537 (1896), in which the majority opinion of this Supreme Court case delineated between political rights and social rights. The Court majority claimed the Civil Rights Act and the Fourteenth Amendment were fore the protection of political rights. Social rights, including property, remained exclusively within white power.

\textsuperscript{231}Patricia Williams, Seeing a Color-Blind Future: The Paradox of Race 5 (The Noonday Press, 1998).

\textsuperscript{232}Id. at 5-6.
means colorless.\textsuperscript{233} When people insist that we see the world through a color-blind lens they concede to white power – they give in to the prescribed notion that color should not be considered because the notion of “whiteness” as a race is hardly ever considered.\textsuperscript{234} In this sense, too often good intentions wish away reality.\textsuperscript{235}

The reality, according to Williams, is that one of the legacies of slavery and colonialism is the degree to which racism’s hold reverberates through society to this day.\textsuperscript{236} Citing John Fiske,\textsuperscript{237} a media expert, Williams claims that whiteness is “exnominated” in society, beyond the perimeters of racial identification.\textsuperscript{238} In this sense, Williams asserts that “exnomination” permits whites to ignore “a dark netherworld where whites are not involved.”\textsuperscript{239} Williams’ theory about the existence of racial tension in society today is that reality in America is an endless stream of negotiated, subtle, social interactions between whites and non-whites.\textsuperscript{240} Whiteness is rarely marked as an indicator of difference, resulting in a majoritarian privilege of never noticing themselves as white, different, or otherwise.\textsuperscript{241} This, remarks Williams, is where the racial imbalance lies.\textsuperscript{242}

The ways in which parents negotiation social differences originate and perpetuate racial imbalances. Parents often “shush” away children’s innocent questions about why a person has pimples on his face, why a person has no hair, or why a person’s skin is black, etc., thus failing to explain why there are these differences in the first place.\textsuperscript{243} This general

\textsuperscript{233} Id.
\textsuperscript{234} Id.
\textsuperscript{235} Id.
\textsuperscript{236} Id.
\textsuperscript{237} John Fiske is an author and Professor of Media Studies at Emery at the University Wisconsin-Madison.
\textsuperscript{238} Id. at 7.
\textsuperscript{239} Id.
\textsuperscript{240} Id.
\textsuperscript{241} Id.
\textsuperscript{242} Id.
\textsuperscript{243} Id. at 8-9.
observation about the way differences are handled by parents funnels into a more specific discussion about race.\textsuperscript{244} Williams asserts that “race is treated as though it were some sort of genetic leprosy or biological train wreck.”\textsuperscript{245} Thus those that are “lacking race,” usually whites, need not fear being shunned because of their race and instead are thankful they do not have to overcome the barriers associated with “so intolerable an affliction.”\textsuperscript{246} Those “having race” have to explain to themselves why they are not white.\textsuperscript{247}

In this way, race relations are shaky.\textsuperscript{248} The racial divide is widened by little lies that allow people to skirt around the most demanding social stresses: those that encompass racial prejudice: “blacks should stop complaining so they can see how happy they are,” “whites are victims,” “poor non-whites are poor because they want to be,” “poor whites are poor because affirmative action stole their jobs,” etc.\textsuperscript{249} And in this way, whites who deny racial imbalances in society are cutting themselves off from the rest of society.\textsuperscript{250}

Williams understands that in order to hold society together there must be exultations of unity and community, but because suspicion, cynicism and betrayal exists in our society, or the badges of such, “then hailing the spirit will sounds like a hollow incantation.”\textsuperscript{251} We choose to ignore human wrongs and fallibility so to keep in tact symbolic civic unity.\textsuperscript{252} “Hail the spirit of our infallibly peaceful coexistence. Hail our common fate (even as young

\textsuperscript{244} Id. at 9.
\textsuperscript{245} Id.
\textsuperscript{246} Id.
\textsuperscript{247} Id.
\textsuperscript{248} Id. at 10.
\textsuperscript{249} Id.
\textsuperscript{250} Id. at 10-11.
\textsuperscript{251} Id. at 12.
\textsuperscript{252} Id. at 13.
white men are forming their own private militias complete with grenade launchers and one in
three young black men are in jail or on probation…But shush, don’t stare…).”253

The scars from slavery and colonialism continue to mark contemporary social
arrangements, though it seems the politically correct thing to do is to let bygones be
bygones.254 Yet Williams asserts that ignoring the past will harm efforts to find a solution in
the future. Even as society considers ways to improve racial relations there are some limiting
realities if history is ignored.255 First, in order to move forward there must be an
understanding about history in order to mend wrongdoings.256 History is a frame of
reference and there cannot be a proper solution without understanding the toll of racism and
its effects.257 Second, the ideals that sparked racial progress in the 1960s and 1970s must be
analyzed under the light of today, and into the context of tomorrow.258 Third, the problem of
race today is tightly woven into resource mismanagement and geographical crises
surrounding urban poverty and immigration.259 Finally, Williams warns that there is growing
international economics and commercial profiteering that threatens to displace our laws and
our nation-state.260 She asserts that only by digging up the wrongs of the past may America
foster positive race relations, preserving unity as nation-state.261 For these reasons, Williams
urges us not to let bygones be bygones. BY letting history fade away, we are perpetuating

253 Id.
254 Id.
255 Id. at 13-14.
256 Id. at 14.
257 Id.
258 Id.
259 Id.
260 Id.
261 Id.
racial imbalances. The harmful reality is, color is determinative of everything in society, but the world operates as if it is “color-blind.”

The way in which individuals explain their reality perpetuates customs, laws, culture, and society. Williams writes that racism’s hard persistence is sustained by “human imagination, deflective rhetoric and hidden license.” In particular, racism as portrayed through modes of popular culture presents the same problems as does the silence. Cultural norms portrayed through media do as much to engrain racism as does the inability for people to speak about racial imbalance in society. “I think that the persistence of racism, ethnic and religious intolerance, as well as gender and class bias, is dependent upon re-circulating images in which the general and the particular duel each other endlessly.”

IV. Analysis

“Men often hate each other because they fear each other; they fear each other because they do not know each other; they do not know each other because they cannot communicate; they cannot communicate because they are separated.”

A. Structuralism and Symbolism

All the authors discussed in this paper agree that the structures put into place by the American government before, during and the century after slavery were racist. Where the authors diverge is whether those structures still exist, and if they do, whether those structures are surmountable. Steele admits that fighting structuralism was an impetus behind the Civil Rights Movement.

---

262 Id. at Ch. 2.
263 Id. at 15.
264 Id. at 16.
265 Id.
266 Id. at 28.
267 Id.
268 Id. at 33.
Rights movement. Fighting racist structures redefined, for many Americans, their sense of morality so as to include all members in society in the rights and privileges of America. Structuralism gave America a clearer picture of the evil of racism and its oppressive effects. However, Steele argues that those who continue to assert the existence of racist structures in American society “project a monolithic determinism on the world.” As a result, an individual is led to believe s/he cannot fight institutions and structures and is told the government must instead intervene. Through Civil Rights legislation and Affirmative Action, Steele posits that interventionism became the redress for racism and the symbol of black advancement.

Reconsider, though, Bell’s argument: Even when there is an effective racial remedy – interventionism – the remedy exists within the realm of racial fortuity. If the remedy too closely threatens the rights of the whites in power, rather than the implementation of the procedural and substantive changes the remedy demands, the remedy becomes symbolic. Affirmative Action, as Bell correctly points out, is symbolic to a certain extent. When it originated, Affirmative Action may have been an intervening strategy, but it has become a bargaining chip in the politics of the whites in power. True power – true equality – has not been given to blacks through Affirmative Action.

Williams’s argument closely follows Bell’s – whites may exnominat e themselves from racial tensions when negotiations around racial policies are necessary. Agreeing with bell’s assertion that racial relations are a series of negotiations, Williams concludes that the

---

271 Id.
272 Id. at 17.
273 Id.
274 Id.
275 Id. at 18.
resolve to improve racial relations is symbolic; structures will not change as long as the ways in which children are taught to think are etched in racism. Ignoring social and racial tensions found in everyday life is not healthy. Williams’s arguments for reexamining history as a context for future race discussion is persuasive. The symbolism that America is colorblind is intended to unite the society, but even Steele admits that the pretense of being colorblind is a method whites use to deal with white guilt. According to Steele, the claim of being colorblind is a pretense for innocence, power and entitlement. In this way, both the symbolism of racial unity and the absence of discourse about serious racial harms still present in society are harmful to America’s future race relations. 

According to McWhorter, there is only one remaining thread of racism in society – police brutality against black people. Through his discussion of the Articles of Faith, McWhorter denies structural racism in the realms of poverty, religion (burning churches), crime, sentencing, and searches. McWhorter associates a subconscious “Victimization” mentality to the harms and inequalities many blacks experience each day. Yet, why is the one remaining true Article of Faith found in only one employment position in America – that of a police officer? If a black person encounters a racist judge, lawyer, prison guard, or welfare worker, is not that black person subject to the same racist – structural – harm? Williams astutely points out the ways in which the silence negatively affects each person’s ideas about race. When those – who as children were taught to silently reproach differences – are put to civil service positions or in places of power, racism is inexorably intermingled with person discretion. If McWhorter concedes personal opinions may influence a person’s behavior as a police officer, the concession must be applied to varying other levels of civil service and positions of power.
B. Negotiations

Steele, Bell and Williams agree that the relationship between blacks and whites is the result of a series of negotiations – Bell posits the negotiations are political; Steele and Williams views the negotiations as societal. Steele’s arguments around seeing for innocence are persuasive. Whether the shame invoked by black people is conscious (Steele) or subconscious through culture (McWhorter), the invocation of white guilt and black shame is ruining race relations in America. Williams is correct when she explains that the divide between races grows larger each time people choose to ignore demanding social stresses. The social stresses seem to be ignored, while the finger pointing simultaneously continues.

Yes, white exnomination occurs; yes, black “Victimization” occurs. But as Williams points out, history should be a starting point for redress. Bell would argue, correctly, that the discourse will never begin because people in power will never concede their concentrated power for the good of the whole. Unless and until those with the power to make broad expansive changes to structures (say, A President who can nominate new Justices to the Supreme Court) are willing to change the way in which we communicate our values and history within society, people in power will forever see themselves as entitled to that owner at the expense of those without.

Williams points to popular culture and history as the vehicles of change that need to be revamped. For instance, people often discuss the appointment of a black U.S. President as a sign that racial relations are improving in America. When will there be national news coverage on the story of a missing black, Hispanic or Asian child? When will CNN broadcast the investigation surrounding the murder of one of these minority children or their family? Bell discusses political challenges to changes in structures, but Williams more
accurately focuses on how society, media and education influence those with the power. The current American solutions to race difficulties are symbolic in nature because they fail to examine and change the ways in which people think.

The continued “Victimization” mentality of blacks in America does exist for some blacks; yet many blacks are subject to racial discrimination. Whether a particular black person is truly being discriminated against, or whether the applicant would have failed admittance to college regardless of color, is hard to distinguish. Both Williams and Bell believe that the initial successes from the civil rights movement failed to prosper because political and legal institutions operate under the discretion of people who maintain power at the expense of improved race relations. Yet the venues used to redress racial disparities, though legal and legislative on the surface, fail to change racist behavior and discretionary decisions. Steele writes:

A great confusion in American liberalism after the sixties comes from the fact that the white mandate for redemption can only fulfill itself through a concern for black equality. This has given us a liberalism that treats black equality more as a means of white moral authority that has an end in its own right.276

Steele agrees with Bell in saying that measures to attain black equality are not about achieving black equality but evolve around the decisions of white politicians. However, he asserts the reason is not because of a white hidden agenda to withhold power from blacks. Instead he blames the welfare system’s interventions as nourishing the “Victimization” mentality that fails to make many black Americans feel personally responsible for their well-being.

276 Id. at 32.
C. Responsibility and Poverty

Ultimately, the disagreement about the cause of racial inequalities comes down to one question: who is responsible for ending racial inequality? Blacks, as race-holders according to Steele, deny responsibility for their destiny and create the dependence that requires intervention and perpetuates poverty. Race-holding is a defense mechanism that further entrenches racial divides. Steele explains that the power blacks have is psychological as much as it is social or economic.

However, the argument Bell asserts, based on Amy Chua’s research, convincingly refutes such an assertion. Chua’s three economic principles, combined with Bell’s additional fourth, seriously question whether blacks are equally able to take economic responsibility. The research indicates there is a conflict of interest between true democracy and a free market society. As any professor of an Economics 101 class teaches, there are limited resources in society; competition is the only way to get ahead; people need resources in order to compete. In other words, the free market has failed to give those in poverty the political, monetary, social, and intellectual resources necessary to compete. “Getting into the game” to compete is much more difficult for a person growing up in poverty.

The analysis of economic principles of the free market society butting heads with democracy is rampant in society. Where a family chooses to live depends on income and resources. A family with few resources must live in a lower income neighborhood than a counterpart with more resources. Lower income neighborhoods usually provide poor housing quality, poor schooling, and poor political participation. Housing, education and political participation are main ingredients to success. The fact that much of this resources
misallocation affects black Americans, as Williams points out, is a key indicator that racial inequality does exit in society today.

Further, Williams’s analysis of the effect symbolic color-blind mentalities have on media and education seriously inhibits the psychological power Steele claims blacks have. That blacks have psychological power is true to the extent that when any child is born there is potential for that child’s mind to be molded into a strong, confident person. Yet many nonwhites in America lose the “psychological war” as children. Once they realize that the majority of children’s books involve white children learning and succeeding, once they discover most of the television shows depict happy, rich white families and delinquent (if not criminal), lower to middle class minorities, once they determine that CNN cares to find only the children of white parents with money, these children accept America as it is – through the racial classifications of its legal and social constructs.

V. Conclusion on Racism in America

Overall, the point on which all authors agree is the devastation and poverty of black Americans living in urban areas. However, according to Bill Cosby, poverty is not an excuse for what he sees as a cultural decline. Yet the cultural decline in urban areas of black poor populations is less attributable to black “Victimization” than it is to racism in law and society. Because of racism inherent in America’s social and legal structures, and because the effects of the Civil Rights movement are in many ways symbolic, “pulling yourself up by the boot straps” is a difficult, if not insulting, mandate for poor black Americans.

Socially and politically, blacks and whites negotiate their interactions around the unspoken “R” word – racism. Until Americans – of all races – are willing to admit that racism exists in many ways in our society, silence will keep the power in the hands of the
few. Until the instinct of those with power to pool and maintain their power is challenged by the need to allocate resources for the benefit of all, structures will keep the power in the hands of the few. Though there are many in America who use racism to excuse what may be a failure to take personal responsibility, the reality that racism is alive in the structures and societies of America, the reality that hundreds of thousands of people struggling to take personal responsibility are oppressed because of the color of their skin, is much more alarming.

“One of the biggest challenges that remains is to be able to weave people of all different colors and creeds into the beautiful tapestry of American life...Eradicating racial difference can only happen when a generation of Americans becomes firmly convinced that race truly doesn’t matter.”

---