Black oppression, White domination

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BLACK OPPRESSION, WHITE DOMINATION

by

Nikolaos S. Maggos

A thesis submitted in partial fulfillment
of the requirements for the Doctor of Philosophy
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                      Associate Professor Jovana Davidovic
For Megan
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ABSTRACT

My aim in this dissertation is to analyze Black oppression and White domination. I attempt to show how social systems unjustly diminish Black Americans’ opportunities to form and pursue their conceptions of good lives and unjustly strengthen White Americans’ opportunities for the same. I believe that the accounts of Black oppression and White domination I offer are more adept at identifying the expansive and varied wrongs of Black oppression in America, analyzing the relationship between theorizing oppression and addressing oppression through social and political change in America, and demonstrating the ways that Whites benefit from and are incentivized to maintain oppressive systems in America, than the accounts put forward by other theorists.

In Chapter 1, I begin by discussing why I frame my project in terms of oppressive “wrongs” rather than “harm.” I worry the term ‘harm’ may be taken to imply that one has experienced subjective suffering or a measurable loss, whereas I am concerned with instantiations of oppressive systems even when they don’t cause the person subject to the oppressive system to experience a measurable loss or subjective suffering. In an effort to describe how I identify wrongs, I then argue that in virtue of the deep importance of freely pursuing one’s chosen life plan, any barriers one faces in pursuing his or her life plan must be justifiable. Barriers one experiences in virtue of his or her race are typically not justifiable. On this basis, I argue for my principle of racial injustice, which states that individuals are *prima facie* wronged by socially constructed barriers to their abilities to form and seek their conception of a good life if those barriers exist in virtue of their race. The “*prima facie*” nature of the wrongness is significant, I argue, because correcting the injustices of Black oppression will require that Whites face some barriers to pursuing our
life plans that we do not currently face; it is not the case, then, that every race-based barrier is truly wrongful. I then discuss my understanding of race, arguing that race’s mutability across contexts and how one’s race is intimately tied to systems of subordination and domination support my view that race is socially constructed. I end with a brief history of White domination and Black subordination in the U.S.

In Chapter 2, I outline general experiences of racism as espoused by Black writers and the statistical data that support these accounts. I then take a deep look at mass incarceration, including a history of the system, its disproportional impact on Black Americans, and the many resulting injustices inflicted largely on incarcerated Black Americans, their families, and their communities. I specifically highlight the recognition-wrongs inflicted on Black Americans through mass incarceration, where recognition-wrongs are acts that function primarily as a mode of dehumanizing individuals. Recognition-wrongs include verbal degradation through things like slurs, but also epistemic injustices, a concept developed by Miranda Fricker and others to identify injustices that wrong individuals in virtue of their status as knowers and communicators of knowledge. I then discuss kinship-wrongs, a concept I develop to identify wrongs that impact people’s ability to form and maintain relationships. I highlight and conceptualize these wrongs in an attempt to draw attention to their significance in racial subordination.

In Chapter 3, I develop an account of oppression that is particularly responsive to race-based wrongs. I begin by showing why the influential accounts authored by Iris Marion Young and Ann Cudd are unsatisfactory for capturing Black oppression. I attempt to develop an account that is sensitive to the experiences of subordination detailed by Black Americans, equipped to address the material harms of oppression, and
also able to make sense of the recognition- and kinship-wrongs raised in Chapter 2. I ultimately determine that a member of a c-group is subject to an oppressive wrong when, in virtue of his or her or their membership in that c-group, he or she or they suffer wrongs that are systematically perpetrated through social, political, or legal norms, conventions, or practices. A c-group is any collection of persons who share (or would share in similar circumstances) some set of constraints, incentives, penalties, and the like. I end the chapter by carefully describing my commitments to each clause of the definition of oppression, beginning by analyzing c-groups, describing systematically perpetrated wrongs, explaining what it means to be wronged in virtue of one’s c-group membership, and showing that my account of oppression is sensitive to both material and recognition-wrongs.

In Chapter 4, I argue that we ought to understand oppression in the framework of a capabilities approach. I begin by explaining the concept of capabilities, which are real opportunities to function in particular ways. I then argue that securing capabilities is a better aim for justice than ensuring that people function in certain valuable ways because a focus on capabilities protects people’s opportunities to pursue the kinds of lives they want to live, respecting their interest in freely determining their life goals, while a focus on protecting valuable functionings inappropriately prescribes life goals to them. I show how capabilities can be utilized as part of a theory of justice, and argue that my utilization of capabilities, combined with the other moral commitments I defend throughout the dissertation, comprises a rectificatory theory of racial justice aimed at eliminating Black oppression (i.e. a theory that analyzes the current racial injustices of oppression and offers guidance on how we should approach redressing these injustices).
argue that through the framework of capabilities, I can analyze both the material and recognition-wrongs of oppression, avoid the kinds of bad idealizations that often skew our understanding of oppressive systems and their impact, and make judgments about modern day society without developing an account of perfect justice. I next show that to avoid inflicting further recognition-wrongs, it is essential that oppressed peoples are the primary arbiters of which capabilities and oppressive systems should be prioritized in policy and advocacy. I conclude Chapter 4 with a brief sketch of how we can turn the priorities of the oppressed into public policy, moving from the prioritization process, to policy development, to implementing policies, and finally to monitoring and revising them.

My final chapter, Chapter 5, shows how my account can also be used to analyze the norms of White domination that coincide with Black oppression. I begin by discussing “correlative capabilities,” which are those capabilities that are strengthened for Whites in virtue of the fact that Whites are not subject to oppression as Black Americans are. My discussion of correlative capabilities maps closely onto the advantages typically described as White privilege. I then turn to more insidious advantages Whites gain from Black oppression. I argue that oppressive norms advantage Whites by creating a social structure that empowers us with the capabilities to dominate racial narratives and ignore our racialized identities. The capability to dominate racial narratives consists in Whites’ abilities to pontificate on racialized events without justification for our views and still have our perspectives treated as mainstream, worthy of debate, and often as nearly definitive. I demonstrate this capability in action by examining Colin Kaepernick’s protest in the NFL, the coverage it received, and his resulting treatment. I then discuss
Whites’ capability to ignore our racialized identities, showing how we establish Whiteness as a central, unconditioned perspective. Whites see ourselves as “simply people,” while seeing non-Whites as raced. This leads to Whites promoting color-blind conceptions of justice, which move us farther from true justice by ignoring social norms’ impact on policy development and implementation. I then show how Whites may go one step further and argue that we are victimized by “reverse racism” when efforts are made to eliminate oppressive systems. Finally, I end Chapter 5 with a discussion of how Whites are also disadvantaged by Black oppression, particularly in our capabilities to perform our jobs well, live morally, and establish and maintain relationships. I then conclude the dissertation by discussing how we might teach race-sensitive virtues in an effort to change White-favorable social norms.
PUBLIC ABSTRACT

Since the police shooting of Michael Brown sparked protests around the U.S. and gave rise to the prominent Black Lives Matter movement in 2014, discussions of racial oppression have become more prevalent in mainstream media and among the public at large. Everyone in the United States knows that our country has a history of White Americans mistreating Black Americans, but there is much disagreement over how White and Black Americans are related by “oppression” today. My goal is to offer a clear analysis of what kinds of events, norms, and circumstances we should describe as oppressive when attempting to understand how Black and White Americans’ experiences are shaped by our racial identities.

I argue that we ought to consider how oppression impacts individuals’ abilities to live the kinds of lives they want to live. In doing so, we have to consider how laws, social norms, and historical racism shape the opportunities of both Black and White Americans. Examining the material impacts of oppression won’t be enough; how oppression shapes our social status, our emotional responses, and our opportunities for relationships is important, too. Especially important is that we not forget the significance of Whiteness. Oppression does not exist in a vacuum and it is not only people of color whose race shapes their experiences. The difference is, for White Americans, the social norms and institutions that impact us in virtue of our race are mostly beneficial rather than limiting.
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1. INTRODUCTION

“All of a sudden, it’s become a big deal now, about oppression. There has been no oppression in the last 100 years that I know of. Now maybe I’m not watching it as carefully as other people. I think the opportunity is there for everybody… I think that you have to be color blind in this country. You’ve got to look at a person for what he is and what he stands for and how he produces, not by the color of his skin. That has never had anything to do with anything.”¹ This is a quote from Mike Ditka in a radio interview in October of 2017. Ditka is a White man who played professional football years ago. Ditka’s failure to “watch carefully” has apparently resulted in his failure to see or remember the brutal treatment of Black Americans as they fought for equal rights in the Civil Rights Movement, Jim Crow laws, mass incarceration, police brutality, income disparities, wealth disparities, and the many other injustices Black Americans have faced in the past 100 years.²

Ditka is not alone.

The belief that what the world needs is “color-blindness” is rampant among Whites in the United States.³ Many White Americans are convinced that racism and

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¹ Rosenthal 2017 quoting Mike Ditka.
² I am concerned in this work with the treatment of Black people in the United States—as opposed to Black people globally or “African-Americans”, which I think is a limiting term because it does not obviously apply to Black people in the U.S. who are not U.S. citizens or Black people with Afro-Caribbean, Latin American, or other non-African roots—and so I will use “Black Americans” when discussing Black people in the United States throughout this work. For stylistic reasons, I use “Whites” as a non-pejorative terms for White people in the United States. Additionally, I capitalize both “White” and “Black” to emphasize that I am not using these terms to simply refer to an aggregation of people; as I argue in §1.3, race is a social construct that predominantly indicates positions of domination and subordination. The phenotypical features associated with different racial identities are accidental to race’s social organizing role (Mills 1997, 78-81, 127).
³ Full disclosure, I am a White man and thus am not immune to the criticisms I lodge at Whites or the misperceptions that may come with having my social experiences structured by my Whiteness.
oppression existed in the past, but not now. We are beyond that now. Everyone is equal now. We should judge people only “on their merits” now.

The focus of this project is not primarily to prove these statements false. That they’re false should be obvious. Instead, my goal is to get clearer about what Black oppression and the corresponding White norms and benefits (which I call White domination) are, how we should measure the wrongfulness of Black oppression and White domination, and how we can best analyze oppressive systems to develop plans and policies for redressing them. I aim to develop a rectificatory theory of racial justice—in this case, a theory of how to rectify the racial injustices that shape how White and Black Americans experience the world, showing the obstacles Black Americans face and the advantages Whites have. In this chapter, I overview the central argument of the dissertation to give an overarching view of the project. I also lay out a number of foundational commitments that undergird the rest of the project.

1.1 Overview of Central Argument

Because I believe that freedom is an extremely important human interest, I argue that any socially constructed barriers to one’s ability to form and pursue his or her conception of a good life—i.e. any impediments in pursuing one’s chosen life that arise from social, legal, or political norms or conventions—must be justifiable. I argue that such barriers are usually unacceptable if they impact individuals in virtue of their race. This leads me to develop the “principle of racial injustice,” which states that individuals are prima facie wronged by socially constructed barriers to their abilities to form and seek their conception of a good life if those barriers exist in virtue of their race. In the context of Black oppression and White domination in modern day American society,
however, our history of unjustifiably imposing restrictions on the freedom of Black Americans in virtue of their race has resulted in Whites having unjustly gained power and resources. Therefore, in certain cases it may be justifiable to restrict the freedoms of Whites because previous injustices have resulted in Whites having unjustly gained freedoms.

My evidence for claiming that Whites have gained freedoms and that Black Americans have had their freedoms curtailed in virtue of their racial identities lies in the historical record and analysis of present-day racial disparities. Slavery, Jim Crow laws, wealth and employment disparities, mass incarceration, and the stories Black Americans offer of Whites treating them as unworthy of dignity support my claims. These systems have unjustly curtailed Black Americans’ freedoms in different kinds of ways—by restricting Black Americans’ access to resources; by devaluing Black Americans’ arguments and intellectual achievements, thus restricting their freedoms as knowers and communicators of knowledge; and by limiting Black Americans’ relationship opportunities, among other things.

The folk concept of racial oppression can be defined as wrongs inflicted on a group of people because of their race and therefore ought to capture many, if not all, of the wrongs Black Americans face through mass incarceration, wealth and employment disparities, mass incarceration, and the stories Black Americans offer of Whites treating them as unworthy of dignity support my claims. These systems have unjustly curtailed Black Americans’ freedoms in different kinds of ways—by restricting Black Americans’ access to resources; by devaluing Black Americans’ arguments and intellectual achievements, thus restricting their freedoms as knowers and communicators of knowledge; and by limiting Black Americans’ relationship opportunities, among other things.

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4 Though I focus on the relationship between White domination and Black subordination, I do not intend to imply that the Black-White binary is the only system of racial domination and subordination operating in the United States. Linda Martin Alcoff convincingly argues that different minority groups are disempowered in different ways and for different reasons. Alcoff worries that subsuming all race relations under a Black-White binary is harmful for non-Black minority groups, and makes adequately addressing Black oppression more difficult as well (2006 253-8). I am sympathetic to Alcoff’s worries; my focus on White domination and Black subordination specifically is because I think these systems are extremely important and prevalent phenomena in the U.S., and addressing these relations adequately leaves insufficient space for theorizing the nuances of White domination over other minority groups.
disparities, and treatment signifying they are unworthy of dignified lives. Oppression is worthy of careful analysis because oppressive systems influence many social experiences and opportunities of White and Black Americans, and they deeply shape how we see, interact with, and move through the world. To be most effective in theorizing White and Black Americans’ opportunities and impediments, we need a clear analysis of oppression that captures the folk concept and the many race-based wrongs I’ve described above. Previous philosophical analyses of oppression fail to both track the folk concept and capture all of the race-based wrongs I’ve identified, so a new definition of oppression is needed. I offer a new analysis of oppression that meets our demands by defining oppressive wrongs as those that are systematically perpetrated through social, political, or legal norms, conventions, or practices against individuals in virtue of their c-group membership, where c-groups are collections of people who, *ceteris paribus*, share similar constraints and opportunities in similar circumstances.

A good definition of oppression will allow us to determine whether a situation, action, or system is oppressive, but does not give much guidance on where to look for oppressive wrongs, which wrongs are most important to redress first, or how to redress them. Evaluating oppressive wrongs in terms of how they impact people’s capabilities—where capabilities measure people’s opportunities to be the kinds of people they want to be and do the things they value in light of their innate abilities and social context—helps us know where to look for oppressive wrongs by structuring our inquiry; we either begin with capabilities that are important to oppressed people and investigate how those capabilities are being limited to see if the limitations are oppressive, or we start with systems and institutions often called oppressive in discussions among oppressed people.
and activists and investigate how those systems and institutions are limiting capabilities. Developing a method for prioritizing capabilities also offers a useful way to determine which wrongs are most important to redress first; oppressed people can prioritize the real opportunities they want to have rather than having to determine which resources or rights they need to get the opportunities they want.

Analyzing oppression in terms of capabilities also helps us to effectively redress oppressive wrongs by ensuring our measure of success is empowering people in the right kind of way, which helps us avoid the unintended consequences and oversights that can result from measuring success in terms of a distribution of rights or resources. Additionally, we can use capabilities to analyze how dominant groups’ benefits from oppression incentivize and empower them to maintain oppressive systems. This offers insight into the causes and systems of maintaining oppression that work to prevent attempts at eliminating oppression from being successful. Such information is important in developing effective, practicable policies to address oppression.

In the case of analyzing Black oppression and White domination, highlighting the capabilities that Whites have generated or strengthened in conjunction with Black oppression is especially important. We need to understand how Whites benefit from oppressive systems relative to Black Americans to understand the incentives Whites have for maintaining oppression. Moreover, we need to see how systems of White domination empower Whites to dominate how racially significant events are interpreted and to ignore our racialized identities; these capabilities are essential in Whites stifling efforts at redressing oppression while also maintaining we are compassionate, moral people.
In sum, a rectificatory theory of racial justice needs to offer guidance on where to look for oppressive wrongs and how they are inflicted, which wrongs are most important to redress first, and how to redress them. As I will argue, analyzing oppression in terms of how it restricts the capabilities of Black Americans and strengthens the capabilities of Whites can greatly aid in accomplishing these goals. Therefore, I hope to show that there is great merit to utilizing capabilities in a rectificatory theory of racial justice aimed at eliminating Black oppression and White domination.

1.2 Principle of Racial Injustice

In Chapter 2, I discuss the many disparities and injustices Black Americans face relative to Whites. In laying the groundwork for that chapter, I aim here to establish when an individual is wronged in such a way that the wrong is a matter of racial justice. To that end, I will argue for what I call the “principle of racial injustice.” According to the principle of racial injustice, individuals are *prima facie* wronged by socially constructed barriers to their abilities to form and seek their conception of a good life if those barriers exist in virtue of their race.

Before arguing for my principal of racial injustice, I want to highlight my intentional choice of the term ‘wrong’ rather than ‘harm’. Discussions of social injustices often center around the “harms” of the injustices, but if a social system or event is designated as “harmful,” it may be taken to imply that the system or event caused subjective suffering to the harmed individual, or that there must be some measurable loss to the individual. In other words, some readers may hesitate to say that a system or event harmed a person if that person does not lose some measurable resource or formal right, and if that person also does not self-report an experience of being harmed.
To avoid implying the above commitments, and to make clear that “threats of harm” that might not themselves be called harmful ought to be considered in theorizing about justice, I will speak of wrongs rather than harms. Especially resourceful and resilient individuals may find the motivation and strength to overcome injustices such that they actually achieve more and feel empowered in part because of the injustices. For example, imagine a Black man walking along a sidewalk. He sees a White woman on the same sidewalk walking toward him. As they near each other, the White woman clutches her purse more tightly and crosses the street. One possible outcome of this situation is that it impresses on the Black man that despite doing nothing but walking along the sidewalk, he is fearful to White women. This may cause pain and suffering as he commits to memory another instance of racist behavior toward him; it may cause him to feel shame about his Blackness; he may hardly notice the encounter and brush it off without any affect at all; or it may cause him to feel determined to be successful in his pursuits and show that racism cannot stop him.  

I want to leave space for designating the White woman’s actions, and the social norms that reinforce her actions, as wrongful, even if her actions do not impact the Black man at all or impact him positively by strengthening his resolve. It is especially important that I as a White man am able to call the action wrongful without addressing his subjective state because I myself do not suffer these wrongs, and White men need to be able to talk about the wrongfulness of White domination without projecting an experience of those wrongs as subjectively harmful onto a group of which we are not a part. Moreover, Whites tend to disregard our limited ability to understand Black Americans’

\[\text{My example here draws on George Yancy’s analysis of encountering a White woman on an elevator and how her immediate fearful behavior impacted him (2008, 14-5).}\]
experiences of oppression. Focusing on wrongs, rather than harms, helps protect against Whites (including myself) universalizing our experiences and assuming that how we think we would feel if subject to some system of oppression is in fact how Black Americans feel; it is important that we not give too much weight to our armchair psychological analyses of racialized events.6

With this explanation of why my focus is on wrongs, I turn now to why I believe that individuals are *prima facie* wronged by socially constructed barriers to their abilities to form and seek their conception of a good life if those barriers exist in virtue of their race. First, I believe that freedom is an extremely important human interest. We all have ideas about the lives we want to live—the careers we hope to achieve, the hobbies we want to pursue, the relationships we value, our religious commitments, where we want to call home, etc.—and we can think of these collections of ideas as our conceptions of a good life.7 Ultimately, we want the freedom to choose our own conceptions of a good life and the opportunity to pursue them. In virtue of this incredibly important interest, any socially constructed barriers to one’s ability to form and pursue his or her conception of a good life must be justifiable.8

There are many legitimate cases of erecting barriers to individuals’ conceptions of a good life—just laws, for instance, are defensible instances of prohibiting (or requiring) certain actions that an individual may otherwise take (or refrain from taking) in an attempt to live what they see as a good life. We rightly prohibit murder and rape, for

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6 I discuss Whites’ domination of racial narratives extensively in §5.2.1, but José Medina is especially influential on my thinking here (Medina 2013b).

7 I draw here on Iris Marion Young’s characterizations of the opportunities individuals have reason to value (Young 1990, 37-8) and Nussbaum’s list of essential capabilities (Nussbaum 2006, 76-78).

8 I restrict the barriers in question here to those that are socially constructed because I take it that natural barriers to one’s ability to form and pursue his or her conception of a good life—i.e. one’s natural talents, unavoidable natural disasters or diseases, etc.—are outside the scope of oppression.
example, as we take it to be more important that we protect people from these terribly
violent acts than that we permit people who believe rape and murder are valuable
endeavors to pursue their conceptions of good lives. To map out the terrain of when
socially constructed barriers are defensible requires a full theory of justice, which I will
not provide. The scope of this work, however, is much narrower, and so a full theory of
justice is not needed. My focus is on the systems of oppression that subordinate Black
Americans to Whites in the present-day United States. The barriers I am interested in,
then, are those that bar a person from the full opportunity to form and pursue his or her
conception of a good life in virtue of his or her race.

Socially constructed barriers to one’s ability to form and pursue his or her
conception of a good life are generally unacceptable if those barriers are constructed in
virtue of his or her race. By “in virtue of,” I mean that the barrier hindering one’s
opportunities to form and pursue his or her conception of a good life directly targets that
person by race (as Jim Crow laws directly targeted Black Americans) or is an
instantiation of a norm, law, or policy that consistently impacts members of that person’s
race, but not a relevant comparison class of members of another race. Though such race-
based barriers are *usually* unacceptable, one significant exception is when it is necessary
to erect barriers to members of one racial group’s abilities to form and pursue their
conceptions of good lives to correct for past racial injustices.

I argue extensively in Chapter 5 that it is indeed necessary to limit certain
opportunities to pursue conceptions of good lives that Whites currently have as a result of
unjust systems of White domination and Black oppression. For example, I argue there
that justice requires that Whites lose our capabilities to dominate racial narratives and
ignore our racialized identities. Here, I give the criteria for when it is necessary as a matter of justice that Whites have our opportunities to pursue our conceptions of good lives diminished. I refer to these criteria as the “White domination proviso” or “WDP”. I do this work at the outset of the dissertation to elucidate the principle of racial injustice, which grounds my claims that particular systems wrong Black Americans.

The WDP is my effort to contextualize barriers constructed on the basis of race; if a barrier is put in place in order to correct for a previous unjust advantage, then that barrier does not necessarily constitute a wrong. We may sometimes rightly erect barriers to individuals’ abilities to form and seek their conceptions of a good life in virtue of their dominant group membership (in the case of racial justice, their Whiteness) in the process of redressing injustices suffered by non-dominant group members. Following Carol Hay, I define non-dominant groups as those groups with a relative lack of authority and power, whose interests are typically relegated to a subordinated status. The group or groups to which they are subordinate are the dominant groups. I use these concepts instead of discussing “majority” and “minority” groups because power differentials need not always track the size of the groups, which is implied by any discussion of majority and minority groups, and it is the power differentials that are relevant in discussions of oppression.

I want to further unpack the claim that it is appropriate to erect race-based barriers if they are necessary to right an earlier wrong. Black oppression, in disadvantaging Black Americans, gives Whites relative advantages that they otherwise would not have. For example, because Black Americans suffer employment discrimination, jobs that would go to Black Americans absent that discrimination are going to non-Black Americans (often

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9 Hay 2013, 4-5.
Whites) instead. Policies that remove disadvantages for Black Americans thus reduce the relative advantage that Whites have in virtue of Black Americans being disadvantaged. On a very broad understanding of “barrier,” one may classify this as a socially-constructed barrier to Whites pursuing our conceptions of a good life by limiting the possibilities Whites have in securing our ideal employment. I think this is more appropriately understood as Black Americans having barriers removed and not as Whites having barriers imposed. Regardless, the diminishing of relative advantage that necessarily accompanies empowering Black Americans is justified.

More contentious is the WDP’s implication that Whites may be specifically targeted as a racial group with policies aimed at undermining our power, as I will argue in Chapter 5 must be done to achieve racial justice. The WDP only permits the imposing of such socially constructed barriers to Whites’ abilities to form and seek our own conceptions of good lives when those barriers are “necessary.” Necessary here does not mean logically necessary. The condition of necessity is meant to codify that Whites should be harmed to the least extent possible—only when there are no feasible alternatives for effectively undermining Black oppression should barriers be erected to Whites’ abilities to pursue good lives, and even then, the barriers should be the least restrictive possible.

My belief that Whites may have our opportunities to pursue our conceptions of good lives rightly limited under the conditions specified by the WDP is the primary reason that I claim socially constructed barriers to one’s ability to form and seek his or her conception of a good life in virtue of his or her race are only prima facie wrong. There is, however, one other reason for specifying that the wrongs are only prima facie.
We can, in theory, imagine scenarios not covered by the WDP—such as when non-dominant group members are the ones facing barriers to pursuing their conceptions of good lives—where the \textit{prima facie} wrongness is outweighed by other moral considerations. Just as with the WDP, we would need a case where no feasible alternatives to the barriers exist and the barriers hinder non-dominant group members to the least extent possible. This scenario is extremely unlikely to arise in the real world, so we should be highly suspect of claims that such barriers are justified. Subordinating individuals in virtue of their race engenders many wrongs, as I show throughout this dissertation; only an extreme scenario is likely to justify such barriers. Here I offer the most realistic of these imaginable scenarios that I can conjure.

Suppose that we have extremely strong evidence that a few members of some ethnic group plan to carry out a devastating terror attack. Further, their ethnic group membership is the most salient detail in identifying those who plan to carry out the attack—most likely, the ethnic group would have to be very small and the members strongly connected by a shared culture that motivates the attack. We know these things with extremely high confidence, but we are unable to determine which members plan to carry out the attack and which are innocent bystanders. We are certain, however, that the bad actors are present in a small geographic area populated only by members of the ethnic group in question. On the basis of this evidence, we detain and interrogate all members of the group, knowing that most of them are innocent. I assume in this scenario that detention and interrogation is the least problematic method of acquiring information that is essential for the safety of thousands of people. Systematically detaining members of this ethnic group diminishes their abilities to pursue their conceptions of a good life in
virtue of their c-group membership (in this case, their ethnicity) and it is not under the purview of the WDP, but detention may be justifiable due to the extraordinary threat faced by the thousands of innocent people who would be harmed by the terror attack. Describing the wrongness detailed by the principle of racial injustice as \textit{prima facie} is therefore important beyond the WDP to leave open the option that such racial injustice is outweighed by other moral considerations in extraordinary circumstances and thus is, in those extraordinary circumstances, justified.

\textbf{1.3 Race and Racism}

I claimed above that individuals are \textit{prima facie} wronged by socially constructed barriers to their abilities to form and seek their conception of a good life if those barriers exist in virtue of their race. To clarify this claim, I need to explain what I mean by “race.” First, races are not biologically correlated to non-phenotypical attributes of individuals. It is well established that one’s race does not indicate a superior or inferior natural intelligence, empathy, propensity for violence, etc. Further, I am committed to the view that race is socially constructed.\textsuperscript{10} Note that this does not mean race “isn’t real”; race is “real” in the sense that it is causally efficacious and has an important role to play in theorizing. One’s race is an important determinant in the social opportunities and social experience one has.\textsuperscript{11} Blackness has for centuries impacted the opportunities and experiences of those with the phenotypical traits associated with “Black Americans.” The claim that race is a social construct is not intended to undermine the reality of race, but rather to deny the reality of race as a biological feature of persons.

\textsuperscript{10} See Boxill 2001, Haslanger 2012, Mills 1997, and Yancy 2008 for elucidations of this view.

\textsuperscript{11} Haslanger 2012, 276-80; Mills 1997, 126-7; Yancy 2008, 33-4.
The fact that race is context specific supports the claim that it is a social, rather than biological, construct. For example, who is ascribed the race “Black” in the United States differs from who is called “Black” in Brazil (many people whose skin is dark enough to be Black in the U.S. would not be Black in Brazil). Moreover, Brazil has racial categories in between the poles of White and Black, but all of these intermediate categories still function as indications that the person is “not White.” The fact of shifting racial categories depending on context is important because it further distances the concept of race from a universal set of phenotypical features.\(^{12}\)

This is not to say that phenotypical features are not relevant, though. Race is ascribed in a context according to physical features presumed to correspond to a certain ancestry and geographic origination of a people.\(^{13}\) These particular phenotypical traits, however, are not what is fundamentally important to the concept of race. It could have been that people with dark skin were “White” in the sense that light-skinned people are White, and that light-skinned people were “Black.” This is because, as Mills points out, “Whiteness is not really a color at all, but a set of power relations.”\(^{14}\) The phenotypical traits that separate Whites from Black Americans are important only because they have been ascribed social significance. We (Whites) have constructed a society in which phenotypical traits serve as markers of positions of dominance and subordination.\(^{15}\)

An embodiment of this point is how racial ascriptions have changed over time. For example, “Whites” now include people with phenotypical traits associated with Scandinavian and Central European descent (fair skin, light hair, blue eyes) and also with

\(^{12}\) Bollinger and Lund 1982, 8-9.
\(^{13}\) Haslanger 2012, 279.
\(^{14}\) Mills 1997, 127.
\(^{15}\) Haslanger 2012, 276-80; Mills 1997, 16-7; Obasogie 2014, 150.
phenotypical traits associated with Italian or Eastern European descent (olive skin, dark hair, dark eyes). In times past, Italians and Eastern Europeans weren’t considered White, and as a result faced different social barriers than fairer skinned peoples. The change in treatment of these groups corresponded with their change in racial status. The point here is that a race cannot be defined by whatever collection of phenotypical traits—for a set of phenotypical traits to demarcate a person’s race, the phenotypical traits have to correlate with that group of people consistently facing barriers or garnering privileges in comparison to those with different phenotypical traits. As I discuss “Whites” and “Black Americans” throughout the dissertation, keep in mind that my analysis of these groups is at the group level. I am discussing the dominant practices, norms, and schemas among these groups. My claims about “Whites” and “Black Americans” won’t apply to every individual White and Black person, but instead track how norms and practices relate to “Whiteness” and “Blackness” generally.

Though it is hardly a secret that the practice of subordinating Black Americans has existed for centuries, it is worth highlighting a few reminders of the history of anti-Black racism to give context to the modern-day experiences of Black Americans. Anti-Black racist ideas were already at least 200 years old when slavery was legalized in the New England colonies in the 1620s and 1630s. The notion that African peoples were “savages” and “barbarians” who needed White men to bring them Christian traditions, morals, and culture was used to justify enslaving them. In fact, Whites argued that Africans were better off being enslaved than they had been as free people in their homelands. In other words, Whites, incredibly, claimed that Africans were better off

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17 Kendi 2016, 22-5.
forced to work long hours at the threat of being beaten, ripped from the rest of their families, raped, and afforded no respect or dignity as human beings than they were living the lives they had been living as free people in their native lands.

The idea that Black Americans were naturally inferior to Whites would hold sway among most Whites for the next 200 hundred years or so, and still persists among some Whites to this day. But a new wave of racism started to emerge in the late 1700s and early 1800s. More and more Whites, who truly believed themselves to be abolitionists, began to reject ideas of Black Americans’ biological inferiority. Instead, they committed to what historian and race theorist Ibram X. Kendi dubs “uplift suasion.” Uplift suasion is the view that Whites could be convinced to reject racist views if Black Americans would only adopt White norms and ideals. Instead of blaming Black Americans’ biology for their inferiority, the “assimilationists” as Kendi calls them, blamed the natural environments Black Americans had faced in Africa and their culture and poverty in the United States for the creation of Black Americans’ undesirable behavior and physical traits. The motivating assumption behind this position is the racist idea that Black Americans were partly to blame for their subordination. If they only acted a little more “White,” perhaps Whites wouldn’t be forced to degrade them. The assimilationists’ explanations leave out, of course, how Whites have actively and intentionally structured society to keep Black Americans poor and stigmatize their norms.\(^{18}\)

Slavery, except as punishment for a crime, was ultimately abolished in 1865 with the ratification of the 13\(^{th}\) Amendment to the U.S. Constitution. But this victory was not secured solely by the efforts of Whites, as the myth of American history often has us

\(^{18}\) Ibid. 3-5, 124-32.
believe. Freed Black Americans were at the forefront of emancipation efforts. Though White abolitionists certainly played a critical role in securing this result, most Whites were not committed to the abolition of slavery. Many Northern Whites, and one may argue even President Lincoln himself, were more interested in maintaining the Union than ensuring Black Americans were no longer enslaved. Whites today are often ignorant of these features of Black liberation because emancipated slaves were almost entirely ignored in the writing of the history of the emancipation movement, and the accounts of these slaves were often destroyed.\textsuperscript{19} Even today, our history lessons are colored by a White lens. The history lessons I myself was taught, in well-regarded public schools in Illinois in the 2000s, did not include discussions of the many White Northerners who supported slavery nor of the significance of Lincoln’s motivations to engage the South in war that were unrelated to slavery.

Given these features of the fight for emancipation, it is not surprising that Black subordination did not end with slavery. The Reconstruction Era following the Civil War had hope of creating a coalition out of the Black and White workers being exploited by wealthy Whites, but the poor Whites who could gain economically from joining forces with the newly freed slave laborers were unwilling to do so as White property owners used secret orders like the Ku Klux Klan to shape politics and emphasize the role of race in the social order.\textsuperscript{20} As Du Bois notes, what White laborers lost in economic advancement, they gained in the form of a “public and psychological wage.” Even poor Whites, so long as they did not join forces with Black Americans, were given deference and titles of courtesy, had access to all public goods, were treated with extreme leniency

\textsuperscript{20} Du Bois 1998[1935], 679-81.
by police and the courts, and affected political outcomes with their votes. Black Americans, in contrast, were frequently subject to public degradation and violence, were expected to defer even to White women and children (and this at a time where White women were expected to offer little more than unquestioning service to their White male authorities), and were constantly expected to admit their inferiority.  

Despite the public denigrations Black Americans faced, the Reconstruction Era still signaled a progression with the securing of Black liberation from slavery, Black citizenship, and the right for Black men to vote via the passing of the 13th, 14th, and 15th Amendments to the U.S. Constitution. But the backlash against Black Americans’ gains was fierce, driving the creation of the Jim Crow laws at the end of the 1890s. These laws mandated segregation of Black Americans and Whites in virtually every sphere of life, from schools, churches, and restaurants, to jobs, hospitals, and prisons. Dictums of segregation were accompanied by hosts of regulations intended to disenfranchise Black Americans (keep them from voting) and stymie their political power. These laws were also intended to instill in poor Whites a superiority to Black Americans and keep them from forming a class-based coalition with Black Americans.

Jim Crow laws dominated the South for decades. They began to show signs of weakening in the 1940s and suffered a major legal blow with the desegregation of public schools ordered by the Supreme Court decision in Brown v. Board of Education in 1954, but it wasn’t until the Civil Rights movement of the 1960s that desegregation efforts showed substantive success. Still, the effects of these laws reverberate today with de

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21 Ibid. 700-1.
22 Alexander 2010, 30-35.
23 Ibid. 35-9.
facto segregation in many cities around the country, and, in at least one case, officials intentionally kept schools segregated as recently as 2016.  

If Michelle Alexander is right, however, Jim Crow laws haven’t disappeared; they have changed form. We have a new Jim Crow system in America, she argues—the system of mass incarceration. Though I find Alexander’s work compelling, I do not attempt to defend her thesis here. Consistent with Alexander’s claims, however, are my explorations in Chapter 2 of the rampant racial disparities in the system of mass incarceration, disparities that wrong Black Americans in the U.S. in myriad ways.

1.4 Conclusion

The preceding overview of race and the history of White domination of Black Americans set the stage for the next chapter of this work. There, I focus extensively on the system of mass incarceration and its role in the lives of Black and White Americans. I examine statistical data regarding and experiential accounts of mass incarceration, and I examine the reports of Black writers on their experiences of sub-standard treatment more generally. These examinations serve as data points to motivate my analysis of oppression in Chapter 3. The social construction of race and history of White domination gives us strong reasons to take the differential treatment of White and Black Americans as central to our understanding of oppression. Whatever theoretical account of oppression we settle on, it ought to characterize historical and ongoing White domination and Black subordination.

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26 Alexander’s claim is strong, but she is certainly not alone in her worries. Notable Black activist and professor Angela Y. Davis has argued that the problems of our system of incarceration are so fundamental that what we need is not prison reform, but the abolition of prisons (Davis 2003).
2. BLACK SUBORDINATION

In this chapter, I discuss Black Americans’ recent accounts of their experiences of subordination and give empirical data supporting their accounts. These stories and data serve to show the extent and severity of systems of Black subordination still in operation today. I begin by looking at general disparities between Black and White Americans and the stories Black writers have told of their experiences of discrimination and subordination. I then turn to a more focused discussion on mass incarceration, highlighting the many ways Black Americans are wronged by the forces and people upholding the system of mass incarceration. These discussions will inform my analysis of oppression in Chapter 3 by suggesting the kinds of wrongs to which the concept of oppression must be sensitive.

2.1 General Disparities between Black and White Americans

Black men and women living in the U.S. face countless obstacles and degradations because of their race. These disparities are evident in statistical data showing differential status and access to resources but are most intimately felt in the personal accounts detailed by Black Americans. I begin by offering data showing general discrepancies between Black Americans and Whites and then proceed to offer personal narratives by Black Americans of their experiences.

2.1.1 Statistical Data

Perhaps the most important statistic in showing disparities between White and Black Americans is the difference in wealth between White households and Black households. The median net worth—measured as the difference between the assets and
debts of a household—between White and Black households is astonishing. This wealth gap is critically important to well-being because it is wealth, and not income, that shields families from being devastated in the wake of job loss, medical emergencies, or other crises that dramatically increase a family’s ratio of expenses to income. In 2014 dollars, the median net worth of White households in the U.S. in 2014 was $144,200, compared to a median net worth of only $11,200 for Black Americans. This means that White net worth is 13x greater than Black net worth in the U.S. Even more disturbing is that Black Americans’ median net worth is lower than it was 30 years ago. In 1983, measured in 2014 dollars, Black households had a median net worth of $12,200 and White households had a median net worth of $98,700. As White households grew wealthier, Black households grew poorer.

A separate report following a set of 1,700 working-age families over the course of 25 years (1984-2009) also shows a striking difference between Black and White wealth. In 1984, the median net worth of the White families examined was $90,851 compared to $5,781 for Black families. By 2009, the last year of data on these families, the White families’ net worth had increased to $265,000, while the Black families’ net worth had increased to only $28,500. Even though Black families increased their wealth almost fivefold, while White families increased theirs by only threefold, the end result was still

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27 As I stated previously, my analysis is at the group level. When I speak of the wealth gap between White and Black Americans, I am looking at the median wealth gap. Of course, there are extremely wealthy Black Americans and extremely poor White Americans who are not representative of this wealth gap.


29 I am not claiming that this indicates a worsening of racism over the past 30 years; to make that claim, a detailed argument would need to be given that rules out confounding factors like changes in the labor force, income distribution, and investment opportunity. What this wealth inequality shows is that Black Americans have been economically disadvantaged for decades, and whatever efforts have been made to correct this disadvantage have been ineffective.

30 Shapiro, Meschede and Osoro 2013, 1-2.
that the size of the wealth gap tripled over the 25-year period. Because White families began with much more money, they were able to increase their wealth at a slower rate than Black Americans and still amass far more wealth over the same time period. White families thus benefit tremendously from past exploitation of Black Americans and the intergenerational transfer of wealth this subordination affords.\footnote{See (Feagin 2006, xiv-xv, 2-4) for more information on the disparities between the intergenerational transfer of wealth in White and Black families.}

Data on education, income and employment are no more encouraging.\footnote{All data points are for 2014 unless otherwise specified.} Though the gap between the percentage of Black and White high school graduates has dropped to only 5% (93% of Whites and 88% of Black Americans aged 25 and older hold a high school diploma or GED), large gaps in rates of college graduation still exist—only 25% of Black Americans ages 25 and older, compared to 36% of Whites, hold at least a bachelor’s degree.\footnote{Pew Research Center 2016.} Despite young workers being more educated than ever, the disparity between Whites’ and Black Americans’ rates of college education continues. Among workers aged 25-29, 47% of White workers have at least a bachelor’s degree, compared to 27% of Black workers.\footnote{Graf 2017.}

Income, too, is unequal. The median adjusted household income in 2014 dollars for Whites was $71,300 and for Black Americans was $43,300. Worse, disparities exist even when controlling for education. The median household income for Black families where the head of household has at least a bachelor’s degree is $82,300, where for Whites it is $106,600. The picture becomes even more bleak once unemployment rates are taken into account. In 2015, the unemployment rate for Black Americans was 10.3%,
more than twice the White unemployment rate of 4.5%. Moreover, these figures need to be considered with the enormous caveat that incarcerated individuals are not considered in unemployment statistics (to be counted as unemployed one must be actively seeking work; incarcerated individuals are unable to seek work while incarcerated and so are excluded from labor force statistics).\textsuperscript{35} When the disparities in incarceration and sentencing between White and Black Americans are examined in §2.2, it will become clear just how significant this accounting choice is.

Finally, I turn to one more area in which Black and White Americans have very different outcomes: homeownership. In 2015, 72% of White households owned their home, compared to 43% of Black households. Like with the income statistics just examined, this disparity holds even when we adjust for education—58% of Black households where the primary earner has a college degree own their homes, while 76% of White households where the primary earner has a college degree own their homes.\textsuperscript{36} More sinister differences in homeownership come when we consider the housing crisis that began in the mid-2000s. Lenders targeted Black Americans for subprime mortgages, which are riskier loans with fluctuating interest rates and higher fees; 1 in 3 Black American households earning over $200,000 were sold subprime loans, which was twice the national average. When the housing bubble burst and home values began to drop, those with subprime loans were often forced into foreclosure. Though many homeowners were hurt by the decline of the housing market, Black Americans were, as usual, hit the hardest.\textsuperscript{37}

\textsuperscript{35} Pew Research Center 2016.
\textsuperscript{36} Ibid.
\textsuperscript{37} Kelly, Sullivan, and Rich 2015.
2.1.2 Personal Accounts

The statistics offered above portray the deep inequalities between White and Black Americans in areas of fundamental importance to well-being. Data do not always, however, evoke our empathy to the plight of those outside our group. The goal of this brief section is to offer a window into the experiences of Black Americans by listening to the stories of Black writers on their lives as Black men and women.

Claudia Rankine describes the emotional toll of being a mother of a Black son. She and her friends who are mothers worry constantly that the violence they see happening to Black people every day will befall their children. Seeing images of the deaths of young Black boys like Michael Brown in Ferguson—and seeing the body left in the street for hours, and the lack of reprimand to those involved in Brown’s death and undignified treatment after—leads her to feel the ever-present weight of knowing that, at any moment, another Black person might be killed because America is filled with anti-Black racism. As Rankine so portentously puts it in her autobiographical narrative: “Dead Black Americans are a part of normal life here.”

Ta-Nehisi Coates, too, worries about his son. His work *Between the World and Me* is written as a letter to his son about his life experiences growing up poor and Black in Baltimore and about his hopes and fears for his child. In one particularly powerful passage, Coates describes the control and awareness over one’s body that is required when you are poor, Black, and living in the city, and the price one must pay for this necessary awareness:

> I think of this as a great difference between us. You have some acquaintance with the old rules, but they are not as essential to you as they

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38 Rankine 2016.
39 Ibid. 147.
were to me. I am sure that you have had to deal with the occasional roughneck on the subway or in the park, but when I was about your age, each day, fully one-third of my brain was concerned with who I was walking to school with, our precise number, the manner of our walk, the number of times I smiled, who or what I smiled at, who offered a pound and who did not—all of which is to say that I practiced the culture of the streets, a culture concerned chiefly with securing the body. I do not long for those days. I have no desire to make you “tough” or “street,” perhaps because any “toughness” I garnered came reluctantly. I think I was always, somehow, aware of the price. I think I somehow knew that that third of my brain should have been concerned with more beautiful things. I think I felt that something out there, some force, nameless and vast, had robbed me of…what? Time? Experience? I think you know something of what that third could have done, and I think that is why you may feel the need for escape even more than I did. You have seen all the wonderful life up above the tree-line, yet you understand that there is no real distance between you and Trayvon Martin, and thus Trayvon Martin must terrify you in a way that he could never terrify me. You have seen so much more of all that is lost when they destroy your body.40

One insight to draw from this eloquent passage is the double-edged sword of Blackness. On the one hand, Coates has been able to create a better life for his son than he had, one with more security and freedom to think about “beautiful things.” Coates’ son has not needed to constantly monitor his bodily movements to ensure he is giving the right signal to all who are watching him on the street as Coates did. But with this freedom, comes a price—when his son realizes that the privileges that come with wealth and a wonderful home life don’t change the facts that he is still Black, his Blackness makes others feel entitled to dominion over his body, and his Blackness makes him vulnerable just like Trayvon Martin, he is hit much more forcefully with the awareness of what can be lost.41 He has more to lose, and it can be lost so easily.

40 Coates 2015a, 24-5.
41 Charles Mills and Patricia Hill Collins also discuss how Black Americans must carefully monitor their behavior because they are often seen as physical bodies or presences first and people second (Mills 1997 and Collins 2000).
Garnette Cadogan’s story is a testament to the reality of Coates’ worries. Cadogan discusses his experience living in New Orleans after growing up in Kingston, Jamaica. Kingston was a dangerous place and Cadogan had to learn how to navigate the streets to avoid becoming the victim of a crime. In New Orleans, the danger changed. Cadogan worried less about the crime rates and more about his own skin. Suddenly, he was the danger. He found that he could no longer walk the streets without being stopped and interrogated by police, and that his mere presence on the sidewalk was enough to make a White woman hold her purse closer. Moving to New York City didn’t change much. Twice he was assaulted because his jogging was taken to be running from some criminal activity—one by a civilian White man he had never seen before, and once by a police officer who threw him against the squad car and cuffed him because he assumed this Black man jogging must be the same Black man that had stabbed someone a few blocks away earlier that day.⁴²

Not even election to Congress can protect Black Americans from facing such hardships. United States Senator Tim Scott from South Carolina gave a moving speech in 2016 describing how he had been pulled over seven times in a single year. Usually, he would receive a trivial or nondescript reason for being pulled over, which he took to mean that he was a Black man driving a nice car in the wrong neighborhood. Another time he was attempting to enter an event with two of his staffers and two of his officers. All four of them are White. Security at the event allowed them to enter, but barred Senator Scott. Only on the protests of these White men—who worked under Senator Scott, it might be added—was the Senator allowed to enter. He was also once forced to

⁴² Cadogan 2016.
show his I.D. to a security officer who was not convinced he was truly a Senator, despite wearing the easily identifiable Senate pin that only Senators have. Later, he received a phone call from the guard’s supervisor apologizing. It was the third time a guard or police officer had acted so egregiously as to merit an apology phone call from a Chief of Police or guard supervisor to Scott since his election to the Senate.43

Reports from other Black members of Congress in 2013 include: How some White women visibly flinch in fear as he enters an elevator with them (Rep. Hank Johnson), how members of Congress self-segregate by race in the gallery and how some Republicans and fellow Democrats alike will get up and leave when he or his fellow Black members of Congress attempt to make a point (Rep. Alcee Hastings), and how he feels the need to teach his children how to carefully interact with police and authorities to (hopefully) avoid being brutalized (Rep. Keith Ellison).44 It seems that no amount of power or prestige fully protects a Black man or woman from having to fear how they might be treated because of their race.

2.2 Mass Incarceration

The stories told above are a miniscule sample of the negative interactions Black Americans have had with others because of their Blackness. Nowhere are the dangers and consequences of being Black more evident than in examinations of mass incarceration.45 Following Michelle Alexander, I take ‘mass incarceration’ to designate both the criminal

44 McAuliff 2013.
45 Black Americans who are guilty of committing the crimes of which they are accused are not exempted from this discussion of justice. Everyone deserves just treatment—even people who have committed serious crimes. No matter one’s actions, one can still be a victim of unjust treatment. For those who are skeptical, Diana Meyers has an excellent work on the complexity of victimhood that effectively dismantles the folk paradigms of “pathetic victims” (those who are innocent and helpless) and “heroic victims” (those who are moral examples suffering because of their personal, moral, or political convictions); see Meyers 2016.
justice system and the “larger web of laws, rules, policies, and customs that control those labeled criminals both in and out of prison.”

In this section, I provide an overview of the many ways Black Americans are wronged by the system of mass incarceration. The section will begin with a look at statistical disparities in incarceration rates and potential explanations for the data. Though in each individual case there are many interacting reasons for the racial disparities presented, I believe the totality of these racial disparities points to a system of racial domination and subordination. After discussing these datasets, I examine the potential wrongs to incarcerated individuals themselves and will end with an analysis of the impacts mass incarceration has on the families and communities of those incarcerated. These myriad wrongs will serve as a backdrop against which I analyze oppression in the next chapter.

2.2.1 Incarceration Disparities: Data and Explanations

The sheer number of individuals incarcerated in the U.S. is staggering. The most recent data available (from 2015) for the U.S. shows that 870 of every 100,000 U.S. adults (1 in 115) are incarcerated in prisons or local jails. When including adults under supervision by parole or probation agencies, we find that 2,710 of every 100,000 adults (1 in 37) are under some form of correctional supervision. These are by far the highest incarceration rates in the world for countries whose incarceration rate data are available (figures are not available for Somalia, Eritrea, or North Korea), with the exception of Seychelles. According to the World Prison Population List, in 2010 the U.S. had an

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47 Kaeble and Glaze 2016, 4.
48 Seychelles’ incarceration rate for 2010 was 486 per 100,000, but their prison population ballooned to 735 in 2014. For a country of only 92,000 people, this makes their incarceration rate 799 per 100,000 (Walmsley 2015, 4).
incarceration rate of 731 individuals for every 100,000 in the total population (note that these figures include children in the count of the total population). This dwarfs the rates of other wealthy Western countries like Germany (85 per 100,000), France (98 per 100,000), and the United Kingdom (153 per 100,000), and also far exceeds the rates of countries known to be human rights abusers like Russia (609 per 100,000) and Saudi Arabia (165 per 100,000). These figures alone should indicate that the United States locks up far too many people and that our incarceration practices need reform.

But it doesn’t end there—the overall incarceration rates just scratch the surface of the problem. When we look to incarceration rates by race, the disparities in a country that already locks up an abominably large number of people is chilling. The most recent (2015) data for incarceration rate by race include only individuals held by federal and state prisons, excluding those held in local jails. Still, those figures show 1,745 in 100,000 (1 in 57) Black adults are held in federal and state prisons, compared to only 312 in 100,000 (1 in 321) White adults. The data thus show Black adults to be held in federal and state prisons at a rate nearly six times that of White adults. This stark contrast exists despite the data underrepresenting the number of Black adults held in prisons by excluding from the count individuals who identify as Black and Hispanic or as Black and

49 The incarceration rate of adults was 962 for every 100,000 according to statistics from the Bureau of Justice (Glaze 2011). The incarceration rate of 731 per 100,000 individuals of all ages reported by the World Prison Population List (Walmsley 2015, 5) matches the rate given in the Bureau of Justice Statistics (Glaze 2011).
50 The alternative is that the high incarceration rate in the U.S. is the appropriate rate, and all other countries lag behind. Given that the homicide rate in the U.S. is more than twice that of Belgium—the country with the highest homicide rate of any country in Western Europe—and higher than many other countries besides, the claim that our high incarceration rate is effective and should be modeled is dubious. See data provided by the United Nations Office on Drugs and Crime for comparisons (https://data.unodc.org/?lf=1&lng=en#state:0). Moreover, the United States’ own National Advisory Commission on Criminal Justice Standards and Goals in 1973 recommended no new prisons be built and existing institutions for juveniles be closed because of their ineffectiveness in deterring crime, though the incarceration rate was then only one-fourth what it is today (National Advisory Commission on Criminal Justice Standards and Goals 1973, 358, 597).
another race (individuals who are likely subject to the norms applied to Black Americans).\footnote{Carson and Anderson 2016, 8.}

Data from 2010, which take account of individuals held in local jails, paint an even bleaker picture. In 2010, approximately 4,347 in every 100,000 (1 in 23) adult Black men were being held in custody in state or federal prisons or in local jails compared to only 678 in 100,000 (1 in 147) White men being held. This means that Black men were locked up at a rate nearly seven times as high as White men. Incarceration rates are particularly high for young Black men. Nearly 10% of all Black men aged 30-34 are incarcerated, compared to 1.6% of White men of the same age. Though less drastic, the rates for Black women are also disproportionate; approximately 260 in every 100,000 Black women (1 in 385, or 0.26% of Black women) were incarcerated, compared with only 91 in 100,000 White women (1 in 1,099, or 0.09% of White women).\footnote{When I say that the rates for Black women are “disproportionate”, I mean that the incarceration rates of Black women as compared to White women are disproportionate to the frequency with which Black women commit crimes as compared to White women. I offer support for this claim in the remainder of §2.2.1.}

As with the previous dataset, Black Americans likely hold an even higher representation than reported because individuals who identify as Black and Hispanic or as Black and another race are not counted as Black here.\footnote{Glaze 2011, 8.}

Differences in state incarceration rates are also striking. According to data from 2013, 12.8% of Black Americans (1 in 8) in the state of Wisconsin were incarcerated, making Wisconsin the state with the largest percentage of its Black population incarcerated in the country.\footnote{Pawasarat and Quinn 2013, 2.} When including the formerly incarcerated, the proportion of
Black men ages 20-54 with a criminal record in Wisconsin jumps to 41%.\(^{55}\) As horrifying as this statistic is, it gets even worse elsewhere—according to data from 2000, about 75% of Black men in Washington D.C. will, if trends continue, spend some period of time incarcerared in jail or prison during their lifetimes.\(^{56}\)

Even without an explanation for these incarceration rates, the disparities are deeply troubling. Given that Black Americans and Whites are not genetically different in their predispositions toward criminal behavior, something has gone terribly wrong to result in so many more Black Americans being incarcerated than Whites. Even if every incarceration were justified in the sense that Black Americans were truly committing crimes at such higher rates than Whites (they’re not),\(^{57}\) we would be confronted with the question of what insidious social forces cause Black Americans to commit such high rates of crime. For crimes that are committed by Black Americans at higher rates than Whites, we should be careful to consider the social factors that lead to criminal activity before considering the incarceration rates justified.\(^{58}\) Black Americans are more likely to live in criminogenic conditions (i.e. conditions which lead to criminal activity), many of which, I argue below, were largely generated by racist laws and social norms instituted by Whites.\(^{59}\) How many Whites today are incriminated by this statement is tricky; there are certainly Whites alive today who are blameworthy for their intentional efforts to create or sustain racist laws and social norms, but many reinforcements of racist laws and

\(^{55}\) Ibid. 12.
\(^{58}\) Loury 2002 and Loury 2003 argue convincingly that Whites often attribute the criminogenic conditions of Black neighborhoods to endogenous features of Black people instead of to the exogeneous features to which Black Americans are disproportionately subject.
norms are more subtle and unintentional. Fortunately, assigning levels of blame to individual Whites is not my goal in this work. My focus is instead on the institutions and social norms that create injustices to Black Americans.

My efforts are akin to Thomas Pogge’s strategy in arguing that severe poverty is a human rights violation. Pogge admits that in most cases of severe poverty, there are many causally relevant factors that create the conditions of poverty. These causal factors often consist of actions by individual agents and the systems of rules that govern those agents’ actions. It is rare that a single factor is sufficient for creating severe poverty. This complex interaction of causal factors makes it quite difficult to determine the significance of any individual agent’s actions in bringing about the state of poverty and their culpability for those actions. A similar story can be told for current social and political norms of Black subordination. These norms may not exist if not for the history of racist laws and social norms that extends backward to a time before anyone currently living had been born, the many people (especially Whites) who intentionally or unintentionally act in accordance with the norms, the fact of Black Americans’ minority percentage of the population, political rules intended to enact the will of the majority of the represented population, and the power and access that enormous wealth provides to a very tiny, mostly White billionaire class. And this list of relevant causal factors is certainly non-exhaustive.

Luckily, we do not need to fully disentangle the causal factors of Black oppression to motivate action to undermine these unjust systems. Pogge argues that “a person’s human rights impose a general negative duty on all other human agents that they

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60 Pogge 2007, 16-7. Where Pogge does see us as being culpable for extreme poverty is when we uphold institutions and rules that foreseeably and avoidably lead to extreme poverty. I discuss this below.
not participate in imposing upon her an institutional order under which, foreseeably and
avoidably, she lacks secure access to some of the objects of her human rights. A similar argument can be made against participating in racist social and political norms: because individuals are prima facie wronged by socially constructed barriers to their abilities to form and seek their conception of a good life if those barriers exist in virtue of their race, we all have a duty not to adhere to or support the racist social and political norms that create barriers to Black Americans forming and seeking their conceptions of good lives. What responsibility Whites today bear for the creation of the racist norms and institutions which lead to criminogenic conditions in Black communities, then, is beside the point—we must not continue to uphold these norms and institutions.

We perpetuate norms that subordinate Black Americans in many ways. First, we maintain the wealth gap discussed above when we vote and act in accordance with the view that redistribution of resources is unnecessary. We also downgrade testimony from Black Americans (see §2.2.2.1), disregard the impact of mass incarceration on Black Americans who are not themselves swept up in the system (see §2.2.3), use our Whiteness to dominate the narratives surrounding racially significant events (see §5.2.1), and propose color-blindness as a moral and policy framework even though it requires ignoring the obvious significance of racial identity (see §5.2.2.1). These represent just a handful of the broad trends of White domination and Black subordination.

Whites bear varying degrees of culpability in reinforcing oppressive systems; some Whites (especially the wealthy and powerful) contribute in much more significant and damaging ways than others, and some Whites deliberately reinforce oppressive

systems while others attempt to reject them. Though my focus is primarily on oppressive systems and not individual actors, I don’t want to give the impression that all Whites who contribute to oppressive systems do so inadvertently. White supremacy is alive and well. Some Whites still hate Black Americans and we should not forget that.

Nevertheless, we can identify and stress the importance of these trends without proving definitively that every seeming instantiation of the trend is in fact racially motivated or determining the degree of culpability for all actors who contribute to these oppressive systems. As George Yancy notes, “Being incorrect or highlighting exceptions to acts of racism does not unseat claims regarding racist patterns and proclivities, since being incorrect or having exceptions are compatible with such racist patterns and proclivities.” In other words, some acts that appear to conform to racist norms may actually not reinforce those norms, but these exceptions don’t undermine claims about norms or institutions subordinating Black Americans. My focus in this work is identifying these norms and institutions and elucidating why they are morally problematic. I won’t delve much into the responsibility of individual Whites, though I will argue in Chapter 5 that there are certain powers Whites must give up.

Here, I want to quickly discuss the systems and institutions that helped create criminogenic conditions in many majority Black communities. I very briefly outlined in §1.3 the history of anti-Black racism in the United States. Slavery and then the Jim Crow laws severely limited Black Americans’ access to the education, jobs, property, healthcare, and social status Whites used to advance themselves. Without a massive redistribution of wealth and efforts to change public opinion, Black Americans were of

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62 Yancy 2008, 11.
course going to face enormous obstacles to securing stable living conditions, and so it is inevitable that Black communities would have more poverty and higher crime rates. These higher crime rates are then used to justify increased police presence in these communities and greater surveillance and distrust of Black Americans more generally. Black Americans are then led to more interactions with the criminal justice system, which further reinforces stereotypes and encourages more surveillance… the cycle never ends.\textsuperscript{63}

The Los Angeles Police Department, for example, focuses their surveillance in select neighborhoods on particular individuals whom they deem “probable offenders.” The designation of probable offender status is dependent on the number of police interactions an individual has had over the previous two years, their arrest record, whether they had committed any violent crimes or carried a gun, and their gang affiliation, among other things. The LAPD argues that targeting likely offenders allows them to limit the invasive surveillance because they can more accurately target who is likely to commit a crime. As opponents point out, however, the data on which they base their probable offender designations are influenced by racial bias in policing. One’s race influences the number of interactions that individual has with police and their arrest record, both of which are features used to designate an individual as a probable offender. The focus on probable offenders can thus end up creating a racially biased feedback loop—racial profiling leads Black Americans to be disproportionately represented among the set of probable offenders, and so to be monitored more carefully, resulting in more interactions with the police, which then reinforces their status as probable offenders.\textsuperscript{64}

\textsuperscript{63} Lipsitz 2012.
\textsuperscript{64} Joseph 2018.
These problems are exacerbated by the ballooning of individuals incarcerated in the U.S.—we’ve gone from 162 incarcerated individuals for every 100,000 in the population (1 in 617) in 1970\textsuperscript{65} to 670 incarcerated individuals for every 100,000 (1 in 149) in 2015.\textsuperscript{66} This quadrupling of the incarceration rate occurred even though the National Advisory Commission on Criminal Justice Standards and Goals recommended closing juvenile detention centers and halting all construction of new jails and prisons for adults \textit{in 1973}! The forcefulness with which the Commission made their recommendation merits a restatement here:

No new institutions for adults should be built and existing institutions for juveniles should be closed…commitment to a major institution is more likely to confirm juveniles in delinquent and criminal patterns of behavior [than to rehabilitate and reintegrate them]. Similar considerations apply to adults.\textsuperscript{67}

And, later:

The prison, the reformatory, and the jail have achieved only a shocking record of failure. There is overwhelming evidence that these institutions create crime rather than prevent it. Their very nature insure failure. Mass living and bureaucratic management of large numbers of human beings are counterproductive to the goals of positive behavior change and reintegration. These isolated and closed societies are incompatible with the world outside. Normally desirable characteristics such as self-confidence, initiative, sociability, and leadership are counteracted by the experience of incarceration. Individuality is lost and the spirit of man broken through the performance of deadening routines and endless hours of idleness.\textsuperscript{68}

Ignoring these recommendations and proceeding to more than quadruple the incarceration rate, all while failing to recognize the extreme disadvantages and criminogenic environments many Black Americans face because of past and current

\textsuperscript{65} Cahalan and Parsons 1986, 30, 77.
\textsuperscript{66} Kaeble and Glaze 2016, 4.
\textsuperscript{67} National Advisory Commission on Criminal Justice Standards and Goals 1973, 358.
\textsuperscript{68} Ibid. 597.
policy, is a moral outrage. Still, the most important factor for understanding disparate incarceration rates is not actual crime levels; it’s discrimination. We have known since 1973 that our carceral system was failing to make communities safe. If the goal of mass incarceration is to reduce crime, it cannot be denied that it is a terrible failure. But if Michelle Alexander is right, mass incarceration’s real goal is social control. And in serving this goal, mass incarceration has had tremendous success.\(^{69}\)

As context for the following sections on the wrongs of mass incarceration, I briefly highlight here a few of the factors influencing its creation and its targeting of Black Americans.\(^{70}\) In the mid-1950s as the Jim Crow laws were crumbling and the Civil Rights Movement strengthening, many Whites worried about their superior status slipping. In response, politicians (like then Vice President Richard Nixon) began increasingly targeting the Civil Rights protestors as criminal rather than political actors, ushering in the “law and order” racial dog whistle still blown today. Law and order politicians argued that protestors thought they had the right to decide for themselves which laws to follow and which to ignore.\(^{71}\) But the Civil Rights Movement continued to strengthen and the parameters of acceptable racial discourse continued to move, so efforts to control Black Americans in the United States had to shift from more clearly racist expressions to the subtler “war on crime,” “war on drugs,” and “welfare reform.” Nixon’s “war on crime” and Reagan’s “war on drugs” were the lynchpins of this movement, but George H. W. Bush and Bill Clinton continued and enhanced the efforts to incarcerate Black Americans with undeniable results.\(^{72}\)

\(^{69}\) Alexander 2010, 225.  
\(^{70}\) For a more complete analysis, see Alexander 2010.  
\(^{71}\) Alexander 2010, 41.  
\(^{72}\) Ibid. 41-56.
We can be sure that these efforts were politically motivated because those who helped create the policies admit as much. John Ehrlichman, former domestic-policy adviser to Nixon, had the following to say in a 1994 interview for Harper’s magazine:

The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. You understand what I’m saying? We knew we couldn’t make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.”

Nixon and others’ misrepresentation of their efforts to incarcerate Black Americans as a “war on crime” or “war on drugs” is emblematic of what I argue later is Whites’ capability to dominate racial narratives. Social norms that encourage trust of Whites and mistrust of Black Americans give Whites power to mischaracterize Black Americans’ actions and our treatment of Black Americans for our own benefit. Nixon utilized Whites’ general distrust and dislike of Black Americans to effectively recast his targeting of Black Americans as race-neutral. I discuss this capability at length in §5.2.1, but we must keep in mind how Whites manipulate public consciousness about Black Americans as we proceed through discussions of the system of mass incarceration and how it wrongs Black Americans.

Though we’ve moved beyond calling for a “war on drugs” (at least by name) to incarcerate Black Americans, they are still under far more scrutiny than Whites in their everyday lives. Personal stories of Black Americans being monitored and thought

73 Baum 2016.
74 See Collins 2000, 281 for a discussion on the role surveillance plays in keeping Black women in particular under the power of others.
suspicious abound, and the data back up these accounts. Though White and Black Americans report using drugs at similar rates, Black Americans are 3.6 times likelier to be arrested for drug use than Whites. This has an enormous impact on Black incarceration rates, as 20% of all incarcerated individuals are incarcerated for a non-violent drug offense.

The unbridled discretion police officers are allowed, and the extreme difficulty in proving in any individual instance that race was necessarily the motivating factor, help explain the system’s racial disparity. Officers are allowed to search anyone for any reason if that person gives their consent, but many people have no idea that they have a right to refuse an officer’s search and are coerced into consenting to the search by officers’ intimidating presence. Similarly, pretext stops—stops where a minor infraction (like failure to use a turn signal) are used as an excuse to confront individuals and search for drugs—have also been deemed legal by the Supreme Court. Unsurprisingly, racial minorities were stopped by radar at rates roughly equal to their use of the roads, but were vastly overrepresented in discretionary stops. The same holds true for pedestrians—in 2007, data showed hundreds of thousands of individuals were stopped, and many were searched for weapons. More than half of those stopped were Black.

Police also have discretion over which communities to target in patrols. Police could target White suburbs and college campuses, where illegal drug use is as prevalent as ever, but instead tend to target Black and Brown communities. Here, they can make

75 See §§2.1.1 and 2.1.2.
76 Klein 2014.
77 Wagner and Rabuy 2017.
78 Alexander 2010, 100.
79 Ibid. 64-6.
80 Ibid. 131-2.
81 Baker and Vasquez 2007.
copious arrests of people with little political power who don’t have the protection of large private spaces in which to hide their drug use, garner large sums of public funds for their arrests, and avoid the public backlash that would accompany an increased police presence in wealthier White neighborhoods.\textsuperscript{82} One defense that is offered for these practices is that police are just focusing their efforts in the “bad” neighborhoods where they’re most likely to find drug crimes. This stereotype is perpetuated in part because Jim Crow laws and \textit{de facto} segregation have resulted in many people of color living in poorer, stigmatized communities. In truth, however, police don’t always target high-crime areas (usually, when those areas are White). Even in Seattle, a city often touted for liberal policies aimed at helping disadvantaged groups, researchers found that police’s drug enforcement efforts targeted crack cocaine to the exclusion of other drugs—importantly, crack is the drug most strongly associated with Black use—and open-air areas where Black Americans and Latinos were more likely to use or exchange drugs. Police seemed ignorant to open-air markets in which Whites exchanged drugs, ignoring the reality that drug transactions occur in those predominantly White spaces. The most likely explanation for police ignoring obvious drug use and sales by Whites is that police aren’t looking for White culprits; Black Americans and Latinos are specifically targeted and profiled as drug users.\textsuperscript{83}

After the arrest, the next force in perpetuating disparate incarceration rates is unequal treatment by prosecutors and defenders. Prosecutors have full discretion to dismiss any case they like, can file any charges for which they claim probable cause reasonably exists (even if they know there is not sufficient evidence for the charges to

\textsuperscript{82} Alexander 2010, 121-3.
\textsuperscript{83} Beckett, Nyrop, Pfingst, and Bowen 2005, 436-7.
obtain a guilty verdict in trial), and also decide what plea deal to offer a defendant. In a research report prepared for the U.S. Department of Justice, Lindsey Devers concludes that “the relationship found between race and receiving a reduced plea has been consistent,” with Black Americans less likely than Whites to receive reduced pleas. In fact, it appears that Black Americans face worse outcomes than Whites at every step in the process. The New York County District Attorney’s Office made information about 222,542 cases resolved in 2010-11 available to the Vera Institute of Justice for analysis, and the results are striking. Vera controlled for variables such as seriousness of the crime, whether the defendant had private or public counsel, and the criminal record of the defendant. Still, Black Americans were 10% more likely to be held in pretrial detention than Whites. For all misdemeanors, Black Americans were 13% more likely to be offered custodial sentences (some form of mandatory confinement such as incarceration or forced admittance to a drug rehabilitation center) in their plea offers, and for misdemeanor drug offenses Black Americans were 27% more likely to be offered a custodial sentence. In cases where the defendant was found guilty, Black Americans were 15% more likely to be imprisoned for a misdemeanor person offense, 15% more likely to be imprisoned for a misdemeanor drug offense, and 14% more likely to be imprisoned for a felony drug offense than Whites. An important driver of these statistics may also be that many prosecutors are elected and therefore responsive to public opinion. Given our racist society, public opinion is likely to support fiercer prosecution of Black

84 Alexander 2010, 112.
85 Devers 2011, 3.
87 Ibid. 5.
88 Ibid. 6-7.
89 Ibid. 8.
Americans than Whites. These forces may, knowingly or not, encourage prosecutors to lodge more charges and harsher sentences against Black Americans.\textsuperscript{90}

Notably, defense attorneys are not free from bias either—a 2011 study found that even after controlling for such variables as the likely guilt or innocence of the defendant and how that defendant would fare in court, defense attorneys recommended worse plea bargains for Black clients than for White clients.\textsuperscript{91} After offering a simple crime vignette describing a robbery at a jewelry store to two groups of defense attorneys—in one vignette the perpetrator (named in both cases Robert Williams) was White and in the other he was Black—the researchers found the following: “Robert Williams, the African American client, was more than three times more likely to be encouraged to accept a plea that included jail time than Robert Williams, the Caucasian American client.”\textsuperscript{92}

The racial disparities just described are compounded further by the barriers to Black Americans receiving recompense through challenging these disparities in court. First, in 1987 the Supreme Court ruled in \textit{McCleskey v. Kemp} that showing a pattern of racial bias in sentencing through credible statistical evidence was not sufficient for challenging a verdict in an individual case under the Fourteenth Amendment (which protects all citizens’ rights to due process of law). Instead, the Court required that the defendant provide clear proof of conscious, discriminatory intent in his particular case—a near impossible task in most any case.\textsuperscript{93} Then in 1996 the Supreme Court made it even

\footnotesize{\textsuperscript{90} Davis 2002, 62. Examples like these are why it is so important that Whites not ignore our racialized identities. When we ignore how Whiteness structures our interpretations of racialized events and our perceptions of racial others, we are more likely to unwittingly reinforce oppressive norms and encourage others to do the same. See §5.2.2 and my discussion there of José Medina’s concept of meta-insensitivity for an explication of these phenomena.
\textsuperscript{91} Edkins 2011.
\textsuperscript{92} Ibid. 424.
\textsuperscript{93} Alexander 2010, 106-8. There are good reasons to avoid making conclusions on statistical likelihoods because of how that data could be used to profile and monitor groups that are statistically more likely to}
more difficult for Black Americans to get justice with their ruling in *United States v. Armstrong*. Here they ruled that prosecutors did not have to turn over documents detailing how they chose which charges to file and pleas to offer, even though the Black defendant could show that over the past three years there had been more than 2,000 people charged with federal crack cocaine violations and not one of them was White (and only 11 were not Black). The Court required that the defendant prove there were similarly situated White individuals who should have been prosecuted but were not before they would order the prosecutor to release the documents. The only way the defendant could obtain this information, however, would be to have the prosecutor’s documents that were barred from discovery.\(^9^4\)

Overwhelmingly, the evidence shows that mass incarceration is an unjust system. Black Americans are treated unfairly in every step of the process, from facing more scrutiny and interaction with police all the way to receiving harsher sentences. I now attempt to present the costs of this system. First, I examine the costs to incarcerated individuals of their incarceration. Second, I look to how those costs are spread beyond the individuals themselves to their families and communities.

### 2.2.2 Negative Effects of Incarceration on Incarcerated Individuals

The most obvious negative effects to incarcerated individuals are those caused by the incarceration itself. Prisons are extremely difficult places for anyone to live. Being constantly monitored by officials, having virtually no privacy from other incarcerated people, having one’s ability to choose how to spend one’s time limited in the extreme, commit certain crimes. That there are good reasons for employing this policy across the board, however, does not change the fact that the policy makes it more difficult for Black Americans to get justice when they are subject to disparate treatment.\(^9^4\) Alexander 2010, 114.
spending enormous amounts of time in what is essentially a cage, enduring (or fearing) solitary confinement, and constantly having to navigate the dangers of fellow incarcerated people and abusive guards is enough to tear down even the strongest men and women. Life in prison can be so grueling, in fact, that some researchers are arguing that extended periods of incarceration can lead to a distinct form of PTSD called Post-Incarceration Syndrome. Post-Incarceration Syndrome is characterized by insomnia, emotional detachment, irritability, extreme anxiety, and other traditional symptoms of PTSD, as well as heightened social distrust, social-sensory disorientation, and feelings of social and temporal alienation.\textsuperscript{95} Instead of focusing on these straightforward harms of incarceration, however, I examine epistemic injustices, racial biases within prisons, and the post-incarceration consequences of a criminal record to expand our understanding of how significant and damaging mass incarceration is to those who are incarcerated.\textsuperscript{96}

\textit{2.2.2.1 Epistemic Injustice as Recognition-Wrong}

I focus in this section on a particular kind of wrong I call a “recognition-wrong”. I focus on recognition-wrongs, even when these are not the most salient of the wrongs committed against an incarcerated person, because I take them to be an undertheorized aspect of the wrongs committed against subordinated peoples, and I think my analysis of and sensitivity to these wrongs is one of the strengths of my account.

One suffers a “recognition-wrong” when he is wronged by an act that functions primarily as a mode of dehumanizing the individual, signifying that he does not deserve the status or respect typically afforded members of other “c-groups”. I use the term ‘c-

\textsuperscript{95} Liem and Kunst 2013.
\textsuperscript{96} See Dole 2015 for a detailed discussion of the injustices and inhumane treatment incarcerated individuals face in jails and prisons. Dole’s perspective is unique in that he is currently serving a life-without-parole sentence at Stateville Correctional Center in Illinois.
group’ (for constraint-defined-group) to denote groups of individuals who constitute “social groups” on Ann Cudd’s account. Cudd defines a “social group” as “a collection of persons who share (or would share under similar circumstances) a set of social constraints on action.”97 When Cudd talks of “constraints,” she has in mind any penalties, rewards, and incentives that shape social action. She includes “legal rights, obligations and burdens, stereotypical expectations, wealth, income, social status, conventions, norms, and practices” as constraints.98 I use “c-group” to designate these groups of people defined by their constraints to avoid controversy surrounding the concept “social group”. I defend using “c-group” over “social group” to designate these groups in §3.5; I am only introducing this concept now as a tool for elucidating recognition-wrongs.

My concept of “recognition-wrong” is grounded in Nancy Fraser’s work on “recognition” in response to Charles Taylor’s and Axel Honneth’s understanding of “recognition”. Taylor brought the concept of recognition into the mainstream, arguing that minority groups demand recognition so earnestly because of the connection between recognition and identity. Taylor conceptualizes recognition indirectly through his concept of misrecognition, where to be recognized appropriately is not to be misrecognized. Misrecognition, on Taylor’s view, occurs when “the people or society around [a minority group] mirror back to them a confining or demeaning or contemptible picture of themselves,” and can be seen as a form of oppression, “imprisoning someone in a false, distorted, and reduced mode of being.”99 For Taylor, recognition is so important because we form our identities partly through dialogical relationships with others; when we are

97 Cudd 2006, 44.
98 Ibid. 44, 50.
misrecognized, we may internalize the negative images, which distorts our identity formation.\textsuperscript{100} Honneth argues along the same lines as Taylor, arguing that “what subjects expect of society is above all recognition of their identity claims,” with an emphasis on avoiding “social injury to one’s integrity, honor, or dignity.”\textsuperscript{101}

Fraser objects to the conception of recognition endorsed by Taylor and Honneth, arguing that misrecognition ought to be seen as “an institutionalized relation of subordination and a violation of justice” rather than a “psychical deformation” or “impediment to ethical self-realization.”\textsuperscript{102} I believe that the competing conceptions of recognition offered by Taylor and Fraser both have important roles to play in our theorizing, but that Fraser’s conception of recognition is the conception most typically appropriate for discussions of Black oppression.\textsuperscript{103} Fraser offers two convincing reasons for generally preferring her conception of recognition to that offered by Taylor and Honneth. First, her justice-oriented conception doesn’t rely on a conception of self-realization and its importance as does Taylor and Honneth’s.\textsuperscript{104} To accept Taylor and Honneth’s conception of recognition, one has to commit to the moral value of a particular identity formation process. Taylor and Honneth assume that, universally, we all are committed to an identity formation process that is hindered when people outside our group denigrate our cultural forms. The United States is filled with a wide variety of people with different values, cultures, and backgrounds; we cannot assume that everyone

\textsuperscript{100} Ibid. 32, 36.
\textsuperscript{101} Honneth 2003, 131.
\textsuperscript{102} Fraser 2003, 29. Emphasis original.
\textsuperscript{103} I rely heavily on Fraser’s understanding of recognition through this work, but the influence of Taylor and Honneth’s conception of recognition can be seen in my discussion of self-silencing in §2.2.2.1 and in my discussion of the psychological benefits Whites receive from Black Americans’ subordinated status in §5.1.
\textsuperscript{104} Fraser 2003, 30.
will value identity formation in this way. Some cultural groups may not care how others view their way of life so long as they are not prohibited from pursuing it.  

More significant is that when we take misrecognition to be a status subordination as Fraser does, we place the wrong in social relations instead of psychologizing it. Taylor and Honneth come too close for comfort to shifting blame from those who denigrate subordinated groups to the groups themselves. Though Taylor and Honneth may sidestep this criticism by arguing that efforts to redress misrecognition ought to focus on changing the views of members of the dominant culture, I think we still should be worried that they have missed the mark in ascribing where the wrongness lies. As Fraser later argues, dominant norms of denigrating and subordinating minority groups are wrong regardless of how they psychologically impact members of those minority groups. Whether subordinated group members are psychologically affected by norms of misrecognition, the norms still create an environment that makes it harder for them to pursue multitudinous life goals because they cannot expect to have their abilities or contributions fairly evaluated, and therein lies the wrongness of the norms.

I endorse Fraser’s view that the problematic aspect of instances of misrecognition (or recognition-wrongs, as I call such instances) is not first and foremost the psychological impact these wrongs have on those who suffer them, but that these wrongs designate as lower status and less deserving of respect those on whom they are inflicted. Recognition-wrongs are extremely significant in my analysis of White

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105 Relatively isolated cultural groups, like the Amish, come to mind.
106 Fraser 2003, 31.
107 Ibid. 32.
108 I believe the term “recognition-wrong” more clearly denotes that we are not discussing a mere mistake or ignorance, but an injustice.
domination and Black oppression. To shed light on the role of recognition-wrongs in this context, it is worth quoting Malcolm X at length. In a speech he gave in 1964, Malcolm X said the following:

America is a colonial power. She has colonized 22 million Afro-Americans by depriving us of first-class citizenship, by depriving us of civil rights, actually by depriving us of human rights. She has not only deprived us of the right to be a citizen, she has deprived us of the right to be human beings, the right to be recognized and respected as men and women. In this country the black can be fifty years old and he is still a "boy." I grew up with white people. I was integrated before they even invented the word and I have never met white people yet—if you are around them long enough—who won’t refer to you as a “boy” or “gal,” no matter how old you are or what school you came out of, no matter what your intellectual or professional level is. In this society we remain “boys.”

I share this quote before delving deeper into an analysis of recognition-wrongs because I believe it is important to show the history that undergirds this concept. Malcolm X is pointing here to the importance to him and Black Americans generally of being treated as equal to Whites. Black Americans shouldn’t be reduced to “boys” and “gals”; they shouldn’t be universally patronized as inferior. As Malcolm X goes on to say, “All of us want recognition and respect as human beings.”

Again, I do not employ the concept of recognition to identify a psychic state of the person who suffers a recognition-wrong. Oppressive recognition-wrongs are systematic instances of group subordination built into our social norms and institutions. They must be addressed because they may significantly impede one’s ability to pursue his or her conception of a good life. Our access to the professions and community leadership positions we want to hold depend in part on our abilities and contributions

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109 Breitman 1965, 50-1.
110 Ibid. 51.
111 Fraser 2003, 29.
being appropriately evaluated. If, for example, a Black man is seen as less capable or less trustworthy than a White man competing for the same position before anything is known about either man, the Black man will be disadvantaged before he even has a chance to speak for himself. He may fail to secure the position even if he is more qualified and equally endowed with resources because he has to do more to earn the trust of the interviewer or those who would elect and follow him.

More generally, we all have an interest in avoiding recognition-wrongs. Virtually everyone relies on others in significant ways to achieve their goals. Whether those goals are mundane, like buying groceries for the week, or extremely significant undertakings, like being elected to Congress, we have to interact with others to achieve them. These interactions are unavoidable, and so present many opportunities for subordinated individuals to be wronged. When others act in a way that expresses to someone that he is irrational, unreliable, suspect, or insignificant when they have no basis for such action—e.g. when they act this way because of the person’s race—they put a burden on the wronged individual. Even if that individual ignores the offender’s actions and they have no material impact on his life, he may still have to do emotional work to fortify himself against expressions that would otherwise be painful, and he must constantly be prepared for another of these interactions to occur.

And sometimes, they are painful. When they’re painful, one may feel degraded, angry, embarrassed, uncomfortable, unsafe, or any number of other negative feelings. For most of us, avoiding such feelings as often as possible comprises part of what it means to live a good life. One may choose to put herself in situations that she knows will likely lead to such feelings because it is the only way to secure an important goal she has—
social justice advocates do this often—but even so, she would most likely prefer to
achieve her goal without having to endure the negative feelings. Moreover, these negative
experiences can be overwhelming and may eventually discourage someone from pursuing
her conception of a good life. She may decide to live a different life, one in which she can
avoid enduring some of these hardships. In all of these cases, recognition-wrongs pose a
threat to a person’s ability to pursue his or her conception of a good life.\footnote{As such, recognition-wrongs diminish capabilities that individuals value in pursuing their conceptions of
good lives. I discuss the value of analyzing these injustices in terms of capabilities in §4.2.}

To help elucidate the kinds and impact of recognition-wrongs resulting from mass
incarceration, let’s turn to the work of Joseph Rodney Dole, II, an incarcerated man
serving a life-without-parole sentence in Stateville Correctional Center in Illinois. Dole
illustrates extensive recognition-wrongs he and others incarcerated at Stateville face in
virtue of their status as “inmates.” Though Dole is a White man and suffers these
recognition-wrongs solely in virtue of his status as an “inmate”, his combination of
nuanced writing and personal experience make his arguments detailing the recognition-
wrongs experienced by incarcerated people very powerful. In considering how Black
Americans suffer recognition-wrongs in virtue of their status as Black and as “inmates,”
we must keep in mind that a far higher proportion of Black Americans than Whites spend
time in prison and Black Americans in prison tend to suffer more recognition-wrongs and
suffer them to a greater degree (as shown in §2.2.2.2). Recognition-wrongs suffered by
incarcerated individuals are thus an important part of an examination of Black
subordination.

Dole describes the ways that correctional officers and administrators connote the
term ‘inmate.’ ‘Inmate’ is not used to simply signify their status as individuals who are
incarcerated, but to designate them sub-persons. Dole describes how administrators decry anyone who is “inmate friendly,” criticizing them for being cordial to incarcerated individuals. The concept is used to stifle any friendliness that a guard or even volunteer teacher might show to incarcerated people. Dole takes administrators’ weaponizing of the concept to imply that “people who are labeled “inmates” must be ostracized from society; mere friendly association with them is admonished.” Elsewhere Dole details how he and other incarcerated people are treated like animals. Dole describes three-foot by three-foot holding cells used in Louisiana by a parish jail to hold incarcerated people at risk of suicide that were smaller than the six-foot by six-foot cages the parish’s policies required for dogs. Administrators at this same jail also dressed the suicidal individuals in tiny orange shorts with the print “Hot Stuff” across the butt in order to embarrass them. To justify this degrading treatment, the Sheriff said that since the incarcerated people had behaved like animals, they deserved to be treated like animals. Another Sheriff, the infamous Sheriff Joe Arpaio who avoided jail time after being granted a pardon by President Trump, served food in his prisons so cheap he said it cost less than what he feeds his pets. According to Dole, this is far from the worst mistreatment of incarcerated people he has researched or seen firsthand.

Additionally, Dole outlines how he and others at Stateville are subject to arbitrary rules that change at a moment’s notice. He claims that it does not matter whether the rules infringe on their constitutional or basic human rights, and there is no mechanism for the incarcerated individuals governed by the rules to receive notice of rule changes or

113 Dole 2017, 7.
114 Swenson 2017.
115 Dole 2015, 1-4.
provide input on the rules prior to them being enacted. Even when administrators do
recognize the rules as inappropriate, they merely choose to not enforce the rules; they
don’t rescind them. The result is that incarcerated people at Stateville are subject to a
constantly expanding set of rules that may be enforced at any time, with no recourse for
shaping rules that are unjust. Dole contends that this is just one more way in which
incarcerated people are treated as sub-human—they are deprived of agency and authority,
even the minimal agency of choosing how to live within the confines of a set of
restrictive, but known, rules.\textsuperscript{116}

Dole’s primary complaint, though, is that he was subject to epistemic injustices,
which I include as a subset of recognition-wrongs because they are nonmaterial wrongs
of oppression that designate the person wronged as less deserving of respect for their
epistemic capacities. According to Miranda Fricker, a pioneer of the concept of epistemic
injustice, the injustice comes in two forms: testimonial injustices and hermeneutical
injustices. Fricker defines testimonial injustice as “when prejudice causes a hearer to give
a deflated level of credibility to a speaker’s word.”\textsuperscript{117} Testimonial injustices wrong one in
his capacity as a knower and giver of knowledge by assigning a lower credibility to his
testimony than is merited by the features that indicate the likely accuracy of the
testimony. The speaker is ignored because of an irrelevant feature, like his race, and not
because of a reasonable belief that his testimony is unreliable. He is thereby prevented
from participating in conversation as an equal with people who are not subject to a
testimonial injustice. Not only does this hinder the abilities of those who suffer
testimonial injustices to achieve goals that require social interaction, it also marks them

\textsuperscript{116} Dole 2017, 5-6.
\textsuperscript{117} Fricker 2007, 1.
as less rational or reliable. Because of the importance of reasoning to human identity and interaction, testimonial injustices inflict a further wrong through implying that the subject of the wrong is not fully rational, not fully a reasoner, and thus “less than fully human.”

A paradigmatic example of a testimonial injustice is when a White man’s account of a situation is automatically preferred to a Black man’s account. Think back to the story of Senator Tim Scott offered in §2.1.2. Senator Scott is a Black man who once was barred from an event to which he had been invited. He was attempting to enter the event with two of his staffers and two of his officers, all four of whom are White. Security at the event allowed the White men—who were Scott’s subordinates and there on his bidding—to enter, while barring Scott himself. Security did not listen to Scott when he explained that he should also be allowed to enter. Only after the White men protested was Senator Scott permitted to join the event. For no good reason, security trusted the word of the White men who worked under Scott over the word of Scott himself. That is a clear testimonial injustice.

Credibility cuts both ways—the example above demonstrates that the security personnel subjected Scott to an unjustified credibility deficit, or an assumption that he is less knowledgeable or authoritative because of his c-group membership, but we should also be concerned about credibility excesses. Even if a Black person offering information is offered appropriate credibility, she may still be subject to a testimonial injustice if conflicting information from a White person is afforded excess credibility. In other words, it’s not only our negative biases toward Black Americans that lead Whites to

118 Ibid. 44.
commit recognition-wrongs, but also our positive biases toward Whites. Elizabeth Anderson argues that the prevalence of ethnocentrism and the tendency of all people to weigh more heavily information that coheres with their own experiences leads Whites to over-emphasize the credibility and value of White sources.\textsuperscript{120} Even if Black Americans don’t suffer a credibility deficit in some scenario, if they are pitted against a White source with a credibility excess, they will still be wrongly devalued as sources of information in comparison.

Testimonial injustices come in other forms as well. One may be subject to a “pre-emptive testimonial injustice,” where because of an unjustified credibility deficit, the individual is simply not asked for her thoughts, judgments, or opinions.\textsuperscript{121} In these cases, rather than assigning inappropriately low credence to some person A’s given testimony, the perpetrator of the testimonial injustice assigns a low enough credence to any testimony from A that he does not even bother to seek or consider A’s testimony. Context is important here; obviously, one doesn’t need to seek testimony from everyone about everything to avoid committing a testimonial injustice. A helpful test to identify pre-emptive testimonial injustices due to race is to consider whether a White person in the same position would be asked for their testimony when the Black person actually occupying that position was not.

For example, in §2.1.2, I briefly mentioned a point that Representative Alcee Hastings made about his experience as a Black Congressman. Rep. Hastings said that members of both parties regularly ignore comments made by Black Congresspersons. Whether it’s in a Democratic caucus meeting or hearing involving the entire Congress,

\textsuperscript{120} Anderson 2012, 169-70.
\textsuperscript{121} Fricker 2007, 130.
members will get up and leave in the middle of comments made by Black representatives.\textsuperscript{122} Non-Black members consciously or subconsciously express through their actions that the comments made by Black representatives do not merit the same attention as the comments made by White representatives. Rather than disbelieving Black members’ testimony because of an inappropriately low credibility ascription, these White members just ignore Black members’ comments altogether. This is a clear pre-emptive testimonial injustice.

We must also recognize that pre-emptive testimonial injustices need not have such explicitly defined characters as in the example just given. By this I mean there need not be a specific person who, in virtue of her position and the matter at hand, ought to have her view sought out but doesn’t because of her c-group membership. Pre-emptive testimonial injustices also occur when members of a c-group are functionally “invisible.” A poignant example of “invisibility” as a pre-emptive testimonial injustice occurred recently in England. The Higher Education Funding Council for England (HEFCE) funds and regulates colleges and universities across England, and the allocations are made in part based on judgments of research submissions from members of these universities.\textsuperscript{123} HEFCE decided to construct an eight-member diversity panel whose goal was to improve minority representation in the research that HEFCE funds. Yet, somehow, HEFCE did not see a problem in choosing seven White members and only one non-White member for the diversity panel.\textsuperscript{124} Their choice of panel members perpetuates what the creation of the diversity panel was supposed to combat—HEFCE’s underrepresentation of non-White

\textsuperscript{122} McAuliff 2013.
\textsuperscript{123} HEFCE has since been disbanded and its duties split between newly created organizations.
\textsuperscript{124} Bhopal 2017.
voices in their decision-making process. We can think of this case as a wronging of non-White peoples generally. Failing to see the significance of non-White voices and the role those voices may play in important conversations, especially conversations about minority representation, helps enforce the norm of ignoring non-White voices. This norm then leads particular individuals to be wronged, like Rep. Hastings was, by pre-emptive testimonial injustices.

The experience of these testimonial injustices may also compound over time to lead one to self-silence. Members of subordinate c-groups may just stop trying to offer their perspectives—why attempt to communicate one’s thoughts and feelings when no one will listen? Here there is not a specific individual committing a recognition-wrong, but we have a wrong nonetheless. The wrong is a product of interacting norms and previous recognition-wrongs—if it weren’t for the individual’s previous experience or witnessing of recognition-wrongs against members of his group, and the subsequent belief that his views will be disregarded because of that previous experience, he would feel that his view should be shared.

Compare these examples to Fricker’s other category of epistemic injustices, which she calls hermeneutical injustices. Hermeneutical injustices occur “when a gap in collective interpretive resources puts someone at an unfair disadvantage when it comes to making sense of their social experiences.” They are structural injustices that occur because of a background of unequal hermeneutical participation between groups, such as when a non-dominant group devotes conceptual resources to attempting to make sense of a phenomenon that dominant groups ignore. This may result in the non-dominant group

\[125\] Dotson 2011, 244.
\[126\] Fricker 2007, 1.
not being able to fully express or understand the phenomenon, or in the dominant group applying an inappropriate concept to the phenomenon for their own benefit (for example, instances of sexual harassment being labeled by men as “flirting”).

Kristie Dotson helpfully expands the concept of hermeneutical injustice to include instances where the non-dominant group has developed a conceptual framework to analyze a phenomenon, and members of the non-dominant group can engage in deep conversation with each other on the topic, but there is no uptake in the broader society because the dominant group and powerful institutions refuse to engage with the non-dominant group’s framework. This kind of hermeneutical injustice is most relevant to the discussion of Black subordination. Whites who proclaim that they “do not see color,” for example, commit a hermeneutical injustice against Black Americans. Nearly all Black Americans believe that their Blackness is relevant to their identity. When Whites claim not to see color, they effectively deny that there is a distinction between Black and White social experience or culture. Whites who purport “not to see color” typically make this proclamation as though it shows their lack of racism; they’re not racist because they don’t distinguish between Black and White Americans. In reality, Whites are erasing the distinctness of Black experience and the social significance of

127 Ibid. 149-55.
128 Dotson 2012, 32. Fricker updates her concept to include Dotson’s insights in her later work (Fricker 2013, 1319-20).
129 As Yancy argues, the concepts Black Americans use to describe their experiences of oppression are not in principle inaccessible to Whites—Whites just generally choose not to listen (2008, 9). James Baldwin echoes this sentiment when he writes of growing weary of trying to explain to Whites what it is like to be a Black man in America. Even his White friends did not listen when he tried to rebut their racist sentiments (1998[1961], 271-2).
130 Only 8% of Black Americans even believe that they have equal rights with Whites. 92% of Black Americans thus believe that they, in virtue of their Blackness, have fewer rights than Whites. And I would guess that many of the 8% who believe they have equal rights with Whites also believe their Blackness still plays some role in shaping their social experiences, whether because of how they’re treated by non-Blacks or because of the significance of self-identifying as Black (Pew Research Center 2016).
both Blackness and Whiteness.\textsuperscript{131} Whites’ refusal to engage with a race-sensitive framework is thus a hermeneutical injustice that undermines Black Americans’ efforts to highlight racial differences in a push for equality.

With the concepts of testimonial and hermeneutical injustices now explicated, let’s return to our discussion of Joseph Dole. Dole relies on Fricker’s work to argue that his last name being excised from works he has authored for publications run by the Prison-Neighborhood Arts Project (P-NAP)—a policy pushed by Stateville administrators—is a testimonial injustice. Before this policy change, P-NAP had published students’ names for years without incident, but the Stateville administrators argue that publishing the names of the incarcerated authors is a security risk. Dole convincingly argues that administrators are not actually concerned that incarcerated people publishing under their own names is a security risk. All incarcerated people are required to wear ID badges on their lapel containing their full names, ID numbers, and even their religion. Moreover, the prison law library has easily accessible information on the crimes each incarcerated person has committed, listed under the incarcerated people’s full names.\textsuperscript{132} Given that the administrators support these policies, they cannot reasonably claim to be worried that the availability of an incarcerated person’s full name on a publication poses a security risk to that person.

Dole objects to the practice of excising authors’ names from their works because it robs the authors of credibility, a particularly pernicious injustice considering how low

\textsuperscript{131} When Whites “do not see color,” we do not recognize the significance of our own Whiteness. As I argue in §5.2.2, Whites’ capability to ignore our racialized identities is an extremely problematic aspect of White domination in that it empowers us to argue for an unjust color-blind framework of justice and to see Black Americans’ advancements as victimizing us.

\textsuperscript{132} Dole 2017, 2-3.
the default credibility assigned to incarcerated people already is. Society at large is
conditioned to view criminals as “liars, cheats, uneducated, and worthy of being
despised.” Without one’s last name attached to his work, the author cannot build up a
body of work or display credentials that might lend his publications more authority.\textsuperscript{133}
Even if the author has no credentials or body of work to display, the distance created by
leaving his last name off his publications may generate in the minds of readers a lack of
legitimacy. Because they cannot verify the author’s identity or learn more about him,
they may be unwilling to trust the information. He is also effectively barred from
participating as a consistent voice to be included in an ongoing debate because his work
is divorced from a consistent identity.\textsuperscript{134}

The practice further serves to dehumanize the incarcerated person. Societal norms
deny that incarcerated people are knowledgeable reasoners, and incarcerated people
know this. Robbing them of the pride of publishing good work under their own names
reinforces to incarcerated people that they are not deserving of recognition as
reasoners.\textsuperscript{135} The incarcerated person is thus not only hindered in his ability to share his
unique knowledge with the world and participate in important debates, he is denied an
important aspect of his identity. An incarcerated person who takes writing to be a core
part of who he is, as Dole does, will have a much harder time embracing this identity
marker if his work cannot be attributed to him.\textsuperscript{136}

Though just one instance of the ways that the carceral state dehumanizes people
who are incarcerated through recognition-wrongs, Dole’s dedication of an entire article to

\textsuperscript{133} Ibid. 9-10.
\textsuperscript{134} Ibid. 11-2.
\textsuperscript{135} Ibid. 12-3.
\textsuperscript{136} Ibid. 15.
the injustice illustrates how deeply impactful these kinds of wrongs can be. They help to structure society so that it is harder for subordinated people to have their voices heard in important debates. They make it harder for subordinated people to secure roles as community leaders. And they force subordinated people to either abdicate certain goals and avoid many everyday situations or bear the emotional burden of trying to keep the recognition-wrongs from bringing them shame, embarrassment, and frustration. All of these are concerns for subordinated peoples’ abilities to form and pursue their visions of good lives. For incarcerated Black Americans, these concerns are compounded by their status as both an “inmate” and as Black.

**2.2.2.2 Racial Bias Within Jails and Prisons**

Enduring the dehumanizing conditions and treatment outlined in 2.2.2.1 is a monumental feat on its own, but unfortunately, prospects for Black Americans are even worse. The racial discrimination that leads to disparate incarceration rates leads also to mistreatment of Black Americans who are incarcerated. In an analysis by *The New York Times*, reporters examined racial bias in prisons in New York state. They found that racism runs rampant in the prisons, especially in prisons located in largely White areas with mostly White guards. For example, at Clinton, a prison where only one of the 998 guards is Black, Black Americans were four times more likely to be sent to solitary confinement than Whites and were held there an average of 125 days, 35 days longer than the average for Whites. Across the state, Black Americans face similar treatment. In an analysis of 59,354 disciplinary cases, *The Times* found that Black Americans were 30%
more likely to receive a disciplinary reprimand and 65% more likely to be sent to solitary confinement.137

Disparities are especially stark when officers have great discretion to decide if a rule was broken.138 For example, Black Americans are almost twice as likely to be written up for “disobeying a direct order by an officer,” even though it is Whites that are overrepresented in smoking and drug offenses that require physical evidence; Whites make up a quarter of the prison population, but receive a third of these tickets. Assault charges fare similarly—officers have wide latitude in whether an altercation is counted as an assault. The result is that Black men received 61% of all assault charges, and White men received only 9%.139 As outlined in my discussion of Dole’s work above, White and Black Americans both are almost always subject to the threat of punishment because of officers’ discretion. In the application of that discretion, however, Black Americans fare far worse.

Details of disparate punishments also say nothing of the verbal abuse and distrust Black Americans who are incarcerated face in comparison to that faced by their White counterparts. At Clinton, two White murderers were able to escape after gaining access to tools capable of cutting through walls and piping because of friendships they developed with two White employees. Black Americans, on the other hand, describe being called “porch monkeys” and “spear chuckers,” having officers aggressively swipe their hands between their buttocks during searches in a practice called “credit card swiping,” and

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137 Schwirtz, Winerip, and Gebeloff 2016.
138 Similar disparities can be found in the disciplinary actions taken against White students and Black students in our public schools. In 2015 in California, for example, Black students were given out-of-school suspensions at four times the rate of White students (Loveless 2017, 24).
139 Schwirtz, Winerip, and Gebeloff 2016.
being treated as if they are “another species.” In one instance, a guard (Brian Poupore) took issue with an incarcerated person (John Richard) who was wearing tinted glasses and told him, “Monkeys don’t wear glasses.” When Mr. Richard refused to remove the glasses because he has vision problems and a medical permit allowing him to wear them, Officer Poupore summoned over a group of other guards and together they assaulted Mr. Richard. They broke Mr. Richard’s glasses, and left bruises across his face, under his ear, and on his back. He had trouble walking after the incident, but this didn’t stop the guards from filing an assault charge against him. He spent the next six months in solitary confinement.¹⁴⁰

Detailing the injustices Black Americans face in prison could continue indefinitely, but it likely comes as no surprise that our mass incarceration of Black Americans has resulted in devastating consequences to those behind bars. More shocking is that our unprecedented numbers and lengths of prison sentences are just the beginning of the suffering for those convicted of crimes, and particularly felonies, in the U.S. We turn now to the host of barriers individuals with a criminal conviction face after release from prison.

2.2.2.3 Collateral Consequences

Unbeknownst to many U.S. citizens, punishment for a crime does not end upon release from prison. After incarceration, those with a criminal record face a series of legal barriers and restrictions for years (or for life) known as “collateral consequences.” These consequences can sometimes be more devastating than incarceration itself, despite the innocuous name. All the more problematic is that most courts do not consider collateral

¹⁴⁰ Ibid.
consequences to be “punishment” for constitutional purposes. This means judges, prosecutors, and defense attorneys do not have to inform defendants of the many rights they may be forfeiting with a guilty plea, and in fact may not even be aware of all the consequences themselves.\textsuperscript{141} Moreover, some collateral consequences take effect when an individual is merely arrested, even if they are never convicted of a crime.\textsuperscript{142}

Worse still, there are thousands of collateral consequences affecting millions of Americans. According to one report, roughly 20 million Americans have felony convictions on their criminal record; for Black men, some estimates quote as high as one third of the population having a felony conviction.\textsuperscript{143} These 20 million adults then collectively face, as of November 2017, nearly 50,000 collateral consequences. The National Inventory of Collateral Consequences of Conviction lists a total of 48,229 consequences, to be exact. My current state of residence, California, has more than 3,000 consequences in categories ranging from employment, education, and housing, to political participation, government benefits, and domestic rights as of this writing. One would be hard pressed to find a category of life in which no consequences occur.

Which collateral consequences apply and for how long varies by state, but here are a few examples from California. Conviction of any felony results in a mandatory, permanent ban from serving as a juror and a mandatory loss of voting rights while in prison or on parole. Consequences for drug felonies are especially harsh; anyone convicted of a drug-related felony is permanently banned from receiving food stamps and social security. Before April 2015, this consequence banned those convicted from

\begin{footnotes}
\item Alexander 2010, 140.
\item National Inventory of Collateral Consequences of Conviction (https://niccc.csgjusticecenter.org/).
\item Phillips and Caulderwood 2017.
\end{footnotes}
receiving government assistance of any kind. Households are also prohibited from receiving food stamps if anyone living in the house has been convicted of a drug felony, effectively barring many friends and family members of people with felony convictions from offering them a place to stay in their transition back to life outside prison. Those convicted for possession of illegal drugs are also permanently banned from working in any capacity in the public-school system, banned for a minimum of five years from working in care facilities like nursing homes, barred for at least a year from receiving federal education loans, scholarships, or grants unless a recognized drug rehabilitation program is completed, and may be denied participation in Medicare or other federally funded healthcare programs. Importantly, in all of these cases the consequences go into effect regardless of whether the conviction occurred because of a plea deal, and regardless of whether the person convicted of a felony spent any time in prison.\footnote{National Inventory of Collateral Consequences of Conviction (https://niccc.csgjusticecenter.org/).}

The consequences just listed are overwhelming and readjusting to life after prison would be difficult enough without the added burden of these legal sanctions. But, unfortunately, the story doesn’t end there. Outside of the legal consequences are the social consequences for the formerly incarcerated, which are particularly strong when it comes to employment. Employment opportunities are legally limited by the collateral consequences of one’s criminal conviction but are almost impossible to find in any field because of a refusal by business owners to hire those with a criminal record. Researchers in one study sent pairs of individuals—one pair consisted of two 23-year old Black men, and the other of two 23-year old White men—to see whether employers would discriminate according to race or criminal record. One member from each team was
randomly assigned a drug conviction for the purpose of the experiment, and each week that member would swap his record, so to speak, with the other member of his pair. All four individuals were assigned similar qualifications. Both members of a pair applied to all of the same jobs, but not to the same jobs as the other pair. For each job, first one member of the pair would apply and then the next member of the pair would apply one day later. The Black pair applied to 200 jobs, and the White pair to 150.145

Of the 350 employers to which the pairs applied, 74% asked the applicant if he had ever been convicted of a crime.146 That the vast majority of employers asked up front if the applicant had a criminal record is significant because for the White pair, the applicant without a criminal record was twice as likely to receive a call-back or on-spot interview (henceforth dubbed a “positive response”), and for the Black pair, the applicant without a criminal record was almost three times as likely to receive a positive response. The White applicant without a criminal record received a positive response 34% of the time, compared to 17% of the time for the White applicant with a criminal record. The Black applicant without a criminal record received a positive response 14% of the time, compared to 5% of the time for the Black applicant with a criminal record. These results illustrate that criminal records significantly diminish employment opportunities for both Black Americans and Whites, but harm Black Americans even more than they harm Whites. Additionally, they show how significant is the applicant’s race—the White applicant with a criminal record was more likely to receive a positive response than the Black applicant without.147

146 Ibid. 953.
147 Ibid. 957-8.
2.2.3 Negative Effects of Incarceration on Community

I have thus far shown how the U.S. imprisons a disproportionate number of Black Americans, how within the carceral system Black Americans face worse outcomes than Whites, and how upon leaving prison Black Americans face even greater obstacles than Whites in reentering society and finding employment. I end this chapter by examining how mass incarceration inflicts still further wrongs on Black families and communities. Here, we examine the wrongs inflicted on Black Americans who are never themselves a part of the carceral system.

2.2.3.1 Family and Friends

Many people in an incarcerated person’s social circle are affected by his or her incarceration, but perhaps none more so than his or her children. Children with incarcerated parents are 48% more likely to have ADHD, 43% more likely to exhibit behavioral problems, 51% more likely to suffer from anxiety, 43% more likely to be depressed, and 72% more likely to be diagnosed with PTSD, even after controlling for numerous confounding factors like age, gender, race, low birth weight, health insurance status, and parents’ education. ¹⁴⁸ These children are also more likely to see declines in their school performance and are more likely to drop out of school. Additionally, children with incarcerated parents exhibit higher rates of chronic stress, which disrupts brain activity and cognition.¹⁴⁹ They are also more likely to be or become poor, as more than half of incarcerated parents were wage earners before their sentencing.¹⁵⁰ Lastly, about one-third of the increase in the number of fostered children between 1985 and 2000

¹⁴⁸ Morsy and Rothstein 2016, 10-2.
¹⁴⁹ Ibid. 10, 14-5.
¹⁵⁰ Ibid. 13.
occurred because kids with incarcerated mothers had nowhere else to go. In total, 100,000 children were added to the foster care system during this time because their mothers were incarcerated.\textsuperscript{151}

The physical and psychological harms faced by children of incarcerated parents present significant barriers to these children developing into emotionally, socially, and financially successful adults. But children and adults alike are wronged in another significant way that is often overlooked because it is not easily quantifiable. Individuals of all ages almost universally take some combination of family, community, and friendship relations to be critical to their well-being. On this basis, I claim that incarcerated individuals and their communities are often subject to “kinship-wrongs”.

The concept of “kinship-wrong,” as I am developing it, applies to any unjustified limiting of opportunities to establish kinship relationships or maintain established relationships, where “kinship” refers to family, community, and friendship relations. One of the most insidious features of mass incarceration is how it breaks down social relations and engenders kinship-wrongs.

As a first example, take the burden of communicating with incarcerated individuals. Parents, spouses, siblings, children, and friends all have an interest in communicating with their incarcerated loved ones. These relationships are already strained by the highly regulated nature of the phone calls and visits they are allowed with their incarcerated relations. These relationships are strained further by the fact that many people are not incarcerated in or near the communities where they live, making visits time-consuming and expensive (and thus often untenable for many indigent would-be

\textsuperscript{151} Ibid. 14.
visitors).\textsuperscript{152} Friends and family members who cannot visit their incarcerated loved ones may hope to rely on phone conversations to maintain their relationships, but even these are sometimes financially out of reach. The cost of phone calls from out of state are capped at 21 cents per minute if the call is pre-paid, or 25 cents per minute if the call is collect. Instate calls, however, do not have price caps, despite constituting roughly 80% of all incarcerated people’s phone calls. These calls sometimes have rates as high as $1.50 per minute, meaning families on a tight budget might have to forego dinner for a mere ten minutes on the phone with their loved one. Under the Obama administration, the Federal Communications Commission (FCC) placed price caps on instate phone calls set to go into effect in December of 2016, but after successful lobbying from the prison telecommunications industry, a court stayed the FCC’s order. The Trump administration then declined to defend the Obama-era FCC’s order, ending debate over the price caps for the foreseeable future.\textsuperscript{153} Beyond the heartbreak of having so few interactions with a person one loves dearly, the lack of interaction may also foster doubt in the minds of the incarcerated person and loved one outside prison about how much the other truly cares about him or her.\textsuperscript{154}

Kinship-wrongs also occur because of the social stigmas surrounding incarceration. It is a common misconception that in neighborhoods with high incarceration rates, incarceration loses its stigma. Donald Braman’s extensive immersion in poor neighborhoods in D.C. shows this to be false.\textsuperscript{155} Many family members of

\textsuperscript{152} See Schwirtz, Winerip, and Gebeloff 2016 for a discussion of how New York sends thousands of convicted criminals from New York City to upstate prisons hundreds of miles away.

\textsuperscript{153} Marimow 2017.

\textsuperscript{154} Braman 2004, 88.

\textsuperscript{155} Ibid. 166-7.
incarcerated people report feeling shamed and humiliated by others when it is exposed that they have an incarcerated family member. Braman describes in great detail the experiences of Jonathan and Constance Smith, a hardworking couple who had been married twenty years when their 18-year-old son, Jackson, was incarcerated for robbing a convenience store. Jackson struggled to find work after graduating high school but felt trapped at home living off his parents. He began staying with friends, but when the work still didn’t come, he felt obligated to repay his debts to the friends who gave him food and a place to live. He robbed a convenience store and was arrested almost immediately. Jonathan and Constance were devastated. They felt they had failed as parents and were deeply ashamed by this failing. Where before they were very social and well-respected community members, now they began to pull away. They had been devout churchgoers before Jackson’s arrest, but quit attending to avoid conversations about their son. They stopped socializing with friends. Jonathan slid into alcoholism and Constance into depression. Their other children began misbehaving in ways they never had before in response to their brother’s arrest. The Smiths’ reactions are not uncommon. Many families begin to silence and isolate themselves to avoid painful conversations about their incarcerated loved ones. When the person incarcerated is a spouse or child, even well-meaning small talk can be a source of great anxiety. What would otherwise be welcome conversations and friendships from coworkers or other casual acquaintances become threatening and frustrating when trying to hide that a close family member is incarcerated. One woman with whom Braman spoke described leaving multiple jobs when her web of lies covering up her

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156 Ibid. 174.
157 Ibid. 177-83.
husband’s incarceration could no longer be maintained. Rather than face the shame and
coldness she feared from her coworkers, she chose to seek alternative employment and
begin again.\textsuperscript{158} As with the Smiths, when parents begin to isolate themselves, they are not
the only ones who suffer. In addition to having to process the incarceration of their family
member, the non-incarcerated children also miss out on important social opportunities to
which their parents would otherwise have taken them.\textsuperscript{159} The isolation forced on families
of the incarcerated are kinship-wrongs brought about by unjustified social stigmas and
may be deeply damaging to the well-being of adults and children alike.

Beyond the stigma is the emotional burden of accepting a loved one’s
incarceration. Children, spouses, and family members may feel angry, as though they’ve
been abandoned, disappointed because they feel they’ve invested so much in a loved one
only to have them squander it, or may question their own role and what they could have
done to prevent that person’s incarceration.\textsuperscript{160} These negative feelings put additional
strains on already strained relationships.

Women are especially vulnerable to kinship-wrongs from incarceration. Gender
proportions are a huge problem in areas of high incarceration. In D.C., areas with high
incarceration have about 80 men for every 100 women. The lack of available men in the
community, and the large number of men who cycle in and out of the carceral system,
leads to more children born out of wedlock and unstable relationships that primarily
burden women. Women seeking a man as a romantic partner feel pressured by the lack of
potential partners to accept worse treatment from the available men. These effects are

\textsuperscript{158} Ibid. 189-94.
\textsuperscript{159} Morsy and Rothstein 2016, 14.
\textsuperscript{160} Coates 2015b.
exacerbated by the fact that men and women in these communities are aware of the demographic imbalance, and tend to drastically overstate it when asked about the imbalance, incentivizing worse behavior from men and more forgiveness from women. Men’s difficulty in finding jobs after prison also destabilizes relationships, incentivizing women to stay with wage-earning men even when those men treat them poorly. This is especially true when the women are mothers and the additional income helps to take care of their children.\textsuperscript{161}

These kinship-wrongs then engender further denigration for Black women. When Black mothers don’t have stable relationships, they are often blamed for the incarceration of their sons. Many people hold the patriarchal view that the system of mass incarceration is in place largely because of a lack of Black fathers in the household, implying that Black mothers are, without Black fathers present, incapable of giving Black children the guidance and support necessary to live noncriminal lives.\textsuperscript{162} Black women are often put in an impossible position—when Black women work to support their families, they are often expected to do so as “mammies” in care-giving roles subservient to Whites. At the same time as they provide this care for others, though, they are criticized as “matriarchs” for not providing enough of this emotional labor in their own homes. If they don’t work and stay home to provide said care, then they are deemed “welfare queens.” There is a stereotypical image applied to Black women no matter how they attempt to care for their families.\textsuperscript{163}

\begin{footnotes}
\item[161] Braman 2004, 85-6.
\item[162] Crenshaw 2012, 1469-70.
\item[163] Collins 2000, 75-80.
\end{footnotes}
More privileged Whites rarely experience or understand these dynamics, and so blame Black culture for the less traditional family structures often found in Black communities rather than recognizing the role of legal and social institutions (like mass incarceration) in shaping Black family structures. They question why any woman would accept poor treatment from men or stay with a man who is an addict or repeat offender. Such a view fails to appreciate the options with which the woman finds herself. Most poor Black Americans value marriage and family in the same ways as more privileged groups, but Black Americans face many more obstacles to achieving the traditional family dynamic.\textsuperscript{164} Because of the obstacles, and the awareness the affected individuals have of the obstacles to a traditional marriage, marriage may be seen as a less viable option to begin with.\textsuperscript{165} Moreover, love often endures bad treatment and hard times. Despite their struggles with addiction or repeated criminal offenses, these men are still people. They are fathers, lovers, and friends; they offer emotional support and make women feel wanted. The power of love and the duty one feels toward a partner should not be underestimated.\textsuperscript{166} Recognizing the role of institutions in creating the dynamics found in areas of high incarceration is especially important because critiques lodged equally at institutions and Black culture, even when those critiques come from a respected Black figure like Barack Obama, tend to leave listeners with an implication on Black culture and amnesia regarding the role of institutions.\textsuperscript{167}

\textsuperscript{164} For research showing most poor Black Americans would prefer a traditional family structure, see (Braman 2004, 50-1). I am not casting judgment here on whether traditional family structures should be desired; I am reporting that traditional family structures often are valued, but are more difficult to secure for many poor Black Americans.

\textsuperscript{165} Braman 2004, 87.

\textsuperscript{166} Ibid. 64.

\textsuperscript{167} Coates 2015b.
I have so far highlighted the perils faced by the family members of the incarcerated and women in these communities, but all members of communities with high incarceration rates are subject to kinship-wrongs of some sort. In many cities, great proportions of incarcerated individuals come from the same neighborhoods, creating a constant flux of individuals in and out of prison in these neighborhoods. In stable communities where incarceration is rare, instances of incarceration are likely to lead to safer communities. These communities can absorb the loss of one member without large-scale fraying of community relationships, and so removing one criminal actor can reduce crime without other deleterious effects on the community as a whole. In disorganized communities with high incarceration rates, however, the effects may be too widespread to be absorbed.

The inconsistency of the neighborhood can fray social networks, isolating large numbers of individuals. When this happens, it is very difficult to establish and maintain social norms that encourage community solidarity and kinship. These norms are crucial for maintaining social order in communities; when norms move away from solidarity and toward aggression or individual displays of strength, they can create a feedback loop that encourages community members who would otherwise avoid aggressive behavior to act similarly so that they are not seen as weak and preyed upon.

For many people, the eroding of community solidarity may not lead to more individually aggressive behavior, but may still undermine community progress. Individuals are much less likely to do the arduous work of trying to change their

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communities if they do not feel a sense of shared obligation for making change with other members of the community, and the breakdown of social networks that accompanies widespread incarceration can undermine these feelings of shared obligation.\textsuperscript{171} The breakdown of social networks is in itself a hindering of kinship opportunities, but it also contributes to a general sense of community disorder. When residents feel that their community lacks cohesion and community values, they are less likely to feel a shared commitment with others to the norms promoted by local institutions like churches and neighborhood associations. General community disarray thus leads to a divestment from local institutions that otherwise foster solidarity, creating a negative feedback loop that seriously inhibits the formation and maintenance of valuable social relationships.\textsuperscript{172}

The effects on Black women can be particularly devastating. Because of gender norms and racial subordination, Black women may find that the only people who truly listen to them are other Black women. Black women who don’t live with other Black women, and so cannot develop relationships with other Black women at home, may struggle even more than Black men to find spaces in which their voices are truly valued without having the community infrastructure needed to safely form deep and lasting relationships with fellow Black women in their community. Even more, these relationships may be essential for Black women to form coalitions that advance conversation around issues specific to them—issues that are not faced by Black men or White women.\textsuperscript{173}

\textsuperscript{171} Clear and Rose 2003, 37-8.
\textsuperscript{172} Roberts 2004, 1285-7.
\textsuperscript{173} Collins 2000, 102-10. The experience of unique wrongs suffered by Black women, wrongs that are not shared by White women or Black men, have been described as “intersecting” by Kimberlé Crenshaw (1989, 1991) and others. I briefly discuss intersectionality, as the study of these intersecting wrongs is called, in §3.5.1.
### 2.2.3.2 Political Power

The social distrust illustrated in the section above is doubly detrimental to Black Americans because it hinders their ability to form coalitions to change the social norms and political practices that cause disproportionate harm to their c-group. It is a vicious cycle where the systems in the greatest need of change are those creating the most significant barriers to changing them. Political solidarity and activism require trust among community members, trust in the effectiveness of public institutions, and common spaces for like-minded people to gather. But the trust and common spaces required are obstructed by the constant flux of community members, high poverty and unemployment rates, over-policing, and seeming ineffectiveness of Black complaints about these forces that are common in communities with high incarceration rates. These forces impact not only adult members of Black communities, but children as well. Children with an incarcerated parent are less likely to vote, less likely to trust the government, and less likely to engage in community service than children without an incarcerated parent, in large part because these children don’t trust public institutions to represent the interests of people like them.

Measuring the impact social distrust has on Black Americans’ abilities to form political coalitions may be difficult, but there is also an easily identifiable recognition-wrong that obviously undermines Black Americans’ abilities to form political coalitions: felony disenfranchisement. Southern states in particular have a history of crafting laws with the express intent of keeping Black Americans from being able to vote. We might

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174 Roberts 2004, 1295; Roberts 2012, 1483.
175 Morsy and Rothstein 2016, 12.
176 Mauer 2002, 52.
see felony disenfranchisement as an extension of this tradition. Only two states in the country—Vermont and Maine—impose no voting restrictions on people with felonies (including allowing them to vote while incarcerated). Fifteen states and D.C. prohibit voting from prison only, four states prohibit voting while incarcerated or on parole, eighteen prohibit voting while incarcerated, on parole, or on probation, and eleven states even prohibit people with felonies from voting for some period of time (in some cases, forever) after completing their time incarcerated, on parole, and on probation. Black Americans are more than four times as likely to be affected by these policies than the rest of the voting population; 2.2 million Black Americans in 2016 were unable to vote because of disenfranchisement laws. Ratios nationwide show 1 in 13 Black Americans were disenfranchised in the U.S. in 2016, while in Florida, Kentucky, Tennessee, and Virginia, more than 20% of the Black adult population was unable to vote.¹⁷⁷

No other country in the world has such an extensive system of voter disenfranchisement; the system is so problematic that the United Nations Human Rights Committee has called U.S. disenfranchisement policies discriminatory and alleged that they violate international law.¹⁷⁸ One consequence of this disenfranchisement is that some important elections almost certainly would have been decided differently if the disenfranchisement were not allowed to occur. A notable example is the 2000

¹⁷⁷ Chung 2016. The number of states who prohibit people with felonies from voting for some period of time after completing their time incarcerated has been updated from twelve to eleven after Florida voters in 2018 passed an amendment to the state constitution through a ballot initiative that would reinstate voting rights for anyone not currently incarcerated, on parole, or on probation, so long as they were not convicted for murder or a felony sexual offense (Taylor 2018). Even this gain, though, is being challenged—Republicans in the Florida state legislature are pushing to redefine the terms of the amendment to only reinstate individuals’ voting rights after they have paid all court fees, restitutions, and fines covering the costs of monitoring them while on probation. This would severely limit the number of people whose voting rights are reinstated; many individuals take years to pay off these debts, if they’re ever able to pay them off at all (Wise 2019).

The loss of such a significant portion of the voter base is detrimental to Black Americans’ political power. I take this to be a testimonial injustice committed against the Black population; the criminal justice system’s disproportionate disenfranchisement of Black Americans undermines the potential of a collective political voice, with the result being that public officials can more easily dismiss the demands of Black citizens they represent.\footnote{One may want to characterize the disenfranchisement of such a large portion of the Black population as wronging Black Americans in a way more serious and significant than devaluing their voices through a testimonial injustice; some may go as far as to call it a human rights violation. I am not opposed to such a characterization. I am highlighting the testimonial injustice because I think recognition-wrongs are underappreciated in philosophical conceptions of oppression and want to stress their importance here before offering my own analysis of oppression.} Black Americans already have to combat lower default credibility assigned to their demands for justice, rights, and respect, at least in part because high incarceration rates of Black Americans has led to an extensive stigmatizing of all Black Americans as “criminals.”\footnote{Alexander 2010, 157. George Yancy likewise comments that he is often not “seen” by Whites. Whites have a cognitive frame of Black Americans as criminals or rapists and so immediately upon encountering Yancy, Whites view him through that frame. Over and above what he is wearing or how he is behaving, he is a criminal in the eyes of Whites. No assessment beyond his Blackness is needed (Yancy 2008, 4-5). James Baldwin and Lewis Gordon, too, echo this sentiment. Baldwin claims that “to be a Negro meant, precisely, that one was never looked at but was simply at the mercy of the reflexes the color of one’s skin caused in other people” (1998[1955], 68). Gordon, when discussing Frantz Fanon’s experience with racism, says, “To see him as black is to see enough. Hence to see him as black is not to see him at all” (1995, 99).} Voting is one of the most powerful acts Black Americans can use to combat their credibility deficits by electing representatives who will make their interests a priority, and so to eliminate the voting rights of millions of Black Americans is devastating to their cause. To make matters worse, recognition of these attacks on their
political power, and the disproportionate effect Black Americans already suffer from stringent voter identification requirements in many states,\textsuperscript{181} may discourage Black Americans from participating in the political process at all. Undermining Black confidence in public institutions, and the resulting self-silencing of Black Americans, is a further aspect of this testimonial injustice.

\textbf{2.3 Conclusion}

Throughout this chapter we have seen numerous ways that formal and informal policies in the United States work to subjugate Black Americans to the power and status of Whites. From disparities in wealth and income to the recognition- and kinship-wrongs of mass incarceration, example after example has been presented of how societal norms and institutions are structured to create barriers for Black Americans in pursuing the lives they want to live. These unjust systems paint a picture of the racial subordination that is a paradigm of oppression. With that in mind, I offer in the next chapter an analysis of oppression that I contend better represents the full spectrum of wrongs committed against Black Americans in virtue of their race than the most commonly cited philosophical accounts of oppression. I use these wrongs as a motivation for developing an account of oppression and show how my account can help us to appropriately analyze them. This work ultimately contributes to the development of the concepts and frameworks needed to redress the centuries of oppressive norms that have elevated Whites and subjugated Black Americans.

\textsuperscript{181} The ACLU offers a helpful “fact-sheet” outlining some of the ways that voter ID laws are discriminatory (\url{https://www.aclu.org/other/oppose-voter-id-legislation-fact-sheet}).
3. BLACK OPPRESSION IN THE U.S.

In Chapter 2, I examined the many different wrongs to which Black Americans are often subject that Whites are often not. The stories of Black authors, philosophers, and public figures describing the ways they’ve been profiled and distrusted by their peers and figures of authority, the fear of violence they’ve felt and actual violence they’ve experienced, and their anger and pain from being treated as less worthy of dignity and respect than their White peers, coupled with statistics portraying the impact of mass incarceration and other discriminatory policies on the Black community, paint a stark picture of the racialized system of wronging Black Americans. However we define “Black oppression,” the concept ought to capture many of the wrongs outlined in the previous chapter. Because my focus in this dissertation is White domination and Black oppression, my account of oppression is driven largely by data and experiences detailing the disparities between White and Black Americans. As such, my arguments for my account of oppression are especially tuned to the systems of White domination and Black oppression. Though I do not think this compromises my definition as an analysis of the concept of oppression generally, I admit that accounts of oppression more explicitly focused on political oppression in dictatorships or the oppression of non-Black marginalized groups may be better tuned to elucidating those groups’ experiences. For example, though recognition-wrongs play a crucial role in my analysis of White domination and Black oppression, these wrongs may be peripheral in cases of political oppression. Where these distinctions arise, I readily acknowledge that accounts of

182 Not every instance of perceived oppression need be labeled oppression, but a successful analysis will capture many of the wrongs typically called oppressive.
oppression are intended to capture the group-based wrongs against whichever group is the theorist’s primary focus, and mine is no exception.

Any plausible account of oppression, however, describes group-based wrongs committed via social or political norms and institutions. These features of the concept of oppression are well established in the oppression literature. Iris Marion Young discusses the structural nature of oppression, arguing that oppression refers to “systemic constraints on groups” whose causes are “embedded in unquestioned norms, habits, and symbols, in the assumptions underlying institutional rules and the collective consequences of following those rules.”

Marilyn Frye uses the image of a birdcage to illustrate oppression; members of certain groups are entrapped by a “network of systematically related barriers.” Frye is clear that these barriers must exist within a context of restricting or reducing members of a particular group in virtue of their group membership to be oppressive. Bollinger and Lund write that Black Americans, in being an oppressed group, are “systematically denied” a “full claim on the relative privileges…which are reserved for whites.”

Sean Ruth defines oppression as “the systematic mistreatment of the members of one group by the members of another group or by the society as a whole,” where systematic means “the mistreatment is part of the social system; it is reflected in the education process, the legal process, the mass media, social customs, etc.” Joe Feagin, in his discussion of Black oppression and its centrality to the formation of America, writes that systemic anti-Black racism is a

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183 Young 1990, 40-2.  
184 Frye 1983, 4-5.  
185 Ibid. 10-1, 15-6.  
“material, social, and ideological reality that is well-imbedded in major U.S.
institutions.”  

Ann Cudd limits oppression to institutional wrongs against groups, 
limiting wrongs that could count as oppressive to those “perpetrated through a social 
institution or practice on a social group.”

All of these theorists highlight that oppression consists in wrongs against 
members of particular groups in virtue of their group membership that are widespread in 
our norms and institutions. The general features of oppression shared by the accounts of 
these various theorists serve as the basis for the definition of oppression I will offer, but 
as always, the devil is in the details. Different understandings of the relevant types of 
wrongs, the contexts in which oppressive wrongs can occur, and the nature of the groups 
to which oppressive wrongs apply can result in drastically different accounts of 
oppression.

Young and Cudd’s competing elucidations of this concept offer the two most 
prominent analyses of oppression to date, and so it is on their accounts that I focus. Both 
Young and Cudd have been widely influential in the discussion of oppression, but I argue 
that both of their accounts have significant flaws when it comes to analyzing Black 
oppression and the systems of White domination that I argue correspond to Black 
oppression. These flaws will lead me to argue for the claim that one is subject to 
oppression when:

**Oppression:** A member of a c-group suffers, in virtue of his or her or their 
membership in that c-group, wrongs that are systematically perpetrated 
through social, political, or legal norms, conventions, or practices.

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188 Feagin 2006, 2.
189 Cudd 2006, 25.
190 Chapter 5 is devoted to systems of White domination and their relationship to Black oppression.
To show why and how I have developed this conception of oppression, one that is deeply influenced by the work of Young and Cudd, I first outline and critique the accounts of Young and Cudd, respectively.\(^{191}\) In showing where their accounts fail as tools for analyzing Black oppression and White domination, I motivate aspects of my account. I then carefully analyze the terms in my own account to show how my account better responds to the worries I raise against Young and Cudd, and how my account is sensitive to the myriad racialized wrongs examined in the previous chapter.

### 3.1 Young’s Account of Oppression

Young is motivated by a sensitivity to both distributive and non-distributive aspects of racial injustice in developing her account of oppression. Because she believes analyses of justice often give too little attention to the ways social hierarchies structure our opportunities, she offers a multi-faceted account of oppression that is intended to capture the wrongs that come from both unjust material distributions and social hierarchies.\(^{192}\) Young’s account of oppression consists of five separate faces that cannot be combined into a single definition. Young claims that different social groups—where a social group is defined as “a collective of persons differentiated from at least one other group by cultural forms, practices, or way of life”—experience very different wrongs of oppression (both distributive and non-distributive).\(^{193}\) She argues that because different social groups experience different wrongs of oppression, and because an individual can at the same time be oppressed in one way as a member of one social group while privileged

\(^{191}\) Though Frye is a pioneer in analyzing oppression (see Frye 1983), I do not explore her account in depth because Cudd offers a more developed work 20 years later that builds on many of the insights present in Frye’s work. I will, however, refer to the ideas of Frye (and other theorists) when they are relevant to the conversation.

\(^{192}\) Young 1990, Ch. 1.

\(^{193}\) Ibid. 43.
in a different way as a member of a separate social group, oppression is a pluralistic concept. Instead of characterizing oppression as a univocal concept with different repercussions for different groups, Young argues that the different factors that constitute the oppression of different groups are better characterized according to five separate categories she calls the “faces of oppression.” Young argues that these five faces—exploitation, marginalization, powerlessness, cultural imperialism, and violence—can jointly describe any instance of oppression.

The first face of oppression Young explores, exploitation, she defines as “the steady process of the transfer of the results of the labor of one social group to benefit another.” Young draws inspiration here from Marx and criticizes the capitalist system of wealthy individuals taking enormous profits from the labor of their low-wage workers. She extends the concept of exploitation beyond class exploitation, however, and uses it also to describe the legal and social institutions that coerce women into service work, in both the home and the workplace, that primarily enriches the lives of others. Similarly, women are often held responsible for childrearing while men are not. In both of these cases, women are exploited because they are not properly compensated for the taxing emotional labor of service work that greatly benefits others. Lastly, Young illustrates racial exploitation by pointing to the high number of menial labor positions occupied by people of color and the pervading expectation that people of color do and ought to occupy those roles.

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194 Ibid. 42.
195 Ibid. Ch 2.
196 Ibid. 48-53.
Marginalization, the second face of oppression, is the consistent exclusion of members of certain social groups from the system of labor. The consistent denial of employment opportunities to racial minorities, old people, single mothers, and people with physical or intellectual disabilities constitutes marginalization, and is “perhaps the most dangerous form of oppression.”\textsuperscript{197} Marginalization is such a worrying phenomenon for Young because it forces the marginalized to give up certain rights and freedoms so that they can access the welfare they need to live, and because it keeps them from exercising their talents and capacities in ways that would earn them material and social recognition.\textsuperscript{198}

Young’s third face of oppression is powerlessness. Powerlessness picks out those who “lack the authority, status, and sense of self that professionals tend to have.” Young intends these claims to cover a lack of authority both in the workplace and in the public sphere. The powerless have little or no freedom to structure their own working hours or tasks, are not given respect in the workplace, must take orders without giving them, and have little opportunity to develop and exercise a set of skills in the workplace. Powerlessness also characterizes those who, in the public sphere, have their voices and concerns consistently ignored, and who are frequently disrespected because they are viewed as unprofessional and lacking authority.\textsuperscript{199}

Cultural imperialism, Young’s fourth face of oppression, “involves the universalization of a dominant group’s experience and culture, and its establishment as the norm.”\textsuperscript{200} This universalization consists in part in dominant group members assuming

\textsuperscript{197} Ibid. 53.
\textsuperscript{198} Ibid. 53-5.
\textsuperscript{199} Ibid. 56-8.
\textsuperscript{200} Ibid. 59.
that everyone embodies their norms, which leads them to ignore the role and significance of non-dominant norms. Because encounters with non-dominant groups and the visibility of their norms challenge the dominant group’s experience as the norm, however, cultural imperialism also involves marking the experiences of the non-dominant groups as “Other.” Dominant group members are often not satisfied merely having their norms be the most prevalent in society; they want their norms seen as the appropriate, normal way of life while other norms are demoted to a lower status. Young notes how this cultural imperialism leads to the phenomenon of double-consciousness first described by W.E.B. Du Bois.201 Double-consciousness is, according to Du Bois, the struggle Black Americans face to reconcile their self-identities with the identities they are ascribed because of their race. Black men and women are inundated with negatively stereotyped images of themselves that conflict with their self-identities. As Du Bois notes, Black Americans aren’t trying to “Africanize America”; a Black man “simply wishes to make it possible for a man to be both a Negro and an American, without being cursed and spit upon by his fellows, without having the doors of Opportunity closed roughly in his face.”202 The goal of overturning cultural imperialism is not to have the subordinate norms become imperial dominant norms, but rather for different cultural norms to be socially and politically equal. Young’s conception of cultural imperialism plays an important role in shaping the understanding of White domination I put forth in Chapter 5, (especially in §5.2.1).

201 Ibid. 59-61.
202 Du Bois 2007[1903], 8-9. See also (Collins 2000, 99) for discussions of the reconciliation of one’s ascribed identity and one’s self-identity, and (Cadogan 2016, 144) and (Young 2016, 112) for work on a different notion of double-consciousness—the challenge of living as a Black man or woman when Blackness sometimes means invisibility and sometimes means Otherness.
Young’s last face of oppression, violence, refers to the systematic violence perpetrated against some groups. Members of these groups “must fear random, unprovoked attacks on their persons or property, which have no motive but to damage, humiliate, or destroy the person.” Violence here refers both to the systematic violence perpetrated against minority groups by dominant group members and to the violence against minority groups institutionalized by the tacit acceptance of police brutality and mass incarceration. Moreover, this face of oppression is exemplified not just by the acts of violence themselves, but by the fear that minority group members have because they know their group membership makes them liable to violence.

With these five faces of oppression outlined, Young takes her account to be able to characterize norms and institutions as oppressive or non-oppressive and to offer the tools necessary to make comparisons between different oppressed groups and their experiences of oppression. As I will argue, however, Young’s account is too permissive of what counts as oppression, her account cannot accommodate kinship-wrongs, and her definition of social group is too restrictive to pick out groups of people who are oppressed.

3.2 Objections to Young’s Account of Oppression

Young’s five faces of oppression are too permissive in defining oppression. For the five faces to appropriately map the terrain of oppression, being subject to one of the five faces would need to plausibly indicate that one is oppressed. But this is not the case. Take, for example, violent gangs in the United States whose members are stigmatized.
and systematically incarcerated. Gangs meet all of Young’s criteria for being considered oppressed in that they are members of a social group that suffer under one or more of her faces of oppression because of society’s legal norms.

First, they are powerless and marginalized. Outside of prison, markings that demonstrate gang affiliation are stigmatized and used to exclude gang members from the workforce (i.e. marginalize them). Gang members are monitored carefully, in the hopes of finding evidence to use to incarcerate them. Once incarcerated, their days are highly structured, they have very little autonomy in when and how they work, they have access to only a very few jobs (and access to work will remain restricted even upon their release from prison, should that occur), and their opportunities to exercise their capacities and participate in the public sphere are severely diminished. Second, the gangs are legitimate social groups on Young’s account. As a reminder, Young defines a social group as “a collective of persons differentiated from at least one other group by cultural forms, practices, or way of life.” Gangs have their own style of dress, symbols, and ways of life that bind members of a gang together and give members a shared identity. Lastly, the systems that make them powerless and marginalized are the judicial system and state prisons, and so the harms against them are due to legal norms and institutions.

We are thus left with two options. Either gang members in the United States are oppressed, or the scope of powerlessness and marginalization are too permissive to be considered oppressive in every case. I take the latter to be the right conclusion, and I

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205 Comments by Richard Fumerton in conversation and the work of Carol Hay (Hay 2013, 5-6) are the inspiration for this example.
206 Young 1990, 43. I do not here endorse Young’s view of social groups, but merely use it to show that the group I am describing is a social group on her account. This allows me to press an internal criticism of her definition of oppression.
believe most ordinary people who use the term ‘oppression’ would as well. The reason to believe that powerlessness and marginalization are not oppression in this case is because the “wrongs” inflicted on the group of gang members are not actually wrongs—they are justified. If we agree that imprisonment or institutionalization of violent gang members is justified, then we are endorsing the infliction of powerlessness and marginalization upon them. Though the five faces of oppression may often describe oppressive circumstances, they do not always.

Perhaps Young could alleviate the significance of my objection by claiming that the five faces of oppression merely indicate prima facie wrongs. She could argue that there will be social groups who are subject to one of the faces of oppression, but are not unjustifiably subject to that face of oppression, and are therefore not oppressed. Notably, she does not do this—Young claims that “the presence of any of these five [faces of oppression] is sufficient for calling a group oppressed”—but let us charitably reinterpret Young’s work to indicate only prima facie wrongs. This reinterpretation solves the problem of Young’s account being too permissive, but at the cost of requiring additional criteria by which we can judge whether the face of oppression in question is being inflicted unjustly. Providing those criteria is no small task. Particularly difficult are cases where non-dominant cultural norms subject a group to a face of oppression, such that remedying their oppression requires cultural imperialism (which is itself oppression on Young’s account).

Dominant cultural norms in the United States oppress women in numerous ways, but one way in which women are oppressed in the U.S. that is characteristic of non-

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207 Young 1990, 64.
dominant religious cultures is women being required by men in their communities to fully cover their bodies and hair in public. When men systematically exert control over women in their community by requiring that they dress conservatively or face violence and/or ostracism, women have their opportunities to pursue the lives they want to live unjustifiably limited by oppression on my account. Though this seems to me to clearly be oppression, I’m not sure how Young would characterize it as such. Perhaps she would say that the women are powerless relative to the men in the community, but given Young’s focus on employment in her description of powerlessness, it is not obvious that powerlessness applies here. In any case, suppose that Young can describe this scenario as one of powerlessness. The real problem lies in how her theory can accommodate a remedy. The United States already has laws permitting women to dress less conservatively, so addressing the oppressive system will require making efforts to change the cultural norms. Any efforts by the dominant groups in the U.S. to change those cultural norms, however, appear to be cultural imperialism. For Young’s five faces of oppression to offer guidance in these cases, she needs to offer some way to balance the negatives of cultural imperialism with the positives of reducing women’s powerlessness. Many cultural norms have oppressive elements; Young is likely to have many similar difficulties to address.

Conversely, there are cases where the problem is not that Young needs to describe how one can be justifiably subject to one of her faces of oppression, but rather that people

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208 This does not necessarily mean that every woman who wears clothing to cover her body in this way is oppressed. Uma Narayan analyzes the complexity of this situation and discusses when women may freely choose to completely cover their bodies (2002). Some may still want to call such dress oppressive, but I abstain from taking a position. It seems clear, though, that when women do not want to wear the dress required by their religious sect, they are oppressed when subject to punishment from men for refusing to wear said clothing.
seem to be oppressed in ways that her five faces do not capture. I argued in §2.2.3.1 that mass incarceration subjects Black Americans to kinship-wrongs, where a kinship-wrong is any unjustified limiting of opportunities to establish or maintain family, community, and friendship relations. When Black Americans, in comparison to Whites, are disproportionately targeted as likely criminals and given harsher penalties that are more likely to include time incarcerated, Black Americans are subject to systematic burdens on their relationships not faced systematically by Whites. Such burdens are especially high in communities with high incarceration rates because it creates a disorderly environment that diminishes kinship opportunities for everyone in the community, regardless of whether they have a friend or family member incarcerated. None of Young’s five faces are suitable for describing the wrong of limiting kinship opportunities. Exploitation and marginalization focus on one’s labor and clearly don’t apply. Hindering a group’s opportunities to form and maintain relationships is not a matter of dominant groups controlling social norms or marking non-dominant cultural forms as “other”; cultural imperialism does not, then, capture kinship-wrongs. Neither does violence, as the issue is not physical harms or threats of harm, but the diminishing of important social and emotional opportunities. Powerlessness is primarily about status and authority in the workplace, but even extending it outside the workplace doesn’t account for barriers to forming and maintaining relationships—status and authority are not the concern. I do not see how any of Young’s faces of oppression can be charitably extended to accommodate kinship-wrongs.

The inability of Young’s account to accommodate kinship-wrongs is not only a conceptual failure, but also has significant policy implications. The exclusion of kinship-
wrongs from her analysis of oppression means, first and foremost, that working within her framework will not lead to policies aimed at eliminating kinship-wrongs. Efforts to make phone calls from prison free so that incarcerated people can more easily communicate with family members, or laws requiring that people not be incarcerated more than a limited number of miles from their homes so more of their friends and family can visit, would not be seen as efforts to reduce the oppressive wrongs of mass incarceration. I believe they should be. These efforts would change only one aspect of a system that needs a major overhaul, but still, they would be an important improvement for incarcerated people and their families. Framing these policy changes as efforts to lessen oppression elevates their significance by marking them as efforts to reduce the pervasive social injustice of oppression. Without this framing, these policies might just be viewed as nice things to do, but not as matters of justice.

Excluding kinship-wrongs from the realm of oppressive systems also means that policies developed to address the systems of oppression identified by Young’s account are less likely to be constrained by a sensitivity to kinship-wrongs. The result might be that policies intended to lessen some aspect of oppression, like marginalization, inflict kinship-wrongs in the process. One way to increase Black Americans’ participation in the workforce would be to offer them grants to relocate to other areas with higher labor needs. To accept this offer, though, would be to accept moving away from one’s community. Not only would this require them to leave behind their home, they would also be leaving behind their friends and family members who would stay behind by choice, those who would stay behind because of a disability preventing them from working, or those who would be relocated to a different area. To be fair, nothing in
Young’s account suggests that this is the policy she would choose to address marginalization, but nothing in her account obviously proscribes this policy either. On my account, the policy would be clearly identified as one that would inflict serious kinship-wrongs, demanding an alternative. The deep importance of relationships to many people makes avoiding oppressive kinship-wrongs a critical part of crafting effective, oppression-undermining policies.

One final objection to Young remains. Part of Young’s understanding of oppression is that it is a condition of social groups. Individuals subject to one of the five faces of oppression are not oppressed on her account if their subjection to that face is not because of their social group membership. The problem with this criterion is not its group-based nature, but rather how Young defines social groups. Young argues that a social group is “a collective of persons differentiated from at least one other group by cultural forms, practices, or way of life. Members of a group have a specific affinity with one another because of their similar experience or way of life, which prompts them to associate with one another more than with those not identified with the group, or in a different way.”

Young’s account of social group clearly fails when we try to apply it to racial groups. A Black Ghanaian immigrant to the United States may have little in common in his “cultural forms, practices, or way of life” with an African American whose family has been in the United States for generations, but he and the African American will be subject to many of the same oppressive threats in virtue of both being ascribed the race Black.”

209 Young 1990, 43.
210 The Ghanaian man may be subject to additional oppressive systems in virtue of his identity as a foreigner or an African—I don’t think Whites have any particular animus toward Ghanaians as such that
Black Americans are subject to consistent wrongs in virtue of their race, as outlined in detail in Chapter 2 of this work. But on Young’s account, Black Americans are not a social group when they do not share significant practices. Her account of social group may be informative for considering how members of some types of groups, like ethnic groups, experience oppression. Nevertheless, any account of oppression that cannot describe systems of Black oppression as operating in virtue of one’s Blackness is inadequate for theorizing Black oppression. Young’s mischaracterization of the groups to whom oppression applies, her overly permissive definition of oppression, and her account’s incompatibility with theorizing kinship-wrongs leave us in need of a better analysis of oppression.

3.3 Cudd’s Account of Oppression

As an alternative to Young’s account, let us now turn to the analysis offered by Ann Cudd. Cudd names a few core features of oppression before going on to give a full definition. First, oppression names a social injustice, and so is a normative concept that is inherently wrong. There is no such thing as justified oppression. Any act or system that is justified, then, is not oppressive. Additionally, the claim that oppression names a social injustice is a claim that oppression “is perpetrated through social institutions, practices, and norms on social groups by social groups.” Oppressive wrongs are not isolated instances; they must be embedded in our social practices. Of course, individuals do commit wrongs that are part of a system of oppression, but the individual wrongs must be...
part of a system of wrongs inflicted by one social group against members of another social group.

Cudd is also clear that the wrongs of oppression are not merely perceived, but actual; one can be oppressed without feeling oppressed and conversely one can feel oppressed without actually being oppressed.\(^{212}\) Lastly, the wrongs of oppression against one social group always correlate to material or psychological benefits of a different social group, which we call the “privileged” group.\(^{213}\) Cudd acknowledges that many privileged group members who perpetrate oppression through their actions or omissions may do so unintentionally, and that it is not necessarily the case that every member of the privileged group is an oppressor.\(^{214}\)

These commitments lead Cudd to the following four conditions which, jointly, are necessary and sufficient for oppression:

1. **The harm condition**: There is a harm that comes out of an institutional practice.\(^{215}\)
2. **The social group condition**: The harm is perpetrated through a social institution or practice on a social group whose identity exists apart from the oppressive harm in (1).
3. **The privilege condition**: There is another social group that benefits from the institutional practice in (1).
4. **The coercion condition**: There is unjustified coercion or force that brings about the harm.\(^{216}\)

\(^{212}\) Ibid. 24.
\(^{213}\) Ibid. 25.
\(^{214}\) Ibid.
\(^{215}\) When Cudd calls a practice “institutional,” she is referring to “formal and informal social structures and constraints, such as law, convention, norms, practices, and the like” (2006, 20).
\(^{216}\) Cudd 2006, 25.
To elaborate on her definition of oppression, Cudd spends a chapter on each of the three kinds of harms she sees comprising the harms of oppression: violence, economic forces of oppression, and psychological harms of oppression. 217

Cudd defines violence as “the intentional, forceful infliction of physical harm or abuse on one or more persons or their material or animal possessions.”218 Violence is not always unjustified (such as in cases of self-defense), and so not all cases of violence are cases of oppression. Beyond being unjust, for violence to be oppressive it must be an instance of systematic violence, i.e. it must be part of a pattern of violence consistently perpetrated against a particular social group.219 In addition, like Young, Cudd considers threats of violence (both tacit and explicit) to be a form of oppression of some Group B by Group A if these threats occur in the context of a pattern of actual violence committed by Group A against Group B. For example, women in the United States have a legitimate fear of violence when threatened by men because of the pattern of sexual and physical abuse committed against women by men.220

In her chapter on the economic forces of oppression, Cudd discusses direct and indirect forces of economic oppression. Direct forces are those means employed by members of a dominant group to intentionally maintain an income or wealth disparity over a subordinate social group, keeping members of that group in economically weaker, exploitable positions.221 These direct forces of economic oppression include slavery, segregation, employment discrimination, group-based harassment in the workplace, and

217 I will use the term ‘harm’ throughout my discussion of Cudd because she explicitly defines oppression in terms of “harm” and not “wrongs.”
218 Cudd 2006, 87.
219 Ibid. 88-9.
220 Ibid. 90-4.
221 Ibid. 136.
opportunity inequality (i.e. differential access to the necessities of a successful working life, such as schooling, healthcare, and nutrition).\textsuperscript{222}

Indirect forces of oppression are harms of oppression that arise because of the choices made by members of oppressed groups. Examples of indirect forces of oppression include harms like the exacerbation of the wage gap between men and women that arises from choices made by women. These choices may even be rational; because a gender wage gap exists regardless of the choices women make, if a heterosexual couple is deciding which of the two of them should be the primary caretaker for the children and which should commit to advancing his or her career, it may be rational for the woman to volunteer to stay home because the wage gap results in her having lower lifetime expected earnings.\textsuperscript{223} In all cases of indirect economic oppression, the choices of the already oppressed further their oppression in some way.

The final category of harm on which Cudd focuses is psychological harms. She offers examples of direct psychological harms, such as the PTSD suffered because of systematic violence against members of one’s social group, humiliation and degradation from the stereotypes and public images of one’s social group, and manipulation and degradation of members of some social group through religious, cultural, or ideological traditions.\textsuperscript{224} These harms can become indirect psychological harms when the oppressed individuals come to accept their oppression by adopting degrading images of themselves or ideologies that oppress them, or desiring circumstances or values which are oppressive to them.\textsuperscript{225}

\begin{footnotesize}
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\item[222] Ibid. 136-46.
\item[223] Ibid. 147-8.
\item[224] Ibid. 155-76.
\item[225] Ibid. 176-83.
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Cudd offers deep explorations of the varied harms that result from systems of oppression and there is much to be learned from her account. As I argue in the next section, however, I object to Cudd’s “privilege condition,” her claim that oppression is “groups oppressing groups,” and the ways that her account emphasizes material harms and direct psychological harms to the exclusion of certain recognition- and kinship-wrongs. I then end my critique of Cudd with reasons to be wary of emphasizing the role the oppressed must play in undermining their own oppression.

3.4 Objections to Cudd’s Account of Oppression

For sake of clarity, I begin with objections to the necessary and sufficient conditions of Cudd’s definition of oppression and end with objections to how she employs the definition to identify oppressive wrongs. I consider how Cudd employs her definition to be more significant, as she overlooks many recognition-wrongs and kinship-wrongs. I do not begin with these objections, however, because I believe examining her definition lays important groundwork for understanding my criticism of how she employs her definition. Cudd’s definition is quite similar to the definition I offer if her terms are interpreted in a particular way. She does not, however, employ her terms in the way that would align her account with mine, and I do not think her terms are best suited to arrive at the analysis I offer. With that said, I now turn to my first objection to Cudd’s account of oppression—her formulation of the privilege condition.

Cudd’s privilege condition asserts that “there is another social group that benefits from the institutional practice in (1),” where the “institutional practice in (1)” refers to the “harm that comes out of an institutional practice.”\(^{226}\) I see two plausible ways to interpret

\(^{226}\) Ibid. 25.
this condition. The first is that in every case of oppression, there is at least one group that is (at a minimum) not subject to the oppressive harm. I’ll call this the “privileged” group. On this interpretation, the privileged condition asserts only that because each instance of oppression is a group-based harm that affects some groups and not others, in every case of oppression there will be groups who are harmed and groups who are not. The groups who are not harmed may not directly benefit from the oppressive practice, but they benefit in that they are advantaged relative to the oppressed group. The privileged group is not subject to those oppressive harms, which means they face fewer barriers to achieving some goal than a similarly situated member of the oppressed group.

Take the perception that Black men are dangerous as an example. For the vast majority of Whites (excluding perhaps those invested in the prison industry and those who are criminal suspects in the same case for which a Black man is also a suspect), there is no concrete benefit to the stereotype of Black men as dangerous. Black men being seen as more likely to be dangerous than Whites has not obviously helped me as a White man achieve my goals or live the life I want to live, except insofar as I am lucky to not be the subject of this stereotype. I am clearly far better off than Black men with respect to this wrong of oppression because I am not wronged and they are, but it’s not clear that it provides me additional benefit beyond that. Still, on the interpretation of the privilege condition we are currently examining, because I am not subject to the oppressive wrong I am part of the privileged group that “benefits” from the oppression of Black men in this way.

Compare this to an alternative interpretation of Cudd’s privilege condition, the interpretation I think is likely correct. On this interpretation, the privilege condition
asserts that in every instance of oppression, there is some group that receives a concrete benefit from the oppression. Slavery is an extreme example of how oppression can offer concrete benefits. White slaveowners reaped tremendous profits off Black slave labor; without this slave labor they would not have made such great wealth.

Regardless of which interpretation of the privilege condition we grant to Cudd, I think that the condition needs to be reformulated. If the first interpretation is correct and all Cudd means to assert is that every instance of oppression harms some groups and leaves others untouched, I think she is right. If this were the correct interpretation, I would still argue that the privilege condition is ambiguous and so Cudd’s definition would be improved with a reformulation of the condition. I think we have good reason, though, to believe that Cudd intends the privilege condition to claim that oppression always involves a group concretely benefitting from that oppression; the privilege condition is redundant if it means only that every instance of oppression advantages a non-oppressed group relative to the oppressed group.

Cudd’s social group condition states that to be oppressive, the harm must be “perpetrated through a social institution or practice on a social group whose identity exists apart from the oppressive harm.” Cudd goes on to define “social group” as “a collection of persons who share (or would share under similar circumstances) a set of social constraints on action.” When Cudd talks of “constraints,” she has in mind any penalties, rewards, and incentives that shape social action. She includes “legal rights,

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227 Young also endorses this claim (Young 1990, 42).
228 Cudd 2006, 25.
229 Ibid. 44.
obligations and burdens, stereotypical expectations, wealth, income, social status, conventions, norms, and practices” as constraints.\(^{230}\)

Ignoring the privilege condition for a moment, let’s assume Cudd’s other three conditions for oppression are met. This means we have a scenario where there is unjustified coercion or force that brings about a harm through a social institution or practice, and that harm is inflicted on a group of people who share a set of constraints apart from the harm in question (i.e. a social group).\(^{231}\) Unless one could plausibly argue that the entire human race constitutes a social group, and somehow agents are using unjustified coercion or force to bring harm to all humans (including themselves), then it will be trivially true from the three conditions just examined that every oppressive harm will affect some people (members of the oppressed social groups) and give others a relative advantage by leaving them unharmed (the privileged social groups). In a world that has oppressive systems, we cannot reasonably assert that all humans face similar “legal rights, obligations and burdens, stereotypical expectations, wealth, income, social status, conventions, norms, and practices,” and so the human race as a whole will not qualify as a social group.\(^{232}\) Additionally, it is not clear how one could use unjustified coercion to bring harm to his own group. Thus, Cudd’s privilege condition does no work if it intends to point out only relative advantage. For this reason, I think it is much more likely her claim is that oppression truly benefits privileged groups, and not just that they have a relative advantage.\(^{233}\)

\(^{230}\) Ibid. 44, 50.
\(^{231}\) Ibid. 25.
\(^{232}\) Ibid. 44, 50.
\(^{233}\) As further evidence, Cudd again stresses the condition that the harm must bring benefits to another social group to be oppressive in Chapter 5: “For it to be a case of oppression on the account I have been developing in this book, the inequality must be unfair or undeserved, it must harm, and it must benefit the members of another social group” (2006, 121).
If this analysis of the purpose of the privilege condition is correct, then Cudd has made a serious error. We have good reason to believe that oppression may not always provide concrete benefits to privileged groups, so the privilege condition certainly shouldn’t be included as part of the definition of oppression. Hark back to the example of the perceived dangerousness of Black men. This stereotype does not obviously provide concrete benefits to Whites as slavery does. Instances of persecution of one religious group by another may also serve as examples of oppressive systems which do not benefit the oppressors. These oppressive wrongs may originate in anger or disgust that garners no benefits. Recognizing that not all systems of oppression provide concrete benefits to the oppressor undermines the temptation to believe that oppressors uphold oppressive systems solely because they are callously maximizing their self-interests. We are compelled to consider how hate, anger, and socialization to the status quo are motivating forces of oppression regardless of one’s gains (or lack thereof) from the oppressive system. Removing the privilege condition from the definition of oppression is therefore necessary to gain a fuller understanding of how and why systems of oppression are implemented.

My second objection, too, deals with the role privileged groups play in an analysis of oppression. Though not explicit in her definition of oppression, Cudd claims in her description of oppression as a social injustice that oppression “is perpetrated through social institutions, practices, and norms on social groups by social groups.”234 In formulating oppression this way, Cudd gives the impression that oppressive wrongs always involve active participation from oppressor groups. Cudd is right that Whites

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234 Cudd 2006, 23 (emphasis added).
perpetuate oppressive wrongs against Black Americans both through our deliberate actions and through our adherence to norms, but I worry, as does Young, that conceptualizing oppression in the active terms of something done to groups by groups may disguise the structural nature of oppression.\textsuperscript{235}

My argument against characterizing oppression as “groups oppressing groups” is an extension of the argument against color-blindness as a response to racism. Advocates for racial justice often lambast the idea that the answer to centuries of racial oppression is to ensure our institutions are “color-blind” in that they treat all individuals equally. Patricia Hill Collins makes clear that this philosophy is often used to create racist policies in disguise—like when politicians declare the need to crack down on “welfare mothers”—and to ignore informal systems of oppression like the income disparities between White and Black Americans. Adopting a color-blind philosophy allows Whites to claim that oppression has ended, and what remains are individual actors with individual responsibility for their shortcomings and successes.\textsuperscript{236}

Cudd’s characterization of oppression as groups oppressing groups is not susceptible to a color-blindness criticism as just presented, but I do think her argument is susceptible to an extension of the argument. Suppose Whites adopted a true “color-blindness in action” and treated Black Americans as equal to Whites in every way. In this scenario, our laws and policies would not discriminate between White and Black Americans and Whites would not discriminate in our interpersonal interactions. We might think we can reasonably claim that Whites are no longer oppressing Black Americans.

\textsuperscript{235} Young 1990, 41.
\textsuperscript{236} Collins 2000, 278-80. For more on color-blind frameworks of justice, see §5.2.2.1; I argue there that Whites’ capabilities to dominate racial narratives and ignore our racialized identities lead some Whites to endorse a color-blind framework of justice. I then discuss the significance of this framework.
Americans—we’ve stopped all conscious and unconscious mistreatment of Black Americans on the basis of their race. What we haven’t done, however, is righted the wrongs of centuries of oppression. Without additional corrective measures, the wealth disparities between White and Black Americans won’t dissipate, as Whites are, among other things, advantaged by our accumulation of wealth over the years in which Black Americans were subject to oppression. Seeing oppression as a phenomenon of groups oppressing groups obfuscates the ways that rules that treat all individuals equally may continue oppressive systems, even when no individual actors are treating others unfairly. For example, in §2.1.1 we saw that in 2014 dollars, the median net worth of White households in the U.S. in 2014 was $144,200, compared to a median net worth of only $11,200 for Black Americans.\footnote{Pew Research Center 2016.} The wealth gap between White and Black Americans is a product of centuries of anti-Black racism, but removing the racism won’t eradicate the gap. The more wealth one has, the more one can invest that wealth to generate further wealth. To correct for this disparity, a redistribution of wealth is essential—ending all White contributions to oppression without redressing the past harms is not enough. Cudd appears at times to be sensitive to these kinds of worries (such as when she discusses the role of \textit{de facto} segregation in continuing oppression), but her characterization of oppression as groups oppressing groups downplays the necessity of recompense for past injustices.\footnote{Cudd 2006, 138-40.}

My remaining criticisms of Cudd have less to do with her explicit analysis of oppression and more to do with the background framework which pervades it. Cudd claims that “although oppression has serious psychological effects and can be effected in

\begin{footnotes}
\item[237] Pew Research Center 2016.
\item[238] Cudd 2006, 138-40.
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part psychologically, oppression does not occur or continue without some ongoing material forces, by which I mean three kinds of things: violence, economic deprivation, or the credible threat of either of these.\textsuperscript{239} I think Cudd is probably right to conclude that all oppressed groups are oppressed, at least in part, by material forces, and she is certainly right that material and psychological forces of oppression “mutually cause and exacerbate the effects of each other.”\textsuperscript{240} I worry, though, that when Cudd claims oppression does not occur without material forces of oppression, she implies that addressing the material forces of oppression is sufficient for addressing all oppression. She relegates the non-material forces of oppression to a second tier, which leads her to inadequately analyze the forms and significance of these forces.

Though Cudd does spend significant space discussing what she calls the “psychological harms of oppression,” she spends the vast majority of that space discussing the direct psychological harms that result because of violence or the threat of violence and the direct psychological harms that result from stereotyping, degrading speech, and objectification. The other psychological harms to which she devotes a somewhat substantial amount of space are the indirect harms suffered because the oppressed have endorsed their own oppression in some way.\textsuperscript{241} Cudd’s focus in her discussion of direct psychological harms mirrors in many ways her discussion of material harms; they are directly caused by material harms (as in the case of psychological harms suffered because the oppressed individual was a victim of violence or fears violence) or closely relate to material harms in that they are attacks on a person’s psyche. For

\textsuperscript{239} Ibid. 85.
\textsuperscript{240} Ibid. 24.
\textsuperscript{241} Ibid. Ch 6-7.
example, objectification, racial epithets, and expressions of stereotypes are visual or verbal degradations of a person or group. When someone is subject to these psychological harms, they feel the hurt of the words or of the images. We might see these harms as the result of a nonviolent attack of sorts.

Cudd overlooks, however, many of what I have called recognition-wrongs and kinship-wrongs; she does not identify the wrongs of pre-emptive testimonial injustices, the self-silencing testimonial injustices engender, hermeneutical injustices, or kinship-wrongs that I discussed in §§2.2.2.1 and 2.2.3.1. As a reminder, pre-emptive testimonial injustices are when assumptions of non-dominant group members’ inability or untrustworthiness lead dominant group members to never consider the importance of or seek their perspectives, self-silencing refers to when an individual chooses not to share his views because his previous experience or witnessing of recognition-wrongs against members of his group leads him to believe his voice is not valued, hermeneutical injustices occur when non-dominant group members don’t have the conceptual resources to make sense of aspects of their experience (or, more often, have the conceptual tools but do not see their concepts taken up by society at large) because dominant group members assume their experiences are universal, and kinship-wrongs are perpetrated when norms and institutions unjustifiably limit an individual’s or community’s opportunities to form and maintain significant interpersonal relationships. Though the impact of these wrongs may be measured by the material opportunities they limit or the

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242 Cudd does mention social distrust, which is analogous to the paradigmatic testimonial injustice. She defines social distrust as “taking someone to be less trustworthy or less authoritative than is warranted by clear and direct evidence because of their social grouping,” but this represents just a sliver of recognition-wrongs (2006, 165). She also briefly discusses cultural domination as the harms that occur when a dominant culture ignores the needs and subdues the expressions of a minority culture, but she seems to specifically be addressing religious cultures rather than racial groups (2006, 173-4).
humiliation and degradation they engender, aspects of oppression to which Cudd is sensitive, the wrongs themselves are not theorized.

Why Cudd does not address these wrongs is unclear, but I believe the omission is in part due to Cudd’s emphasis on violence and economic forces of oppression. I see the impact of this focus even in Cudd’s definition of oppression. Cudd’s “coercion condition” requires as part of her definition of oppression that a wrong be brought about by “unjustified coercion or force” to count as oppressive. When Cudd describes an institution as coercive, she claims that “an institution (economic system, legal system, norm) is coercive if the institution unfairly limits the choices of some group of persons relative to other groups in society.” If our focus is on the limiting of choices as her use of the term “coercion” suggests, it’s not clear that we would even characterize the recognition- and kinship-wrongs just described as oppressive. These wrongs don’t prohibit Black Americans from making certain choices, or even directly restrict those choices, but they limit the possibility of achieving the desired outcome when making certain choices. For example, the primary reason to participate in the public sphere is to express one’s ideas and attempt to convert others to one’s position because of the merits of those ideas. But if a Black man’s ideas are written off from the outset because he is Black, he has much less reason to do the hard work of trying to convince others of his position. The choice of pursuing a career as a politician thus becomes significantly more

243 Cudd 2006, 25.
244 Ibid. 131. For a similar understanding of coercion that adds support to Cudd’s use of the term, see Meyers 2014. Though I think this understanding of coercion is atypical (as evidenced even by Cudd’s discussion of different definitions of the term on pp. 125-131), I don’t take a stance on what the appropriate definition of coercion is.
difficult, and so that career plan may be written off when it otherwise would have been sought.

Recognition-wrongs may help explain why only 5% of individuals who pursue elected office are Black, despite Black Americans being 12% of the overall population. Take the story of Michael Steele as an example. Steele is a Black man who was elected Maryland’s lieutenant governor in 2002 as a Republican, and then ran as a Republican to represent Maryland in the U.S. Senate in 2006. Steele ultimately lost the Senate race and one has to wonder how recognition-wrongs impacted his chances. Steele describes how fellow Republicans were upset about his choice of a Black man for chief of staff, despite his qualifications as a political operative. Steele believes their hesitance was due in part to the structures they have in place—Republicans focus on developing White males into political operatives, and so the talent pool for key political positions consists largely of White males. Black men have to fight extremely hard to be seen as viable political agents in the Republican party.

Steele then went on to describe how careful one has to be as a Black man running for political office—in fact, he claims “You can’t be black when you’re a candidate.” If a Black man brings racial issues into his campaign, he’s likely to be lambasted as only caring about Black people. Steele ultimately became the chair of the Republican National Committee, but even this wasn’t enough to earn the respect typically afforded to loyal party members. Steele reports that while leading the RNC, he had a member say to him

245 Motel 2014.
246 Cherkis and Stein 2016.
“You know what your problem is?” He responded “What? I have many, but tell me.” Her response: “You sound too black.”

I worry that Cudd’s analysis implies that struggles like Steele’s do not need to be addressed directly. Lending support for this claim is Cudd’s statement that “objectification, social distancing and social distrust, probably cannot be made illegal… and will have to be countered by subtler social means. However, if the more blatant and clearly unjust forces of oppression were ended, such as violence, threats, and economic deprivation, along with terrorism, and the cultural forces of psychological oppression, these remaining point source forms of direct psychological oppression would be ineffective.”

Cudd then mentions the value of using legal restrictions to end violence, threats, terrorism, and economic deprivation in addition to highlighting the ways that some cultural traditions are oppressive so that members of that culture can attempt to change the culture from within.

Without focusing attention explicitly and directly on the tradition of Whites ostracizing Black Americans, however, I don’t see how the other systems of oppression could ever be resolved. The concept of recognition is so important to discussions of eradicating racial oppression that theorists like Charles Taylor, Nancy Fraser, and Axel Honneth have argued extensively for the necessity of this paradigm when examining harms of oppression; Honneth has even made the extreme argument that all oppressive

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247 Ibid.
248 Cudd 2006, 184.
249 Ibid. Note that when Cudd discusses “cultural traditions” she does not seem to be indicating the norms and cultures of different races, but more paradigmatic cultural traditions like those of religion.
250 Taylor 1994[1992], Fraser 2003, Honneth 2003. I and these theorists have nuanced differences between what we mean by “recognition”, as shown in §2.2.2.1, but these differences are not significant enough to undercut our shared commitment to including “recognition” in discussions of oppression.
wrongs ought to be analyzed in terms of recognition.\footnote{Honneth 2003.} A critical component of eradicating Black oppression is convincing Whites that oppression is more than the material harms and the racial stereotypes Black Americans suffer; it also consists in systematically dismissing Black perspectives, ignoring or devaluing Black culture and norms, and failing to connect oppression to Black social networks and relationships. Whites must be made to see that our subtle and often unintentional dismissal of Black Americans contributes to the White dominated power structure of society.

My final point of concern with Cudd’s account of oppression is more potential worry than outright criticism. Cudd argues that members of oppressed groups have some obligations to resist their oppression even when resisting requires “the oppressed themselves to act in ways that they do not prefer and may even see as harmful.”\footnote{Cudd 2006, 221.} She continues on to say, “Whatever the actions of the oppressors, the oppressed must also tug at their own bootstraps, even when that is painful.”\footnote{Ibid.} Cudd makes these claims because when oppressed individuals fail to resist their oppression, they allow the oppression to perpetuate. This hurts not only themselves, but also other members of their oppressed group.\footnote{Ibid.}

As an example, Cudd argues that women have an obligation to find paid work. She claims that “a woman who can find paid work has a duty to do so, unless there is some compelling reason why her children need her specific services… There is a duty for women not to reinforce the image of woman as domestic slave, but to change it to that of

\footnote{Ibid. Carol Hay also argues that those who are oppressed have an obligation to resist oppression, but she grounds her argument in Kantianism. Hay argues that oppression can diminish one’s capacity for practical rationality. Since she is following Kant in claiming that rationality has ultimate value, she then concludes that protecting this rationality requires in some cases that the oppressed resist their oppression (2011).}
a full stakeholder in family and social resources, and this will often require women to resist doing unpaid domestic work.” In making this argument, Cudd disregards the importance of care-giving and motherhood to the mother herself, and also disregards the context in which the mother lives. She and her husband may have mutually come to a happy agreement that the mother would stay home, and the mother may feel empowered by this decision. Nonetheless, Cudd claims that because performing unpaid domestic work contributes to the stereotype that women ought to be domestic slaves, it is wrong for the mother in this example to perform this work.

I worry about how such recommendations may come off as paternalistic, leading oppressed individuals to feel even less empowered to live the lives they want to live than they already do. Perhaps in this case, the paternalism is not egregious—Cudd is a woman making recommendations for other women. The implicit extension to all oppressed groups, though, is worrying. Would Cudd, as a White woman, feel comfortable making explicit recommendations to Black men about how they must resist oppression from Whites?

For example, would Cudd discourage Black men from wanting to be professional athletes because Black men’s successes tend to be portrayed primarily as in athletics and entertainment, which leads Whites to conclude that Black men are not widely represented in professional positions because of their own lack of merit? How would Cudd respond to Black women dancing? Patricia Hill Collins has written powerfully about the hypersexualization of Black women and how images of Black women as “whores” gives

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255 Cudd 2006, 220-1.
256 See Feagin 2006, 246-9 for a discussion of media portrayal of Black Americans and the response from Whites.
license to men to sexually assault them.\textsuperscript{257} Because of the prevalence of this stereotype, when Black women go dancing at nightclubs they are likely to be seen as dancing in a “slutty” way and thus perpetuating the image of Black women as hypersexual.\textsuperscript{258} I cannot say for sure how Cudd would respond, but Whites’ portrayal of ordinary actions by Black Americans as evidence that White-imposed racial stereotypes are true is oppressive in its own right. It is highly inappropriate for Whites to argue that Black Americans should carefully monitor their behavior to ensure Whites don’t use Black Americans’ benign actions to generate and propagate stereotypes of Black people.\textsuperscript{259} The onus of undermining oppression ought to be on those committing the wrongs (Whites), not on those subject to them.

This is not to deny that oppressed individuals may in some cases have obligations to resist their oppression. What those obligations are, however, is a very delicate subject, and making prescriptions for oppressed groups when one is in the privileged group runs the risk of furthering recognition-wrongs. Whites explaining to Black Americans how they ought to respond to their oppression is likely to be seen as just another way in which Whites distrust Black Americans to craft their own lives and ignore the many Black Americans already speaking out on their oppression. Additionally, there remains much work to be done in the way of analyzing how norms, political institutions, and privileged groups perpetrate oppression. Caution must always be exercised, but it is \textit{this} work that allies can more fruitfully conduct. I leave the issue of obligations the oppressed have to resist oppression for theorists of those groups to advance.

\textsuperscript{257} Collins 2000, 81-4.
\textsuperscript{258} Ibid. 83.
\textsuperscript{259} We might see these as examples of Whites utilizing our capabilities to dominate racial narratives (see §5.2.1).
3.5 An Alternative Analysis of Oppression

My critiques of Young and Cudd’s analyses of oppression lay the groundwork for a new analysis of oppression that is more sensitive to the wrongs of Black oppression. As stated earlier, any account of oppression will define oppression as group-based wrongs committed via social or political norms and institutions. From the examination of Young’s account arise the following supplementary desiderata for a definition of oppression: it should accurately identify the groups to whom oppression applies and it should track ordinary usage of the term ‘oppression’ by capturing all and only cases that might reasonably be called oppressive. Objections lodged at Cudd lead me to add to this list of desiderata that the definition not require concrete benefits to a corollary privileged group, that it leave space for structural oppression not directly linked back to an oppressor group, and that the definition of oppression and the framework in which it is situated be sufficiently sensitive to material, recognition-, and kinship-wrongs. I raise some of the objections I do because Young’s and Cudd’s accounts are ill-equipped to theorize the wrongs and systems of Black oppression I have heretofore discussed. As I stated earlier, I readily acknowledge that I am theorizing about oppression in the context of analyzing Black oppression, and I recognize that this context may shape the aspects of oppression I stress. Nevertheless, the many interacting oppressive systems that comprise Black oppression are paradigmatic in shaping how we understand the concept of “oppression” generally. Much like gender oppression, systems of Black oppression have been extremely significant for hundreds of years, shaping numerous aspects of our politics, social services, and social norms. Given the significance of Black oppression—and considering also that Young and Cudd intend their accounts to be able to
satisfactorily analyze Black oppression—where Young and Cudd’s accounts lack the tools to analyze Black oppression, they also lack, in an important sense, the tools to analyze “oppression.”

I will proceed through this section by offering my definition of oppression, analyzing each of its parts to show how it meets the desiderata just offered, and responding to potential objections throughout this analysis. I define oppression as follows:

**Oppression:** A member of a c-group suffers, in virtue of his or her or their membership in that c-group, wrongs that are systematically perpetrated through social, political, or legal norms, conventions, or practices.

Extrapolating from this definition, a social, political, or legal norm, convention, or practice is oppressive when it systematically wrongs members of a c-group in virtue of their membership in that c-group.

I have two quick points before delving deeply into discussions of the most significant terms. First, the use of ‘their’ in addition to “his or her” in the definition above is included to be sensitive to individuals who do not identify with the gendered pronouns ‘his’ and ‘her’. People who do not identify as male or female are likely to be subject to

260 Young argues that though different groups are oppressed in different ways, her “starting point is reflection on the conditions of the groups said by these movements to be oppressed: among others women, Blacks, Chicanos, Puerto Ricans and other Spanish-speaking Americans, American Indians, Jews, lesbians, gay men, Arabs, Asians, old people, working-class people, and the physically and mentally disabled. I aim to systematize the meaning of the concept of oppression as used by these diverse political movements” (Young 1990, 40). Cudd aims to “provide a comprehensive analysis of oppression conceived as the fundamental injustice of social institutions,” which must answer such questions as, “Who really is oppressed? Who benefits from oppression, if anyone?”, “How does oppression endure over time (in spite of human's rough natural equality)?”, and “How do institutional structures of oppression form?” (Cudd 2006, 20-1). Insofar as Cudd’s account fails to adequately answer these questions with respect to Black oppression, her account fails to answer what she describes as the “main questions that a comprehensive, general theory of oppression must answer” (2006, 21).
wrongs I will call oppressive, and so it is important that my definition not exclude them.  

Second, the definition on offer avoids any commitment to concrete benefits to every privileged group. I agree with Young that for every oppressed social group, there is a corollary privileged social group whose members have an advantage over the oppressed group in that they are not subject to the oppressive wrong. For every group that is oppressed, there must be an oppressor who is not. As I argued in §3.4, however, this does not mean that oppressive systems always benefit the privileged group.

3.5.1 C-Groups

I have defined oppressive wrongs with reference to c-groups rather than social groups, despite Cudd and Young’s use of the term social group and my adoption of Cudd’s definition of social group, to avoid the complications and debate surrounding the concept “social group”. I am only interested in this project in identifying the subsets of people who may be subjected to oppressive wrongs and can achieve this goal more simply and clearly by conceptualizing these subsets in a way that remains neutral about the proper analysis of “social group”. One may be interested in the role social groups play in establishing personal identity and when social groups are voluntary or involuntary. Such discussions are fraught with controversy, as evidenced by the extremely heated debate amongst philosophers sparked by Rebecca Tuvel’s defense of transracialism, and I take no stance on how these issues should be adjudicated.

261 Some individuals choose other pronouns for themselves that are not ‘he’, ‘she’, or ‘they’. I don’t mean to exclude these individuals either; my use of ‘they’ is a stand in for all nonbinary individuals and the pronouns with which they identify.
262 Young 1990, 42.
263 See Tuvel 2017 for the article which sparked the controversy, and Schuessler 2017 for a discussion of the outcry that resulted.
As stated in §2.2.2.1, I use “c-group” to designate Cudd’s definition of “social group.” Cudd defines a “social group” as “a collection of persons who share (or would share under similar circumstances) a set of social constraints on action,” where constraints are any penalties, rewards, and incentives that shape social action. She includes “legal rights, obligations and burdens, stereotypical expectations, wealth, income, social status, conventions, norms, and practices” as constraints.  

One caveat merits mentioning here. In her definition of oppression, Cudd states that to be oppressive a harm must be “perpetrated through a social institution or practice on a social group whose identity exists apart from the oppressive harm.”  

Paul Benson argues, and I agree, that Cudd has not adequately considered the importance of oppressive wrongs in defining gender and racial groups; Benson claims that some groups can only coherently be defined by appealing to the set of oppressive wrongs they suffer. Charles Mills makes this argument in racial terms in his work The Racial Contract. Mills argues there that Whiteness and Blackness in the U.S. only do the work of aggregating “White” and “Black” individuals into coherent groups because of the disparate rights, opportunities, and treatment afforded people with differing racialized phenotypical traits. Race is constructed by the systematic wronging of individuals based on their having features that become racialized.

So long as we disregard Cudd’s claim that social groups must exist apart from the oppressive wrongs inflicted on them, her understanding of social groups is an excellent

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264 Cudd 2006, 44, 50.
265 Cudd 2006, 25.
266 Benson 2009, 180.
267 Mills 1997, 55-9, 63.
way of designating the groups to whom oppression might apply. I remain neutral on whether or not this account is the appropriate account of social groups generally (hence my choice to designate these groups “constraint-defined-groups” or “c-groups”). Any collection of individuals who face similar social constraints in similar circumstances share some socially significant features that ensure they are more than a mere aggregate; there is some feature or features members of the group share that lead at least some norms and institutions to treat them differently than other individuals. Since this is enough for group-based wrongs to be systematically perpetrated against them, there is no need to narrow the conception of groups further. We describe many groups as being oppressed in different ways—those who share certain racial identities, religious beliefs, sexual orientations, gender identities, physical abilities, intellectual abilities, wealth, and occupations are all described as oppressed in some contexts—and which groups are subject to which wrongs changes throughout history and between cultures. Given the wide variability of who is subject to group-based harms, it is only natural that the definition of the kinds of groups who can be oppressed is quite broad.

Understanding oppression as applying to c-groups rather than a narrower definition of groups, like Young’s social groups, also better captures how recognition-wrongs impact Black Americans. Some recognition-wrongs are related to African American cultural norms (where I use “African American” to designate Black Americans whose families have been in the United States for generations), such as how African

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268 Cudd’s definition of social groups does not on its face require her assertion that oppression happens only to groups defined by features apart from the oppression. Outside defining oppression, Cudd claims that any constraint on a group of people that generates a social consequence constitutes that group as a social group (2006, 50). It is odd, then, that she requires the social group to be already formed before there can be oppressive wrongs; the oppressive wrong(s) could be the very constraint(s) that create the social group.
Americans dress, and in these cases it is useful to distinguish between African Americans and recent African immigrants. African immigrants have culturally different dress that is subject to different social norms. Other recognition-wrongs, however, like seeing Black Americans as likely criminals and less intelligent than Whites, apply cross-culturally. These recognition-wrongs are perpetrated against individuals in virtue of their Blackness, irrespective of their cultural norms. African Americans and African immigrants are not subject to exactly the same systems of oppression, but many overlap.

This leads to a more general point about my definition of oppression. The term ‘oppression’ is sometimes used to designate particular wrongs (and the systems that perpetrate those wrongs) as oppressive or not, and other times to describe an overall state of a group as oppressed. The definition I offer illuminates when an individual is subject to an oppressive wrong (and when a system is oppressive), but this does not imply that when a member of a c-group is subject to an oppressive wrong, we should assume that every member of that group is subject to such wrongs, or even that we should designate the c-group “oppressed.” We might see the claiming of a group as oppressed as shorthand for saying that members of that group are likely to suffer similar wrongs in similar circumstances, but I take no firm stance on what conditions must be met for it to be appropriate to call a group oppressed *simpliciter*.

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269 Black immigrants who qualify for DACA (Deferred Action for Childhood Arrivals), a program that allows undocumented immigrants who came to the U.S. as children to maintain legal status, were less likely to have their applications approved than non-Black applicants (Morgan-Trostle, Zheng, and Lipscombe 2016a, 17). Also, though Black immigrants comprise only 5.4% of unauthorized immigrants, they made up 10.6% of immigrants in removal proceedings between 2003 and 2015 (Morgan-Trostle, Zheng, and Lipscombe 2016b, 20). Moreover, though Black immigrants comprise only 7.2% of the noncitizen population in the U.S., they represent 20.3% of immigrants subject to deportation on criminal grounds (Ibid). These facts point to heightened monitoring and distrust of Black immigrants consistent with the perceived criminality of Black Americans generally. Additionally, researchers found that Black immigrants in American colleges reported being seen as less intelligent than their non-Black peers (Constantine, *et. al.* 2005).
For example, though I wouldn’t call men oppressed because they are in almost all cases treated better than or as well as women, this does not mean that men *qua* men never experience oppressive wrongs. It is plausible that in some countries, men may be systematically wronged when evaluated for the purpose of deciding child custody after a divorce. One study of 120 cases in Israel revealed that the child’s wishes were often taken into account when the child expressed preference for living with the mother, but rarely when the child expressed preference for living with the father. Additionally, they found that when parents did not communicate well with each other, social workers were biased toward recommending the mother have primary custody.²⁷⁰ If this relationship were borne out in additional studies, we might conclude that men in Israel experience an oppressive wrong in virtue of their gender when attempting to retain parental rights after a divorce. Such a conclusion would not necessitate, however, that we consider Israeli men “oppressed” *simpliciter*.

Focusing on oppressive wrongs and systems rather than oppression as a state of being also leaves space for differences in how members of a c-group experience oppression. This is important because the degree to which oppressive norms are upheld varies by context—for example, some Whites openly advocate oppression, some are oblivious to their privilege but do not actively seek to oppress subordinate groups, and some are trying to be conscientious of their relative advantages and are doing their best to undermine oppressive norms—and because overlapping group memberships result in different outcomes. Black men and Black women face many of the same oppressive systems, as evidenced by the many racialized trends outlined in Chapter 2, but because

they differ in gender (and oppression also occurs on the basis of gender), Black men and Black women experience some aspects of oppression differently. The same is true of poor Black men and rich Black men.

Though I do not have the space in this work to address all of the complexities, it is also important to note that the differences just mentioned cannot be fully accounted for by simply “summing” one’s different group memberships. In other words, examinations of Black oppression generally and the oppression of women generally cannot be simply combined to result in the experiences Black women have of oppression. Being a member of multiple oppressed c-groups results in oppressive norms that are unique to individuals who are members of all of those groups. Kimberlé Crenshaw, who coined the term “intersectionality” to describe the unique experiences of those with multiple oppressed identities, argues that women of color occupy a space that is not adequately characterized by looking at their racial identity and their gender identity separately. The sum of the oppressive wrongs that women of color suffer in virtue of their Blackness alone and in virtue of their gender alone don’t fully characterize the lives of women of color; they suffer wrongs particular to being Black women.271 I acknowledge the value of this insight and think that these relationships are incredibly important to explore in any work whose primary focus is detailing the experiences of oppression of individuals in multiple oppressed c-groups. Intersectionality will not explicitly play a prominent role in my project because my primary goal is providing a framework for analyzing the broad systems of oppression that impact Black Americans generally, but I am committed to

271 Crenshaw 1989; Crenshaw 1991. See also Collins 1993; Collins 2000; Collins 2003; Dill and Zambrana 2009; Spelman 1988; and Young 1997, Ch. 1 on the importance of intersectional thinking about oppression.
developing an account that does not preclude the possibility of analyses of intersectionality.  

3.5.2 Systematically Perpetrated Wrongs

To determine whether this account meets the remaining desiderata raised in the discussion of Young and Cudd—that it follows ordinary usage in picking out which wrongs are oppressive and which are not, and that the definition and framework in which it is situated are sufficiently sensitive to material, recognition-, and kinship-wrongs—we need to examine each of the important terms in the definition. To begin, I will discuss what it means to say that oppression consists of “wrongs that are systematically perpetrated through social, political, or legal norms, conventions, or practices.”

I discussed in §1.2 that I commit to the term ‘wrong’ rather than ‘harm’ to avoid any implication that an event can only be oppressive if there is a measurable material impact on an individual or the individual experiences the event as oppressive. I gave the example of a Black man casually walking down the sidewalk when a White woman walking toward him decides to cross the street and clutch her purse in fear of him. The White woman’s actions indicate an unwarranted fearfulness of the Black man, an indication that she believes the stereotype that Black men are likely to be dangerous criminals. I chose to discuss this as the White woman wronging the Black man because I think that terminology appropriately fits the situation even if the Black man is materially and emotionally unaffected by the event.

Bracketing intersectionality is also more appropriate when examining White domination and Black subordination than it might be in other contexts because, as Collins points out, most Black women see race as fundamental to their experiences of oppression. Race is such an overriding feature of the Black experience in the U.S. that it often overshadows gender and class (Collins 2003, 210).
More interesting is why I claim that oppressive wrongs are “systematically perpetrated through social, political, or legal norms, conventions, or practices.” Oppression is defined in terms of wrongs systematically perpetrated through social, political, or legal norms, conventions, or practices because in ordinary language we use the term ‘oppression’ to describe wrongs that fit into a recurring pattern perpetrated against the same c-group. The requirement that wrongs of oppression are systematic reflects the fact that theories of oppression are concerned with structures of power and not merely motivations for wrongful actions. For example, when a White man refuses to hire a Black man in an executive role at his company, despite the Black man being by far the best qualified candidate for the position, the White man is wronging the Black man in a way that Black Americans have been wronged for centuries. The White business owner’s refusal to employ Black executives fits into a social norm of Whites denying Black Americans the opportunity to serve as leaders in their organizations, and so is oppressive. The same does not hold when the roles are reversed. A Black CEO who refuses to hire White executives can be criticized for his discriminatory behavior, but his wronging of White applicants does not constitute oppression. We don’t call White men oppressed when we experience wrongs like discrimination from a Black CEO because there is no norm of White men being excluded from executive positions. Quite the opposite, in fact—according to a joint report from the Alliance for Board Diversity and prominent consulting company Deloitte, 69.2% of board seats for Fortune 500 companies were held by White men in 2016.

274 Alliance for Board Diversity and Deloitte 2016, 9.
One may object and claim that a Black CEO who consistently refuses to hire White candidates no matter their qualifications is systematically wronging Whites. Though we may want to say the Black CEO acts systematically, he does not do so in accordance with social, political, or legal norms, conventions, or practices. We may rightly criticize the CEO’s behavior as discriminatory against White men, but his wronging of White applicants does not constitute oppression. For wrongs to be oppressive, they have to fit the pattern of norms dictating how dominant and non-dominant group members interact. Oppression identifies systems of wrongs. As shown above, excluding White men from executive positions is not the norm.

Referring back to Chapter 2 and the pattern of racial disparities we saw there helps explain why we do call many wrongs against Black Americans oppressive. There are the obviously pernicious systematic wrongs against Black Americans, like the staggering number of Black Americans incarcerated for drug possession in comparison to Whites who use drugs at similar rates, but oppression can also include acts that even appear helpful without the broader context. Take as an example a White business executive who offers to help one of his colleagues with a programming project the colleague is working on. If this colleague were struggling and needed extra assistance, the offer of help might be welcome and appreciated. But when we consider the facts that the “helpful” executive never offers to assist any of the other programmers (all of whom are White) and seems hesitant to accept that the Black employee does not need his assistance when it is declined, and when we also consider the norm of Black workers regularly receiving less respect and trust in the workplace than their White counterparts, the offer of help looks a lot more like distrust. This distrust wrongs the Black employee
by signaling to him and the surrounding White workers that Black employees need to be monitored in a way that White employees do not. What might otherwise be an innocuous or even appreciated offer of assistance is, when considered in context, a systematic wrong.

A closing statement about wrongs that are systematically perpetrated through social, political, or legal norms, conventions, or practices: they need not have an individual agent or collection of agents culpable for the wrong. Though in the examples given above there is an agent clearly perpetrating the wrong, this is not always the case. Suppose that impoverished neighborhoods tend to have high crime rates and higher proportions of Black residents. Suppose further that the city’s voters passed a resolution requesting police presence to be proportional to expected criminal activity. Because of the high crime rates in our imagined neighborhood, police officers are frequently sent to patrol the area. This will result in more arrests for all crimes, even those that occur at similar rates in other, wealthier neighborhoods (like drug possession). Even if the police officers perform their jobs in a responsible and respectful way, this system will inevitably put a higher proportion of Black Americans in jail than if all neighborhoods were similarly scoured for lawbreakers. As discussed extensively in §2.2, there are many negative impacts on communities that face high rates of incarceration, like kinship-wrongs, even assuming a fictional scenario where police always interact appropriately and respectfully with those in the community. These police practices thus inevitably contribute to the systematic wrongs of incarceration perpetrated against Black Americans. No individual police officers, lawmakers, voters, or politicians are obviously morally culpable in this scenario, but we can see that the system as a whole is oppressive.
Cases like that just described are why I earlier claimed it is important that oppression be defined in such a way as to allow for structural oppression not directly linked back to an oppressor group. We need to be able to describe the seemingly reasonable policies that lead to disproportionately incarcerating individuals in higher crime communities—like more heavily patrolling these areas for drug use—as oppressive. Dismantling oppressive systems often requires attention to the rules and policies according to which the systems operate rather than the individual actors within them; our understanding of oppression should reflect that.\textsuperscript{275}

### 3.5.3 Wrongs in Virtue of C-Group Membership

Not every wrong committed against a member of an oppressed group is oppressive, even if the wrong is systematically perpetrated through social or political norms. I, for example, would argue that it is wrong for a developed nation like the U.S. to fail to provide universal healthcare. This injustice creates systematic wrongs perpetrated through our political institutions against virtually everyone, even those with quality health insurance, because it inevitably limits the ways individuals can pursue their goals to live their best lives (either because they don’t have the money to procure the healthcare services they need, or because their dependence on employer provided healthcare subjects them to exploitation at the hands of their employer). The reason these wrongs are not oppressive, though, is that they are not inflicted on individuals \textit{in virtue of} their c-group membership.\textsuperscript{276}

\textsuperscript{275} Sally Haslanger convincingly argues that examples of structural oppression like the case of over-policing that I have described above necessitate an approach that focuses on the institutions and norms that permit and perpetuate these kinds of oppression. Focusing on individual agents will not solve those problems that are primarily located in the norms and institutions that shape society (2004, 104-7).

\textsuperscript{276} I do not intend to imply here that the healthcare system wrongs Black and White Americans equally, only that the wrongs perpetrated through the lack of universal healthcare are not inflicted on the basis of one’s c-group membership. For information on the ways the healthcare system \textit{is} oppressive, see the
When attempting to determine whether a wrong occurred in virtue of a person’s c-group membership or for some other reason, we are trying to determine whether the person’s race is a significant factor in why she was subject to some wrong. We are considering the counterfactual “Would this wrong have occurred if the non-dominant group member had instead been a member of the dominant group?” When the answer is no, the wrong is inflicted in virtue of the person’s non-dominant group membership.

Though in some cases it will be obvious that a person suffers a wrong because of their c-group membership—like when stereotypical images or racial epithets are used to describe a group—in many individual cases the role of group membership will be difficult to ascertain. How can we know if the unrecorded police shooting of the Black man armed with a knife was justified or if a White man wielding a knife would likely have lived? Was the White woman who berated a Black customer service employee extraordinarily rude because the employee was Black, or would she have been equally rude to a White employee?

Even with a thorough analysis of a situation, it can be very difficult to determine whether a specific wrong was inflicted in virtue of a person’s group membership. For this reason, I think attempts at providing necessary and sufficient conditions for determining when a wrong was inflicted in virtue of a person’s c-group membership and when it was inflicted for some other reason are unhelpful. Instead, we should focus on finding statistical patterns of differential treatment and listening to the stories of non-dominant group members to find the systematic wrongs that disproportionately affect members of different non-dominant groups. Moreover, because wrongs must be systematically

Institute of Medicine’s detailing of the differential care offered to members of different racial and ethnic groups (Nelson et. al. 2002).
perpetrated through social and political norms to be oppressive, significant changes must
be made at the structural level to alleviate oppression. Therefore, it is the pattern of
wrongs, rather than the individual instances, that are most important to analyze.²⁷⁷

3.5.4 Sensitivity to Material, Recognition, and Kinship-Wrongs

The last remaining desiderata for an account of oppression is that the account be
sensitive to material, recognition-, and kinship-wrongs. The definition I have offered is
critical of wrongs of any kind, material or not, and does not frame wrongs in a way that
gives the impression of being biased toward one or the other (as focusing on “coercive”
wrongs does). More important than the definition itself, though, is the framework in
which it is imbedded. I will say very little here as the entirety of Chapter 4 is dedicated to
a discussion of the capabilities approach, but I believe that my commitment to examining
how systems and policies affect individuals’ capabilities ensures that both material and
non-material wrongs are given their due. A capabilities approach is, roughly, an approach
that claims that what is fundamentally most important in an evaluation of whether a
social arrangement is just is not the distribution or security of means, resources, or rights,
but that the social arrangement allows individuals to be the people they want to be and do
the things that are important to them.²⁷⁸ These real opportunities to perform certain
actions, achieve certain statuses, embody certain traits, etc. are called capabilities.

Focusing attention directly on the ways oppressive systems erect barriers to
oppressed individuals pursuing their goals and living their ideal lives gives us strong
reasons to consider the importance of non-material opportunities of oppressed c-group

²⁷⁷ For a more detailed argument that the focus in alleviating oppression should be on institutions, see
²⁷⁸ Alkire 2008, 28.
members. The value of one’s voice being respected as it would be if one were a member of the dominant group and the importance of having one’s opportunities to connect with members of his or her community unencumbered by oppressive barriers are significant aspects of many people’s ideas of a good life, despite the fact that they cannot be measured in terms of one’s material status. Conceptualizing oppression in a framework that is responsive to any unjust barrier to one’s opportunities to live the life he or she wants, as capabilities are, ensures that we do not focus exclusively on ameliorating the oppressive wrongs that we can measure in material deficits.

To be clear, capabilities also take account of the material wrong of oppression; without sufficient resources, individuals will be forced to spend the majority of their time securing means of survival and won’t have access to sources of meaning like professions requiring expensive education, leisure activities and vacations that offer creative outlets and opportunities for rejuvenation, and the basic security necessary to free time for passion projects and public engagement. I argue in Chapter 4 that this dual focus on material and nonmaterial wrongs is essential for combatting oppression, and that the capabilities approach offers a framework in which both kinds of wrongs can be analyzed and addressed.279

3.6 Conclusion

This chapter began with an analysis of the accounts of oppression offered by Young and Cudd. I first examined Young’s five faces of oppression. I argued that Young’s account is too permissive of what counts as oppression and her definition of social group is too restrictive to pick out groups of people who are oppressed. I next

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279 See Fraser 2003 for a compelling argument that the paradigms of distribution and recognition are both critical for addressing oppression.
looked at Cudd’s analysis of oppression and showed first that the privilege condition should not be included in the definition of oppression. I then objected to her prioritization of material harms, arguing that this prioritization leads her to employ misleading concepts like coercion and to overlook important nonmaterial wrongs. I ended my critique of Cudd by showing the importance of caution when theorizing the role the oppressed must play in undermining their own oppression. I then ended the chapter by using the objections raised against Young and Cudd to motivate my own account of oppression, one that continues the tradition of seeing oppression as systematically perpetrated group-based wrongs, but that avoids the pitfalls of Young’s and Cudd’s accounts and provides the tools needed to analyze the spectrum of wrongs raised in Chapter 2.

In the following chapter, I argue that the account of oppression and the data on which said account was developed is best understood and addressed by a capabilities framework. I show why a capabilities approach is well-suited for analyzing and addressing oppression, arguing that capabilities are a particularly useful metric for scrutinizing the non-distributive aspects of oppression and for making actionable recommendations to redress oppressive systems. These remarks are complemented by Chapter 5, in which I argue that the capabilities approach offers an important additional benefit for analyzing oppression—it offers analytic tools to better understand the nature of White privilege and power.
4. CAPABILITIES

In this chapter, I develop a capabilities theory for addressing oppression. The chapter is broken into three major parts. In §4.1, I explain what it means to say that capabilities are “opportunities to function,” and defend using capabilities rather than functionings to measure and confront oppression. I then explain how a general commitment to the capabilities approach is combined with other moral commitments to constitute a rectificatory theory of racial justice.

In §4.2, I show how we can use capabilities to effectively analyze material harms and recognition-wrongs, and I highlight the analytical strengths of employing a capabilities approach. I next argue that one key feature of a theory that can effectively influence public policy is its avoidance of bad idealizations that misrepresent the needs of justice, and I show how capabilities are well-suited to avoid such idealizations. I end this section by illustrating that a core strength of the capabilities approach is that utilizing capabilities allows one to analyze injustice—in this case, oppression—without reference to a transcendental theory of perfect justice.

I end Chapter 4 by tackling one of the most common objections lodged against capabilities—how to determine which capabilities of an individual are relevant for securing justice. On my account, oppressive systems are wrong when they restrict extremely valuable capabilities and seemingly insignificant ones alike; when any capability is diminished by oppression, it is a matter of justice. The question is thus not which capabilities are relevant, but how to prioritize the capabilities affected by oppressive systems. I argue that the prioritization process should be led by those who have their capabilities restricted by oppression. I end by sketching a process for shaping
public policy that incorporates this prioritization process and emphasizes the value of public information and holding agents accountable for their proposals.

4.1 What is a Capabilities Approach?

The motivating idea behind the capabilities approach is that what is fundamentally important in an evaluation of whether a social arrangement is just is not the distribution or security of means, resources, or rights, but that the social arrangement allows individuals to be the people they want to be and do the things that are important to them. Resources and rights are of course relevant to this aim, but they are relevant insofar as they enable individuals to have real opportunities to do the things that are important to them and to be the kinds of people they want to be. These ways of being and doing are called “functionings.” Functionings include everything from being well-nourished, working as a doctor, and watching television, to having self-respect, being ostracized from one’s community, and being free of stress. As evident by these examples, functionings need not be important or valuable. We may want to actively avoid some functionings, like being ostracized from our communities. There is thus no inherent value-judgment made in identifying a functioning; different functionings are valued or disvalued by different individuals and in different contexts.

Specifying functionings may also depend on the context. How fine-grained one defines the functionings depends on the goal one is trying to achieve, but any

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280 Alkire 2008, 28. Though this understanding of capabilities is widely employed, it is not universal. Nussbaum in her earlier work argues that basic capabilities are valuable because they represent a cross-cultural consensus on which aspects of human life everyone needs to have to some minimal degree for human flourishing, where flourishing is an Aristotelian notion of exercising essential human capacities (Nussbaum 2000). Serene Khader also relies on a perfectionist notion of flourishing, electing to use Nussbaum’s list of capabilities to represent a “deliberative perfectionist conception of flourishing” in describing inappropriate adaptive preferences (Khader 2011, 140). For more on adaptive preferences, see footnote 349.

specification of a performance of an activity or embodiment of a trait can be characterized as a functioning. Take the example of “working as a doctor” given above. If one is performing an analysis of the racial demographics of all currently employed medical doctors, the functioning “working as a doctor” is an appropriate specification. If instead one is considering a particular person’s career aspirations, and that individual has a dream of working as a pediatric oncologist at the St. Louis Children’s Hospital where she battled cancer in her youth, achieving her goal requires something far more specific than working as a doctor. Though she hopes to achieve the functioning of “working as a doctor,” her goal is much better described by the narrower functioning, “working as a pediatric oncologist at the St. Louis Children’s Hospital.” The narrower specification of the functioning is necessary in this case because, for her, becoming a doctor may still be failing to achieve her goal if she is unable to secure an oncology residency, can only find work as a pediatric oncologist in Georgia, etc.

The capabilities approach is not directly focused on securing functionings however, but rather capabilities to function (shortened to simply “capabilities”), where one has a capability to function in a particular way when she can—given her environmental, social, and personal conversion factors—use her resources to achieve that functioning.\textsuperscript{282} The conversion factors are all of the factors that influence whether one can realistically achieve some particular functioning. For example, personal conversion factors include things like a person’s physical strength, his or her intelligence, and his or her ability to read—two individuals with different personal conversion factors may have different abilities to achieve functionings they value even if we hypothesize that their

\textsuperscript{282} Nussbaum 2006, 70; Sen 1992, 39-40.
rights, circumstances, and material resources are the same. A 6’10” financially well-off teenager with exceptional hand-eye coordination, parents who ensure he has great training and coaches, and a drive to achieve athletic success in basketball has the capability to play basketball for the University of Iowa to a far greater degree than a similar person with identical resources and training opportunities who is not expected to grow taller than 5’10”. His height serves as a personal conversion factor that prevents him from converting his material opportunity and athletic skill into the functioning of playing basketball for the University of Iowa.

Conversion factors may also be environmental or social. Environmental conversion factors include one’s geographic location and the climate. One doesn’t have the capability to snowboard if she lives on a tropical island without snow and doesn’t have the material resources to travel across the ocean to snow-capped mountains. This is true even if she has a natural ability, such that if her life had been largely the same, but in Colorado, she would be an excellent snowboarder. The combination of her modest resources with the environmental conversion factor of living on a tropical island prevent her from having any real opportunity to snowboard, and thus she does not have the capability to snowboard. Social conversion factors, on the other hand, include oppressive institutions, social norms, gender roles, and power relations. Though personal and environmental conversion factors are very important in examining many matters of justice, social conversion factors are the most relevant for analyses of oppression, and thus will play the largest role in my discussion.

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283 Robeyns 2005, 98-100.
284 Ibid.
Many examples of the social conversion factors Black Americans face have already been given. Norms of police violence prevent many Black Americans in the United States from having the capability to live their lives free from fear of unwarranted police violence (see the accounts of Coates and Cadogan in §2.1.2). The systematic surveillance and incarceration of Black Americans undermines Black Americans’ capabilities to live without worrying that they or someone they love will be incarcerated, and when someone they love is incarcerated, this strains their capabilities to have deep personal relationships with that person (see §§2.2.1 and 2.2.3). When incarcerated, Black Americans do not have the capability of receiving treatment equal to the treatment incarcerated Whites receive for comparable behavior (see §2.2.2.2). The social norm of perceiving Black Americans as likely to be dangerous or criminally minded diminishes Black Americans’ capabilities to have their opinions and character evaluated without bias (see §2.2.2.1). I also have an extensive discussion in Chapter 5 of the capabilities Whites have enhanced by oppressive norms. Whites’ enhanced capabilities are also an important aspect of the social context and influence the degree to which Black Americans can secure important functionings. Black Americans’ credentials being evaluated too negatively when they apply for jobs is one way in which Black Americans’ capabilities to secure meaningful employment are diminished, but Whites’ credentials being evaluated too positively also diminishes Black Americans’ capabilities to secure meaningful employment. In either case, Black Americans are at a relative disadvantage to Whites when applying for jobs.\footnote{These are just a representative sample of the many social conversion factors hindering Black Americans’ capabilities. I discuss the importance of the relation between White and Black Americans’ capabilities when discussing correlative capabilities in §5.1.}
Personal, environmental, and social conversion factors interact to constitute the degree to which one has some capability; depending on the context, elements from each category of conversion factors contribute to the effort required and likelihood of one’s success in achieving some functioning. Measuring capabilities in terms of degrees is valuable in analyses of oppression because the differences between the degrees to which Black Americans and Whites have capabilities are valuable even when, *ceteris paribus*, Black Americans have some capability at a threshold that is sufficient for considerations of justice apart from oppression. Suppose we agree that justice requires all residents of the U.S. to have sufficient income and wealth to acquire basic necessities like food, shelter, and clothing. Now imagine that we live in a world vastly different than our own, one where every person in the country has the level of income and wealth necessary through their work and social programs to afford basic necessities. We conclude that, *ceteris paribus*, everyone has the level of income and wealth required for justice. But suppose further that most Black Americans just *barely* have enough income and wealth to secure their basic necessities, while most Whites have income and wealth far beyond this level because of discriminatory social norms and policies. The relative differences between White and Black Americans’ income and wealth—and so the relative differences between the degrees to which White and Black Americans have the capabilities to do things that require income and wealth—is due to oppression. The degrees to which White and Black Americans have these capabilities is thus still a matter of justice. Threshold levels of capabilities may be important metrics for determining certain aspects of justice, like if one’s human rights are violated, but they fail to fully capture the impact of oppression.
4.1.1 Capabilities Over Functionings

Rather than increasing the degree to which one can secure a valuable functioning, why not just secure the functionings themselves as a matter of justice? Every capability theorist must contend with this alternative. If a grave injustice occurs when someone is unable to work or do many of the activities they once enjoyed because they are debilitated by a treatable health condition, why is the opportunity for treatment, and not the treatment itself, the appropriate way to remedy the injustice?

There are a few reasons I think that capabilities, rather than functionings, are what justice requires us to provide, but first and foremost is my commitment to the value of freedom. I claim in §1.2 that people want the freedom to develop their own ideas of what constitutes a good life and the opportunity to pursue them. In order to protect this interest, I argued, any social impediments to one’s ability to form and pursue his or her conception of a good life must be justifiable. This framework is intended to provide the greatest possible freedom for people to pursue the plurality of aims they hold while still protecting them from injustice. When society is organized around providing capabilities, it respects this plurality of viewpoints held by society’s members. Ensuring that people have the opportunities to pursue potentially valuable ways of living without proclaiming that particular ways of living ought to be pursued or are required for justice avoids unnecessary paternalism while still protecting individuals from injustice. I take this to be the central strength of a focus on capabilities rather than functionings.286

Amartya Sen goes even further, arguing that freedom has intrinsic value. Sen agrees that the capabilities approach allows more people to pursue what they think is

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important than do perfectionist theories that deem certain aspects of life necessarily valuable for all individuals. But Sen extends this claim, arguing that freely choosing to pursue some way of living is more valuable to people than being required to pursue that same thing. Essentially, Sen’s claim is that part of the value of pursuing certain goals is that we have chosen to pursue them in the context of having the option to pursue something else.287

I agree with Sen that many people value freedom in this way, and thus it is a merit of the capability approach that it incorporates a commitment to respecting freedom. For example, I take freedom of religion to have personal and political importance beyond permitting people to pursue the particular functioning (i.e. the particular religious membership) they desire. For me, at least, there is something valuable in knowing that my religious commitments are my own, and I can change them and update them as I wish. My choice to exercise this freedom by abstaining from organized religion is more valuable to me in the context of having the freedom to pursue some religion if I change my mind than it would be if national policy were that I must abstain from organized religion.288 I am, however, wary of the meta-ethical commitments that may accompany the view that freedom is objectively and intrinsically valuable and so withhold judgment on that claim. Instead, I claim only that enough people do value freedom for its own sake that we ought to see the aim of securing capabilities as an improvement over an effort to secure functionings because capabilities respect the value of choice.

287 Sen 2009, 18-9, 228-30.
288 Sen offers a parallel, but in my view less convincing, example regarding immigrants’ cultural practices (2009, 237-8).
Sen offers two more reasons to conceive justice in terms of capabilities rather than functionings. The first is that two people with identical functionings in some area may not have had equal opportunities to achieve those functionings, and this ought to be considered a matter of justice. Sen offers the example of a man who is malnourished because he is fasting in protest of a political decision in contrast to a man who is malnourished because he cannot afford food for himself and his family. Sen thinks it is obvious that the man who cannot afford food is suffering an injustice that the man who is fasting is not, despite both men having the same level of nutrition. The man who fasts chooses to have a lower level of functioning with respect to being healthy, while the starving man does not, and it is important that the man who fasts have the right to go hungry in service of his goals. It is also important that everyone have the opportunity to be sufficiently fed.289

My intuitions align with Sen’s, and I think these issues are especially important for discussions of oppression—if there are significant barriers to a Black man becoming a respected politician that do not affect White men, the Black man’s overcoming those barriers to become a respected politician does not obviate the need to dismantle the barriers. I outline in §3.4 the many obstacles Michael Steele had to navigate to become the chair of the Republican National Committee. That he achieved this goal does not mean that the discrimination he faced along the way is not a matter of justice. What strikes me as important is that both White men and Black men (and people of all races and genders, for that matter) have their opportunities to secure political offices undiminished by their race. Black Americans achieving proportional representation in

politics—which, to be clear, is nowhere near happening—may be sufficient for justice on an account aimed at securing functionings; Black and White Americans both having proportional representation in politics would be the goal on this functioning-oriented account. On a capabilities theory, however, Black and White Americans achieving proportional representation would only be sufficient for justice if Black and White Americans face similar obstacles to achieving proportional representation. If a Black person with some set of policies and oratory skills has to work twice as hard as a White person with the same policy commitments and oratory skills to win an election, then proportional representation does not indicate that justice has been achieved. On this scenario, White and Black Americans still have unjustified capability differences that need to be addressed.

Sen’s final reason for preferring an approach centered on capabilities rather than functionings, which I support, is the policy-creation value of capabilities. Most people agree that adults are agents with personal responsibility. Out of respect for their own and others’ agency, they prefer ensuring everyone has a fair opportunity for valuable endeavors to equalizing the outcomes of such endeavors. Vegetables are an essential part of a healthy diet, for example, and so most people will agree that everyone should have access to fresh vegetables at reasonable prices. Far fewer will assert that we ought to force an unhealthy man to eat the daily recommended amount of vegetables, even if doing so would make him healthier. Most people tend to think that even if they would have a better health outcome being forced to eat more fresh vegetables, what is important is that they have the opportunity to eat vegetables; many would assert that governments

290 Ibid. 238.
forcing individuals to eat certain foods is overly paternalistic. On the basis of these sentiments, policies which ensure adequate access to fresh vegetables (policies focusing on enhancing one’s capability to be adequately nourished) are much more likely to find support than policies requiring that individuals eat certain amounts of vegetables each day (policies focusing on one’s functioning of being nourished).

In avoiding the kind of paternalism that voters are more likely to reject, we also diminish the possibility of Whites unintentionally committing recognition-wrongs against Black Americans while attempting to support Black Americans’ policy goals. I argued in §3.4 that Cudd’s requirement that the oppressed resist their own oppression may be inappropriately paternalistic if applied to Black oppression. Whites, like Cudd and me, should focus our attention on the role Whites play as oppressors instead. A similar concern arises here. Policymakers are overwhelmingly White. A theory of oppression that argued for guaranteeing Black Americans function in ways that are equal to or fair in comparison with Whites runs the risk of implying to Black Americans that they are less capable of making decisions for themselves than the Whites to whom they’re being compared and by whom the policies are likely to be implemented. Policies guaranteeing functionings may commit recognition-wrongs against Black Americans by further entrenching White norms of ignoring and downplaying the value of Black voices. Guaranteeing capabilities is not paternalistic in this way. Policies focused on enhancing capabilities do not prescribe certain ways of living as necessary or even valuable, but instead attempt to ensure that no one has their opportunities to live the lives they want to live unjustly diminished. Taking capabilities as the relevant aim of justice in
policymaking thus greatly reduces the risk of Whites perpetrating recognition-wrongs against Black Americans in justice-oriented policies.

Finally, my focus on capabilities rather than functionings has the added benefit of respecting a plurality of philosophical views in addition to a plurality of values and life plans. My rectificatory theory of racial justice has the narrow scope of describing racial oppression. What justice requires beyond ensuring that capabilities are not limited in virtue of one’s race is not specified. Any theorist willing to take on my principle of racial injustice, my definition of oppression, and my capabilities framework could conceivably supplement their own theory with mine to ensure their theory is also sensitive to Black oppression in the U.S. Had I instead developed my account with the goal of securing functionings, I would be committed to a perfectionist theory advocating particular values, one that would be incompatible with many prominent political liberal theories of justice. I take it to be a strength that my theory leaves open how it can be combined with a full theory of justice.²⁹¹

**4.1.2 Capabilities Approach and Theories of Justice**

The “capabilities approach” is a broad normative framework in which capabilities are used to evaluate circumstances of justice. Theorists who employ the capabilities approach may do so in such fields as economics, international development, social work,

²⁹¹ It is conceivable that Elizabeth Anderson, Martha Nussbaum, and even Rawlsians may be able to accept my account as an addendum to their own. Anderson may combine my capabilities theory with her use of the capabilities approach to secure democratic equality by committing to protecting capabilities from being diminished on the basis of race, even when such instances of diminished capabilities do not prohibit one from functioning as a democratic equal (Anderson 1999). Nussbaum could commit to ensuring no one’s opportunities are unjustly limited because of their race in addition to securing for all people the minimally sufficient levels of the basic capabilities she outlines (Nussbaum 2006). Rawlsians and others working more on the basis of abstractions may also be able to take on the commitments of my capabilities theory. Any theorist developing principles of justice intended to operate in a society where oppression has already ceased to exist, as Rawls does, could agree that the elimination of oppression as I have described it is a precondition for their own theories of justice (Rawls 1999[1979], Rawls 2005[1993], Rawls 2001).
or political philosophy, and may focus on the evaluation of poverty, disability, or various inequalities. To evaluate the particular issues with which they are concerned, theorists supplement the capabilities approach with additional commitments and arguments to create a capabilities theory.\textsuperscript{292}

The distinction between the capabilities approach and capabilities theories is important for clarity on the shared commitments of capabilities theorists and where we should look for differences. All capabilities theorists employ the capabilities approach, but often for drastically different purposes and with drastically different commitments. The capabilities theories they offer may thus differ widely. Ingrid Robeyns illuminates the relationship between the capabilities approach and capabilities theories nicely with her “cartwheel view of the capability approach”. All capabilities theorists share a core commitment to using capabilities to evaluate circumstances of justice, but around this core are the unique aspects of a theorist’s view that constructs his or her capabilities theory—the purpose for which the theory is being constructed, the meta-theoretical and normative commitments of the theorist, the social ontology and explanatory theories the theorist employs, the relevant empirical issues, and the method for selecting and/or aggregating capabilities and functionings.\textsuperscript{293}

Elsewhere, Robeyns offers examples of the many purposes for which the capabilities approach has been utilized. Theorists across disciplines have used the capabilities approach to construct theories to evaluate poverty in developing countries, assess gender inequalities, identify disparities for the disabled, and define well-being in developed countries. The capabilities approach has also been employed to assess the

\textsuperscript{292} Robeyns 2005, 94.
\textsuperscript{293} Robeyns 2016, 403-4.
effectiveness of small-scale development projects and debate justice-oriented policies, to name a few of the capabilities approach’s uses.\textsuperscript{294}

Political philosophers have employed the capabilities approach in a multitude of ways as well. Elizabeth Anderson has argued that justice requires that we guarantee to a sufficient degree the capabilities necessary for all citizens to stand in relations of democratic equality to each other, where democratic equality “regards two people as equal when each accepts the obligation to justify their actions by principles acceptable to the other, and in which they take mutual consultation, reciprocation, and recognition for granted.”\textsuperscript{295} Martha Nussbaum has proposed a list of ten central human capabilities, all of which must be guaranteed to a sufficient level as a necessary condition of justice.\textsuperscript{296} Nussbaum then uses this list of basic capabilities to analyze and propose justice-oriented claims for the global poor, the disabled, and non-human animals.\textsuperscript{297} Amartya Sen focuses primarily on evaluating international poverty, but does so without a commitment to a particular list of capabilities. Instead, he argues that those for whom justice is being sought in the context in question should participate in determining which capabilities must be secured as matters of justice.\textsuperscript{298}

\textbf{4.2 Using Capabilities to Analyze Oppression}

My work constitutes a capabilities theory because I have the explicit aim of analyzing and undermining Black oppression and White domination in the U.S., I explicate the wrongness of oppression in terms of violating individual freedoms as

\begin{itemize}
\item[294] Robeyns 2006, 361-70.
\item[295] Anderson 1999, 313.
\item[296] Nussbaum 2006, 70-6.
\item[297] Nussbaum 2006.
\item[298] Sen 1992; Sen 2009.
\end{itemize}
measured by the impacts these violations have on one’s capabilities, I argue for an understanding of race as a social construct and make clear that humans are deeply relational beings, I incorporate the relevant empirical data regarding the treatment of Black Americans and Whites in the U.S., and I argue that all capabilities impacted by oppression are relevant and offer a method for prioritization. My capabilities theory shares more with Sen’s work than other theorists, but I draw insights from a wide variety of thinkers across disciplines. I argue that capabilities are an especially useful tool in analyzing oppression because they can capture the myriad material harms and recognition-wrongs of oppression, emphasize agency and the importance of individuals crafting their own unique lives, and can be situated in a context that is sensitive to historical and current injustices. These features of capabilities ensure that a carefully constructed capabilities theory can analyze the problems of Black oppression and White domination in a way that can usefully inform policy and can provide recommendations for how to right the wrongs of oppression. Additionally, as I argue in Chapter 5, because capabilities represent real opportunities for achieving desired outcomes, they can be used to evaluate both deprivations of such opportunities and abundances. I argue in Chapter 5 that Whites are unjustly the beneficiaries of an abundance of capabilities. I believe an analysis of White domination is essential for understanding how oppressive norms are perpetuated and the obstacles those who seek to eliminate oppression will face in attempting to shape norms and implement new polices in service of that goal.

These features capture the important difference between “freedom-from” and “freedom-for” that Yancy highlights in his discussion of Black oppression. Yancy points out that being free from racist laws and policies that prevent one from achieving X is not the same as having the enabling conditions necessary to actually achieve X (Yancy 2008, 57-8). Capabilities emphasize the importance of enabling conditions by considering them partly constitutive of whether one has a real opportunity to achieve X.
When I discuss “my capabilities theory,” I am referring to this collection of arguments and commitments that jointly comprise a rectificatory theory of racial justice by providing the tools to analyze the current racial injustices of oppression and offering guidance on how we should approach redressing these injustices. I aim here to show why I believe we should analyze the impact of oppression in terms of capabilities. My argument utilizes the principle of racial injustice (1) that I develop in §1.2 and the definition of oppression (2) that I develop in §3.5:

1. Individuals are *prima facie* wronged by socially constructed barriers to their abilities to form and seek their conception of a good life if those barriers exist in virtue of their race.

2. *Oppression*: A member of a c-group suffers, in virtue of his or her or their membership in that c-group, wrongs that are systematically perpetrated through social, political, or legal norms, conventions, or practices.\(^{300}\)

I won’t rehash the arguments for (1) and (2) in full, but here is a brief restatement. My work is motivated by the value people find in forming and pursuing their conceptions of good lives. In light of this extremely important human interest, I claim that barriers to one’s ability to form and seek one’s conception of a good life need to be instituted for good reasons. Barriers that exist in virtue of one’s race are rarely justifiable. I thus claim that “individuals are *prima facie* wronged by socially constructed barriers to their abilities to form and seek their conception of a good life if those barriers exist in virtue of their race,” with the caveat that such barriers are acceptable when they “are necessary to right an earlier wrong.” The caveat is what I call the White domination proviso (or WDP).

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\(^{300}\) Recall that c-groups (or constraint-defined-groups) are collections of individuals who share a set of social constraints on action under similar circumstances, with constraints defined broadly to include any penalties, rewards, or incentives that shape social action. This ensures that the collection of people to whom we refer are more than a mere aggregate, and instead comprise the kind of group which can be subject to oppression. I defend the use of this concept in §3.5.1.
an effort to contextualize barriers constructed on the basis of race, the WDP claims that barriers put in place in order to correct for previous unjust advantages are justified when there are no feasible alternatives to the barriers for effectively undermining Black oppression and the barriers are the least restrictive possible. I later rely on the space created by the WDP to argue that Whites will have to have certain capabilities diminished or eliminated to correct for the injustices inherent in systems of White domination and Black oppression.

I then narrow the set of relevant barriers that exist in virtue of one’s race to those that are oppressive. I spend Chapter 3 analyzing the concept of oppression, and ultimately commit to the view that oppression occurs when “a member of a c-group suffers, in virtue of his or her or their membership in that c-group, wrongs that are systematically perpetrated through social, political, or legal norms, conventions, or practices.” The principle of racial injustice and my definition of oppression can then be recast in terms of capabilities to show the compatibility of the capability approach with the commitments that motivate my account. Capabilities are real opportunities to function in various ways. Given that life goals can be characterized by functionings—wanting to become an astronaut, aspiring to be a kinder person, hoping to make a certain amount of money or achieve a high social status, etc.—and given that forming and seeking one’s conception of a good life requires having the opportunity to develop and pursue one’s goals, the principle of racial injustice can be recast as:

1.* Individuals are *prima facie* wronged by social systems that diminish their capabilities to pursue their conceptions of good lives if their capabilities are diminished in virtue of their race.
The “social systems” referenced here may come in the form of social, political, or legal norms, conventions, or practices. I characterize their impact as *prima facie* wrongful when they diminish individuals’ capabilities because those capabilities represent opportunities to function in ways that may be valuable for said individuals’ life plans.\(^{301}\)

As argued in §1.2, these social systems are typically genuinely wrongful, except when justified by the WDP. We can now update the definition of oppression in terms of capabilities:

2.* Oppression: A member of a c-group suffers, in virtue of his or her or their membership in that c-group, a wrongful diminishing of capabilities that is systematically perpetrated through social, political, or legal norms, conventions, or practices.

The diminishing of capabilities referenced in 2* is “wrongful” if it meets the criteria laid out in 1* defining when individuals are wronged by socially constructed barriers to their abilities to form and pursue their conceptions of good lives. Boiling these principles down to a single statement, I claim that the wrongfulness of oppression is the unjust limiting of people’s real opportunities to pursue the kinds of lives they want to live on the basis of their morally inert c-group membership.\(^{302}\)

I take this to show how capabilities are compatible with the claims and goals I’ve made heretofore in this project. Now I turn to the task of arguing why I think the capabilities approach is the right framework for analyzing oppressive wrongs. I begin this

\(^{301}\) There is a debate among capabilities theorists over which capabilities are important—Nussbaum has constructed a list of core capabilities (2006); Sen has argued that we should be interested in protecting valuable capabilities, but declines to take a stance on which capabilities are valuable because he claims it depends on the context (2009); and Peter Vallentyne has argued that every capability is relevant to justice (2005). I argue along the same lines as Vallentyne in §4.3.

\(^{302}\) I say “morally inert” c-group membership here because some c-groups, like racial groups, are morally inert in that one’s racial identity does not indicate the morality of one’s actions while other c-groups, like the KKK, are defined by their bad actions. The KKK is a c-group on my definition and I believe that members of the KKK, in virtue of their membership, *ought* to be subject to the kind of capability diminishing that would be oppressive if inflicted on other c-groups.
effort by showing how my capabilities theory can successfully evaluate the material impacts of Black oppression. I then proceed to show capabilities’ effectiveness in analyzing recognition-wrongs. Any (partial) theory of justice that aims to address oppression must have the tools to characterize both material harms and recognition-wrongs. A theory that lacks these tools cannot adequately analyze significant aspects of oppression. After showing these fundamental analytic abilities of the capabilities approach, I begin more in-depth discussions of how capabilities comport with the moral commitments I’ve already put forth, why they are well-suited for operation in an imperfect world that needs incremental steps of justice, and how they can be employed to shape public policy. In Chapter 5, I go further by arguing that one of the greatest strengths of my account is its usefulness in analyzing White domination, or the systems of norms, power, and privileges benefitting Whites that correspond with Black oppression.

4.2.1 How Capabilities Account for Material Harms

As has already been shown, Black oppression operates in systems of unequal material distribution, where Whites control far more wealth, have higher incomes, have more affordable access to quality housing, are less likely to be involved in the criminal justice system than Black Americans and are less likely to face the breadth and severity of consequences associated with such involvement when they are incarcerated or otherwise monitored, and so on. Utilizing the capabilities approach and my analysis of

303 Notably, in workshops and in-depth interviews of members of marginalized groups aimed at developing a list of essential capabilities, participants listed both capabilities severely impacted by material harms, like the capability to live in physical security, and capabilities severely impacted by recognition-wrongs, like the capabilities to have a voice in public decision-making and have confidence you will be treated with dignity and respect (Vizard and Burchardt 2007, 57-62).
oppressive wrongs, I can clearly show the unjust and oppressive nature of these disparities. I theorize that individuals are *prima facie* wronged by socially constructed barriers that diminish their capabilities if those barriers exist in virtue of their race. The social barriers that depress Black wages, wealth, and access to housing create obstacles for Black Americans in securing the important capabilities of having a safe place to live, being able to provide nutritious food for oneself and one’s dependents, and having the time and space to pursue one’s individual passions, to name a few. The impact of incarceration has been noted in detail, but obviously many capabilities are drastically restricted or eliminated when one is forced to spend much of his day in a small cell and subsequently faces extraordinary obstacles to finding work and housing upon release.

*How* capabilities account for material injustices offers added value. Capabilities theories rightly recognize that the value of material resources lies in what they enable resource holders to do. We value wealth and income for what they allow us to purchase, and we value what we are able to purchase for how we can use those purchases to function. We want to be able to afford to enjoy a week on the beach, or drive a motorcycle, or feel proud of how we are able to represent our identity through a new tattoo. Even objects that people buy for seemingly no reason are bought for some opportunity to function—either because they want the opportunity to use that thing (only to find they don’t actually prioritize using it) or they want the status associated with ownership. The direct focus on capabilities is valuable because it helps illuminate when a seemingly fair distribution isn’t satisfactory for justice.

A person who is wheelchair-bound needs more resources to function in the same ways as individuals who have no trouble walking; the person in the wheelchair has to
spend additional money to add ramps to his home, to modify kitchen equipment, showers, etc. that are designed for someone not bound to a wheelchair, and to modify his car so that he can drive independently. When concerning ourselves with the distribution of resources, we may reasonably decide that a person bound to a wheelchair should get more funds than an able-bodied person so that they can access the same opportunities. Where capabilities are especially enlightening, though, is when we consider the wheelchair-bound person’s mobility in the context of society at large. The additional resources he received to outfit his car and home to his needs are only sufficient if he lives in a world where public spaces are structured with him in mind. If our goal is to ensure that the social structure doesn’t prevent him, in virtue of his inability to walk, from functioning in ways that might be valued as part of a conception of a good life—like being able to participate effectively in our democracy—we have to also ensure that all buildings we rely on for political processes are equipped with ramps and elevators allowing wheelchair-bound people to access these spaces. Offering the wheelchair-bound man additional resources won’t be sufficient unless we provide him (and every person bound to a wheelchair) so much wealth that he can hire a team of people to physically carry him anywhere he ever needs to go. Redistribution of resources alone isn’t the best way of addressing his needs; public spaces must also be made wheelchair accessible.304

Capabilities also help emphasize the role of non-material factors in securing material resources. If we are interested in ensuring Black Americans have the capability to buy a house in a safe neighborhood, for example, resources have an important role to play (Black Americans need to have sufficient income and, more importantly, wealth),

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304 My example here is adapted from one offered by Nussbaum (2006, 167-8).
but so do social norms. Whites already living in these safe neighborhoods must be willing to sell their homes to Black Americans when they move out. The idea of “safety” also needs to be analyzed. We have to ask, safe for whom? If a neighborhood has low crime rates, but is full of racist Whites, it may very well be a “safe” neighborhood for Whites while being threatening to Black Americans. Deeply analyzing a capability can help us parse out the non-material factors that impact an individual’s or group’s access to some resource and can shape how we see the resource in question. Everyone wants access to safe housing, but the conditions that define “safe housing” differ between different populations.

When we focus on securing capabilities, like the capability to obtain safe housing, we draw attention to the many conversion factors relevant when purchasing a home. Capabilities’ inclusion of non-material conversion factors in analyses of oppression is a significant advantage over theories of justice focusing on the distribution of resources. Even distributive theories that are quite sensitive to conversion factors—i.e. those that construct their principles of distribution so that those who need more resources to achieve their goals than others, because of social forces like racism, are given more resources—cannot on their own address the injustices that modest levels of additional resources cannot overcome. If Black Americans can’t feel safe in wealthy neighborhoods because they tend to be filled with racist Whites, policies aimed at increasing Black Americans’

305 A study conducted by sociologist Christopher Browning and reported in the New York Times may offer empirical support for this claim. Browning and his team gave 250 Black boys aged 11 to 17 in Columbus, Ohio smartphones with GPS capabilities and asked them five times daily to indicate whether they felt safe where they were. Browning found a trend showing the boys indicated that they felt less safe in areas with large White populations (Garcia 2018). Unfortunately, as of this writing, the study has only been presented at an academic conference and has not been published in a peer-reviewed journal. For this reason, I have cited the New York Times article and do not suggest the study provides definitive support for my claims.
income or wealth won’t give them the opportunity to live in a neighborhood that is both well-resourced and truly safe for them.

Expanding our conception of what can be distributed won’t be sufficient either. Some theorists suggest we take “primary goods”—where primary goods are, according to Rawls, “things which it is supposed a rational man wants whatever else he wants”—as the subject of distributive justice. Rawls outlines five kinds of such goods: basic rights and liberties (like freedom of thought), freedom of movement and the free choice of occupation amongst a set of diverse options, the powers of positions of authority and responsibility, income and wealth, and the social bases of self-respect. Rawls’ inclusion of the social bases of self-respect and access to high-status positions among the primary goods indicates his recognition of the critically important role these play in one’s ability to achieve her goals. Primary goods theorists can thus come much closer to addressing the social barriers that prevent people from living the lives they want to live than can accounts focusing purely on material resources, but even primary goods accounts still fail in an important way.

Primary goods accounts are still distributive justice accounts and oppression can’t be captured by distribution alone. Consider even the bases of self-respect, which Rawls includes as a primary good. We can ensure a just distribution of resources so that no one has their self-respect diminished by an inability to secure the basic necessities of life, or can go further still and protect against the loss of self-respect that may come with relative poverty in a wealthy country. We can also “distribute” rights effectively, in some sense, by ensuring that important rights are “distributed” to everyone (i.e. everyone can make

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306 Rawls 1999[1979], 79.
claims on the basis of this set of rights). What we cannot do, however, is redistribute the self-respect had by those with privileged racial status in society to those without such status.\(^{308}\)

As Iris Marion Young points out, people have or lack self-respect in large part because of how they see themselves and how they are seen by others.\(^{309}\) How one defines oneself is a complicated psychological matter that is outside the scope of this work. How others define one, though, is determined in part by both social norms and the distribution of rights and resources. The distribution of rights and resources impacts social norms, but does not define them in whole. There is no reason to think that a Black man or woman can overcome the social stigma of his or her Blackness by achieving a high income, great wealth, or a respected professional status. In §2.1.2 I offered a handful of stories from Black politicians and the racism they still encounter. These are men and women who are highly distinguished professionals, who are often well-educated and have significant incomes and wealth. Nonetheless, Whites repeatedly act on anti-Black norms and treat these Black politicians as less worthy of respect than their White peers. Even as President, Barack Obama faced countless derogatory depictions of his appearance and his work because he is Black.\(^{310}\) Whether the derogatory treatment of Black Americans by Whites actually diminishes Black Americans’ self-respect or not, it surely diminishes

\(^{308}\) Rawls attempts to avoid this problem by harking back to the background condition of all citizens adhering to the principles of justice. He claims that, in most cases, as long as each person can find at least one community of people with shared interests where his aspirations can be affirmed, then he or she will have the requisite bases of self-respect. Rawls then claims that when citizens adhere to the principles of justice, which require them to respect each other’s goals, such communities will exist for nearly every person (Rawls 1999[1979], 387-8). Whether Rawls is correct or not, no such appeal can be made when we are trying to work out what justice requires we do to redress oppression.

\(^{309}\) Young 1990, 27.

\(^{310}\) Ta-Nehisi Coates outlines some of this racial animus in his piece “My President Was Black” (2017).
their capabilities for self-respect. Black Americans must ignore Whites’ racism to maintain self-respect, while Whites face no such barriers.

To be clear, this is not intended as a criticism of Rawls. Rawls is working on a different kind of project—he is attempting to develop and justify the principles of justice that would apply to the basic structure of society assuming that everyone agrees to act in accordance with those principles. Rawls explicitly differentiates his project from the work of describing “how justice requires us to meet injustice.” Rawls’ development of the principles of justice and their distribution of primary goods occurs in a hypothetical scenario where oppression doesn’t exist. There may be reasons to criticize doing the kind of project Rawls is doing, but my claim that primary goods cannot do the work of addressing oppression as well as capabilities is not such a criticism. Nevertheless, this discussion does emphasize the important role for which capabilities are uniquely suited and brings us to the next strength of capabilities: they can directly characterize recognition-wrongs.

### 4.2.2 How Capabilities Account for Recognition- and Kinship-Wrongs

Recognition-wrongs do not fit into a distributive paradigm. As defined earlier, these are wrongs that function primarily as a mode of dehumanizing individuals, signifying that they do not deserve the status or respect typically afforded members of other c-groups. In the context of Black oppression and White domination, recognition-wrongs emerge from the norms of anti-Black bias still prevalent in our social interactions.

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311 Rawls 1999[1979], 125.
312 Ibid. 215.
313 Onora O’Neill (1996, 44-8) and Charles Mills (2005, 169-70) criticize Rawls’ development of principles of justice on the basis of idealized assumptions like that all citizens will act in accordance with such principles. I revisit the issue of problematic idealized assumptions in §4.2.3.
and our institutions. Though redistribution may go some way toward halting recognition-wrongs, redistribution alone would not end the racist norms that give rise to these wrongs. These norms are predicated on centuries of racist practice. We apply these norms to Black Americans even when they achieve extraordinary financial or professional success, and so we shouldn’t presume a state guarantee of fair access to rights and resources alone will change the culture’s deeply embedded norms of White superiority and Black inferiority.\footnote{Christopher Lebron makes a similar point in his argument against Rawls’ theory of justice. Lebron argues that though it is right to focus on the basic structure of society when analyzing racial injustice, we must not divorce this analysis from the political history that begat racial norms (2013, 32-5).}

I discussed a number of recognition-wrongs, with an emphasis on a subset of recognition-wrongs called epistemic injustices, in §2.2.2.1. Epistemic injustices are the testimonial injustices that consist of assigning an inappropriately low level of credibility to a Black person’s testimony because of his or her race, or choosing not to ask a Black person for his or her input when he or she would be deemed in a position to provide such input if he or she were White.\footnote{Fricker 2007, 44, 130.} They are also the hermeneutical injustices of Whites ignoring important concepts Black Americans employ to describe their experiences because the concepts clash with White norms and White experiences.\footnote{Dotson 2012, 32.} Testimonial injustices infringe on Black Americans’ capabilities of having their statements fairly evaluated by others and contributing to the sphere of public knowledge accepted as authoritative or credible. Their real opportunities to provide information and expect it to be assessed on its merits are undermined by an unwillingness by Whites to treat Black Americans’ testimony the way they would treat the testimony of a similarly situated
White person. Similarly, Black Americans’ opportunities to contribute their knowledge to the public sphere are degraded by society-at-large devaluing their testimony when it is given and failing to seek it out when they should. Hermeneutical injustices impede Black Americans’ capabilities of being experts on their own experiences. By rejecting the concepts Black Americans develop in their communities to analyze the unique wrongs they suffer due to oppressive norms, Whites imply that we are the true experts on Black experience and that the Black Americans who present these concepts are just mistaken and confused.

My concept of “kinship-wrong” can also be evaluated in terms of the capabilities needed to form and maintain relationships. I earlier defined kinship-wrongs as any unjustified limiting of opportunities to establish kinship relationships or maintain those relationships, where “kinship” refers to family, community, and friendship relations. I argued that one of the most insidious features of mass incarceration is how it breaks down social relations and engenders kinship-wrongs. The over-policing and over-incarceration of Black neighborhoods tears apart Black families and destabilizes their communities. Relationships between incarcerated people and their families break down because of the distance, the difficulty in contacting each other, and the extremely limited opportunities for in-person interactions. Others in the community also suffer because their neighborhoods have a constant flux of members leaving and returning, and those that return from prison often have few options to support themselves outside of criminal activity. 

Difficulties in maintaining relationships are compounded further by social norms that stigmatize incarceration—in the U.S., we tend to view those with a criminal

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317 See §2.2.3.1.
record as having spoiled their chances to be productive members of society. The stigma of a felony follows one throughout the rest of his life, both in terms of the legal collateral consequences and the valuation of persons with felonies as forever tainted. These forces coalesce to hinder the capabilities of all Black Americans in the community to form and maintain deep personal relationships.

Distributive theories tend toward more atomistic evaluations of life, seeing individuals as atomistic holders of rights and resources. Social relationships cannot be distributed, and so are relegated to the back-burner. But they’re an essential part of life. For many of us, maintaining our significant relationships ranks as one of our most important goals. When social forces impede one’s ability to maintain those relationships without just cause, such as when they impede one in virtue of his race, they are a matter of justice. My account helps highlight the importance of, as a task of analyzing oppression and its relation to justice, giving careful consideration to the impacts on relationships of oppressive systems by naming the capability of maintaining significant relationships and recognizing the wrongs that diminish that capability.

Additionally, my theorizing highlights the connection between oppressive non-material wrongs, e.g. recognition- and kinship-wrongs, and individual material achievement in a way that helps protect against unjustifiably blaming a group’s culture for its members’ failure to secure material parity with other groups. Distributive theories run the risk of under-theorizing the relationship between the distribution of rights and resources and the social structure which determines what those rights and resources allow a person to do. When this connection is not emphasized, it is easy to assume that, given a

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near equality in terms of rights and resources, a group’s failure to secure material parity in other areas is due to negative characteristics of that group’s culture. As an example, consider the difference in income levels between sons of well-off White families and well-off Black families. Researchers at Stanford, Harvard, and the U.S. Census Bureau found that Black and White boys from the same neighborhoods often had very different employment outcomes when they reached adulthood. Even when only comparing boys who grew up in two-parent families with similar income, wealth, and education levels, White boys grew up to make more than Black boys on average in 99% of census tracts.\(^{320}\) Taking this as a rough approximation of equal rights and resources between groups, we have to offer a non-material explanation for the difference we see in future income levels of these children.

If we downplay the significance of recognition-wrongs, we would likely look for an explanation of this data in Black culture. We might look to blame Black parents for parenting in ways that are worse for children than White parents. When we emphasize the important role of recognition-wrongs, we are encouraged to look instead for features of our social hierarchy that might offer an explanation. One potential explanation the researchers did not consider is how the norm of presuming Black men are less intelligent than White men discourages professionals from hiring Black Americans to higher status jobs. This feature of society could help explain why even when controlling for the factors researchers did find significant, some level of disparity between the future earnings of White and Black boys persisted. What the researchers did find, however, is that higher general anti-Black bias amongst Whites in the neighborhood and the presence of fewer

\(^{320}\) Chetty, Hendren, Jones, and Porter, 5-7.
Black fathers (notably, it was the community-wide numbers of Black fathers that was important, *not* whether the Black boy grew up with a Black father himself) were the two features that strongly correlated with a greater disparity in future income for White and Black boys.\(^{321}\)

Whites’ level of anti-Black bias is very clearly correlated with the recognition-wrongs Whites inflict on Black Americans; it is very likely that neighborhoods with higher anti-Black bias have more instances of Whites perpetrating recognition-wrongs against Black Americans. The discussion of Black fathers is more complicated, but at the very least we must be sensitive to how mass incarceration has shaped Black family structures, as I discussed in §2.2.3.1. The important point to draw from this discussion is that even when rights and resources appear to be roughly equal between Black and White Americans, we should deeply investigate how oppressive recognition-wrongs and kinship-wrongs might be shaping Black and White Americans’ disparate outcomes.

Additionally, my analysis of oppression connects material and non-material wrongs by showing how an important capability may be impacted by these kinds of wrongs simultaneously. Theorists who analyze oppressive material and non-material wrongs independently are more likely ignore the significance of how these wrongs mutually reinforce each other. Cudd’s focus on material wrongs, for example, leads her to argue that “the first step toward freedom, then, is to end direct forces of oppression: violence, threats of violence, enslavement, and the blatantly unfair economic practices of invidious wage and hiring discrimination and enforced labor segregation.”\(^{322}\) She goes on to say that “even these enormous steps will not end oppressive dependence” because “the

\(^{321}\) Ibid. 33-7.

\(^{322}\) Cudd 2006, 227.
personalities, beliefs, desires of the oppressed and the privileged alike have been formed under conditions of oppression…Changing those conditions will not immediately change the personalities.” 323 The problem with this analysis is that it implies we can end the material forces of oppression and then move on to address the ways that oppression shapes our attitudes and belief-forming systems. But how are we supposed to develop policy that effectively ends the wage gap, for example, if we don’t also address the oppressive norms that lead White hiring managers to discount Black Americans’ talents and achievements? We already have laws that prohibit discrimination by race. We could implement harsher penalties for violating those laws, but racially-biased managers can usually produce race-neutral reasons for denying an applicant that are plausible enough to avoid legal sanction. Even when they can’t, racially-biased prosecutors and judges are unlikely to stringently enforce the law. We have little reason to believe, then, that policy which is unresponsive to the norms that engender recognition-wrongs will effectively eliminate material harms. When we consider how recognition-wrongs and material harms jointly influence one’s capability to secure meaningful employment, on the other hand, we are forced to consider both the material and non-material forces shaping that capability. Developing effective policy in accordance with this model requires that policy developers are responsive to these different, but related, aspects of oppression. Because capabilities focus on what individuals are able to do and be rather than on the rights and resources they have, any institutionalized or socialized barriers to achievement will be counted as detriments to capabilities and thus matters to be rectified for justice. Given the

323 Ibid.
nature of oppression and its operation through systems of norms and institutional policies, this is a paramount strength of my capabilities theory.

4.2.3 Avoiding Bad Idealizations

I have emphasized from the start that the goal of my work is to analyze oppression clearly in the hopes of contributing to the abolition of oppressive systems. Any project which aims at dismantling the oppressive systems in our society, regardless of the specific analysis of oppression the theorist utilizes, needs to be the kind of work that can effectively influence public policy. In the case of philosophical theorizing, any theory that aims to impact public policy should avoid bad idealizations. Charles Mills argues that we must avoid idealizations that exclude or marginalize the actual. Ingrid Robeyns, in coining the term “bad idealizations,” describes them as those idealizations that ignore injustices that need to be theorized. As an example, Robeyns argues that when theorists (like Rawls) assume that their principles of justice are to operate over atomistic individuals, the theorists end up ignoring the injustices surrounding the distribution of care-giving to dependents. As both Mills and Robeyns point out, bad idealizations are troubling because they result in principles of justice that do not represent the needs and interests of all citizens over which they operate. Instead, these idealizations tend to closely resemble the experiences of the middle-to-upper-class White men who comprise a great deal of professional philosophers at the expense of representing the experiences of

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324 Theorists like Rawls do not seem to be primarily concerned with policy development, but instead aim to develop an account of a “stable and just society of free and equal citizens” (Rawls 2005[1993], xviii). For Rawls, the goal is describing what such a state would look like, not offering incremental steps to achieve a stable and just society. I am thus not critiquing Rawls or others with similar goals. Other philosophers have argued, however, that such work fails to adequately address and interact with the work of theorists who are trying to impact policy (Mills 1997, 77; Robeyns 2008, 360, 362).


326 Robeyns 2008, 358. See Bhandary 2016 for an account of how Rawlsians can theorize just care-giving relations.
marginalized groups. Conceiving principles of justice that distribute primary goods among atomistic individuals, for example, fairly closely represents the middle-to-upper-class White male experience—these men don’t face systematic barriers to converting the resources they have into the things they want; they are rarely burdened with the overwhelming care duties typically foisted on women; and Western masculinity tends to emphasize rugged individualism over deeply meaningful personal connections. If the subjects of justice were only middle-to-upper-class White men, idealizing them as atomistic individuals may not fundamentally misrepresent their needs and interests. For women, who tend to be the primary caregivers to children and elderly relatives, or for members of marginalized racial, religious, or sexual identities, who may find extreme importance in their relationships with other group members who can understand the unique challenges that accompany a marginalized identity, interpersonal relationships are more likely to be critically important to their opportunities to live the lives they want to live. Conceiving them as atomistic individuals results in principles of justice that don’t account for the role of these important relationships.

A project’s aims dictate which idealizations are “bad” idealizations. The goals of my project are to ensure that individuals do not have their opportunities to pursue the lives they want diminished by oppressive systems. Bad idealizations in this context amount to those that misrepresent the kinds of needs and interests humans have, that ignore the norms and circumstances that structure oppression (like historical circumstances, social status, etc.), or that miss significant consequences of oppression. One example of a bad idealization already given is the assumption that individuals are

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atomistic, and that justice can be achieved without a serious consideration of the social networks and relationships that shape people’s lives. Another obvious example is idealizing away oppression altogether. Rawls and other theorists attempting to discern the nature of a perfect state of justice often begin by assuming oppression has been eradicated.\textsuperscript{328} Their rationale is that any reasonable theory of justice will disallow oppression as a matter of justice, and thus we need not consider oppression in our analysis.\textsuperscript{329} When trying to figure out what a perfectly just state looks like, an easy simplifying step is to begin with a state that does not have oppressive circumstances. But in our case, where the goal is the eradication of oppression, we cannot just assume it away. Analyzing Black oppression in the U.S. and detailing what must be addressed is the whole project.

Because of its importance in understanding oppression, we also cannot ignore our historical context. What justice requires now in the United States depends in part on the historical circumstances that have given us the society we have.\textsuperscript{330} Understanding oppression requires understanding how social norms have been developed over time and how more blatantly oppressive systems of the past have contributed to the oppressive systems of today. One reason the current wealth gap between Black and White Americans is so egregious is that Black Americans were systematically and intentionally denied wealth for hundreds of years. Looking to history helps identify the injustices that wealth disparities reflect.

\textsuperscript{328} Rawls 1999[1979], 8.
\textsuperscript{329} Robeyns 2008, 354.
\textsuperscript{330} Mills argues forcefully for the importance of contextualizing our discussions of justice with the historical circumstances that gave rise to the present. See Mills 1997 and Mills 2005, 179-81.
Capabilities are measures of what people are able to do and be given their social status, material resources, innate abilities, and environment, and so are sensitive to the real-world forces that shape our lives. Utilizing capabilities to evaluate oppressive wrongs thus allows us to evaluate the impact of historical circumstances. Past injustices have shaped the social statuses of the privileged and oppressed alike, have generated oppressive social norms, and have created feedback loops where past injustices lead to current injustices. The role past injustices play in shaping current injustices makes them important determinants of our capabilities.

Countless pages have been written on the history of racial oppression in America and I have barely scratched the surface in this work. Nonetheless, I briefly examined the importance of the historical context surrounding racism and incarceration in §§1.3 and 2.2.1, respectively. The increased efforts to incarcerate Black Americans for drug use as a means of social control, as demonstrated in those sections, helps explain why Black Americans may have diminished capabilities to trust law enforcement officials. In addition to current malpractice from police, the historical record of policing and its aims gives Black Americans ample reason to be suspect. My account’s sensitivity to historical context is thus an important strength in evaluating oppressive systems and their impact.

Likewise, with our social relations—my capabilities theory requires us to consider the way our relationships structure our abilities to meet our goals and how their development may even be the goal itself. The capability to sustain meaningful relationships is treated directly as a matter of justice (insofar as the capability of sustaining meaningful relationships is valued for its own sake) and as an indirect matter of justice (insofar as this capability is necessary for securing other important capabilities
relating to social status, professional opportunities, etc.). This discussion of how historical context and social relationships shape our capabilities emphasizes that capabilities-based theories of justice prevent theorists from divorcing analyses of justice from the hard-to-quantify, but extremely meaningful, social forces that shape our lives.

My condemnation of bad idealizations does not entail that we can never usefully employ idealizations or abstractions. When attempting to analyze systems of racial oppression—which operate differently in different contexts, have lesser and greater impacts on different members of the same racial group because of the other aspects of their identities, and are subjectively experienced differently even among people with many overlapping identities—simplifying assumptions will be necessary to make generalized claims. I try to avoid idealizations in my theoretical reasoning when possible, but I have acknowledged that the nuances of intersectionality are bracketed in my account to discuss the broader implications of Black oppression. Acknowledging that intersectionality is a real and important phenomenon that I am largely setting aside helps ensure that I am not excluding Black women in my discussions of Black oppression. I also include research and experiential accounts from both Black men and Black women to avoid biasing my work toward the experiences of exclusively men or women. These precautions serve to protect against a necessary idealization becoming a bad idealization. The fact that many idealizations are not universally bad, but only bad in certain contexts, makes it difficult to pinpoint exactly which idealizations are inappropriate. The best I can do in this project is make my nontrivial idealizing assumptions clear and attempt to avoid any idealizations that misrepresent the kinds of needs and interests people have, ignore

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331 See §3.5.1 for my discussion of intersectionality.
the norms and circumstances that structure oppression, or miss significant consequences of oppression.

4.2.4 Transcendental Justice

One may readily admit that bad idealizations must be avoided when attempting to address oppression, but still claim that my analysis of the role of idealizations is misguided. The mistake, one may argue, is that my project can only operate after a theory based on idealizations has been developed. Before we can address oppression, we must have a picture of a perfectly just society, a theory of “transcendental justice”.[332] Though certain idealizations will still be off limits because they fundamentally misrepresent human needs and interests in a just state—like the conception of individuals as atomistic—many idealizations I condemn will be taken as necessary by theorists of transcendental justice. Assuming away oppression is, on this view, an essential first step. Theorizing a perfectly just society is taken as an initial requirement; we must know what we are aiming for before we can discuss how to address the injustices prolific in our imperfect world.

A weak version of the requirement for a conception of transcendental justice prior to theorizing over present-day injustices is plausible. If we have no idea at all what justice is, we cannot characterize oppression as unjust. Stated as such, this is a very low bar that my capabilities theory obviously meets. I have highlighted the value of freedom and offered a straightforward principle of justice as a starting point for my theorizing; I claim that individuals are prima facie wronged by socially constructed barriers to their abilities to form and seek their conception of a good life if those barriers exist in virtue of their

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[332] I borrow the terminology of “transcendental justice” from Sen (2009, 15-8).
race. These commitments implicitly point toward a conception of justice on which it is unjust to restrict capabilities without appropriate reasons for doings so. It is hard to imagine, however, a conception of justice that does not employ something like this very general principle. On my view, nothing more is needed to discuss present-day injustice. Moreover, the fact that it is uncontroversial to claim that oppression is unjust—despite the extremely varied nature of conceptions of justice—points to a very general sense of “justice” shared by theorists of widely different views and disciplines.

But most theorists arguing that we must have an account of transcendental justice before tackling individual injustices have something much stronger in mind. On their views, the account of transcendental justice needs to be precisely defined to establish a baseline against which to measure justice claims. Laura Valentini, for example, suggests that we cannot arrive at a fair distribution of resources if we take oppression into account when considering how resources should be distributed.\textsuperscript{333} Valentini is echoing Dworkin’s worry that we cannot characterize a person’s deprivation without knowing how he would be endowed in accordance with a fair system.\textsuperscript{334} Assuming we reject the principle that all people should have equal resources regardless of their personal choices or skills (as Valentini, Dworkin and I do), we need to know what justice would require if we started from a fair positioning.

My capabilities theory avoids this criticism from the outset because I do, in fact, have a fair baseline against which to compare departures. I argue that any diminishing of capabilities that is systematically perpetrated through social, political, or legal norms, conventions, or practices against members of a c-group in virtue of their membership in

\textsuperscript{333} Valentini 2009, 345-6.
\textsuperscript{334} Dworkin 2000, 165.
that group is oppressive, and as such ought to be eradicated. The fair baseline, then, is a society in which no one’s capabilities are diminished in this way. If Valentini were right about the role of a fair baseline, the severity of the injustices perpetrated through the oppressive diminishing of capabilities could be measured by examining their departure from the baseline. I agree with Sen, however, that this approach is misguided.

Sen argues that there is no analytic connection between the best possible state of affairs and one’s ability to evaluate which of two states of affairs is preferable. He illustrates his point with an example of comparing mountain heights; universal agreement that Mount Everest is the tallest mountain in the world is no help at all in determining whether Mount Kilimanjaro or Mount McKinley is taller.\textsuperscript{335} The analogy is not perfect because there is a single metric according to which we measure the height of all mountains (vertical distance from the peak to the base of the mountain); if we understand why Mount Everest is the tallest mountain, we can use the same metric to determine whether Mount Kilimanjaro or Mount McKinley is taller. If you agree with Sen and me that we cannot measure justice by a single metric in this way, however, a charitable interpretation of his analogy suggests that even a perfectly clear conception of a fully just society offers little insight into how we should rank departures from that perfectly just state.\textsuperscript{336} A theory that requires oppression be eradicated for justice to be achieved does not help us determine whether a society in which Black Americans are constantly degraded in the media, but are only slightly disadvantaged in terms of income and wealth, is more just than one where Black Americans are generally portrayed on equal terms with Whites in the media, but face more significant barriers to securing income and wealth.

\textsuperscript{335} Sen 2009, 102.
\textsuperscript{336} Ibid. 99.
parity with Whites. Transcendental approaches to justice do not, without additional non-transcendental theorizing, provide the tools to make comparisons.  

A. John Simmons counters that a transcendental account of justice is still necessary for making comparisons because one factor that must be weighed in a comparison between two justice-enhancing options is how each option moves us toward our ultimate goal of a perfectly just state. Simmons quips that “which of two smaller “peaks” of justice is higher (or more just) is a judgment that matters conclusively only if they are both on equally feasible paths to the highest peak of perfect justice. And in order to endorse a route to that highest peak, we certainly do need to know which one that highest peak is.” Simmons’ claim is that we need a full picture of a perfectly just state against which to measure justice-enhancing policies so that when choosing between competing policy options, we are sure to pick the one that is ultimately most compatible with moving us toward a maximal state of justice.

In a world where a perfect state of justice is in sight, Simmons’ recommendation is a compelling one. When we have a reasonably small set of policy options and a good sense of how each alternative would impact our ability to reach the maximal state of justice, we ought to factor that information into our decision-making process. As things stand today, however, we have countless major justice issues to solve before we even reach the baseline against which general principles of justice are typically developed. The reason theorists argue that it is acceptable for the purpose of developing general principles of justice to make the idealizing assumption that oppression has been

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337 Sen argues extensively that a transcendental account is neither necessary nor sufficient for offering a comparative account in (Sen 2006) and (Sen 2009, 98-105).

338 Simmons 2010, 35.
eradicated is that any reasonable theory of justice will require the eradication of oppression for justice. Disagreements may exist over what counts as oppression, but the general goal of eliminating oppression is uncontroversial. And oppression is just one such monumental sphere of injustice that is assumed away to reach the starting point for theorizing over the maximal state of justice.

To follow Simmons’ recommendation, we would have to chart a concrete path from any potential justice-enhancing policy to the maximal state of justice, and then compare that path to alternative ways of addressing the injustice. The information required to chart these paths is unattainable. Even addressing a single oppressive norm, like that Black men are often perceived as more criminal in nature than Whites, is so complex that we will need a web of policies to address it and will never be able to fully predict the consequences of implementing such policies. The best we can do is to try to avoid creating new injustices as we address the injustices at hand.

The “fair baseline” for my capabilities theory is a world in which no capabilities are diminished by social or political forces because of someone’s c-group membership, but, as I’ve shown, this fair baseline can’t be used as a measuring stick for justice—the goal of eliminating all oppressive systems doesn’t determine which of two potential remedies is better. The baseline can, however, encourage us to be careful to avoid promoting approaches that alleviate one aspect of oppression at the expense of enhancing another aspect. Keeping in mind that our aim is the elimination of oppression wholesale can remind theorizers to carefully consider the consequences on the full lives of the oppressed of policies that are intended to address a narrow system of oppression.

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As an example, consider a hypothetical effort to reduce the disproportionate incarceration rate of Black Americans. Suppose that legislators in Wisconsin are worried about the high incarceration rate of Black Americans in their state.\textsuperscript{340} They decide that one effective way to lower incarceration rates is to change the penalty for many nonviolent offenses from incarceration to a fine—with interest and additional fines to be paid for late payments as an enforcement mechanism—and so they pass a law effecting this policy. On the one hand, this certainly would reduce the number of Black Americans incarcerated in Wisconsin. Moreover, the policy would disproportionately benefit Black Americans in reducing incarceration because they are disproportionately targeted for crimes. The problem, however, is the policy merely switches one dimension of oppression for another. Black Americans would no longer face the many hardships of incarceration for nonviolent offenses at a vastly higher rate than Whites, but they likely would face the newly imposed fines at a vastly higher rate. The result would be that the poor Black Americans likely to be targeted for these crimes exchange time in prison for a never-ending debt burden that perpetually subjugates them to local law enforcement. If the Ferguson Police Department of Ferguson, MO is an indicator of how other police departments will behave, this scenario is not at all far-fetched. A Department of Justice report from 2015 found that officers in Ferguson intentionally targeted Black Americans for petty civil violations that result in fines as a way of generating revenue for the police department.\textsuperscript{341} In one instance beginning in 2007, a woman was cited for a parking violation and given two citations that carried $151 in fines and fees. She was unable to

\textsuperscript{340} According to data from 2013, 12.8\% of Black Americans (1 in 8) in the state of Wisconsin were incarcerated, making Wisconsin the state with the largest percentage of its Black population incarcerated in the country (Pawasarat and Quinn 2013, 2).

\textsuperscript{341} United States Department of Justice: Civil Rights Division 2015, 4-5, 9-15.
pay the full amount and as a result was charged additional fines and fees and ultimately spent six days in jail. As of December 2014, she had paid $550 toward the initial fine and fees of $151 and the subsequent penalties for late payments, but still owed $541. Her initial fine and fees of $151 thus became a penalty of nearly $1100 and resulted in her being monitored by the criminal justice system for 7+ years.342

Using capabilities to measure justice should help avoid some of these potential conflicts. A focus on enhancing the capabilities of oppressed peoples necessitates that we carefully consider the consequences of redistributing resources or changing laws so that the sum of consequences of enacting these policies enhances the opportunities of oppressed peoples to live the lives they want to live. Policy-makers could still make the mistake of focusing on one capability to the exclusion of others, but there is nothing inherent in my capabilities theory that would cause such an exclusion and no reason to think that imagining the maximal state of justice would help us avoid this mistake. What we need so that we avoid this pitfall are processes for determining which capabilities to address first and for checking that policymaking efforts are effectively addressing oppressive systems. I take up this task in the following section.

4.3 Specifying the Relevant Capabilities

For many capabilities theorists, a central part of their task is identifying which capabilities are relevant as matters of justice. Any sufficientarian account that defines justice in terms of capabilities being secured to a sufficient degree has to outline which capabilities need to be secured and at what threshold. On my view, however, it is the process by which the capabilities are diminished, and not the content of the capabilities

342 Ibid. 4.
themselves, that matters for justice. Whether the capabilities in question are “valuable” or not is irrelevant. If opportunities are available to one group of people, they shouldn’t be restricted for another group of people in virtue of that group’s racial identity, (unless restricted in accordance with the WDP). By narrowing the set of injustices my capabilities theory addresses to only oppressive injustices, I do not need to specify which capabilities are the “important” ones.

I don’t mean to imply that every capability is equally valuable. Some capabilities are valued more than others and thus demand more immediate attention. Translating a capabilities theory into effective public policy requires having a prioritization mechanism that can guide policy developers on where to direct their efforts; it is unrealistic to expect that all oppressive systems can be addressed at once. Because we cannot expect to address all oppressive systems at once, all capabilities theories must be combined with a prioritization mechanism to be actionable. Even theorists who argue that capabilities are radically nonfungible—i.e. those who argue that the injustice due to the lack of one capability cannot be remedied by strengthening other capabilities—need to contend with the slowness of social change.

Nussbaum, for example, endorses this view of capabilities as “radically nonfungible.” She offers a sufficiency account of justice where the list of what she calls the “Central Human Capabilities” are those which must be sufficiently guaranteed. Her list includes the capabilities of having good health, having bodily autonomy, and being able to control one’s own political positions and material possessions, among others. The list itself does nothing to determine the priority of the capabilities on the

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343 Nussbaum 2006, 166-7.
344 Ibid. 75-8.
list, however, unless one is prepared to argue that capabilities are commensurable, i.e. they can be boiled down to a single unit of measurement that can be used to directly compare the value of each capability to any other. Nussbaum, Sen, and I agree that capabilities are non-commensurable; a specified increase in one’s capability to have adequate shelter does not consistently provide the same surplus or deficit of “value” as a specified increase in one’s capability to have adequate nutrition. Part of the job of any capability theorist aiming to impact public policy, then, is to develop a method for prioritizing capabilities. This is true regardless of whether the capability theorist offers a list of central or important capabilities.

4.3.1 The Oppressed Should Determine Which Capabilities are Prioritized

I argue for a participatory process in which oppressed peoples are the primary arbiters of which capabilities are most important to protect and enhance. Before going into the details of this process, I want to emphasize the importance of including the voices of the oppressed in shaping how their capability protections and enhancements are prioritized. I earlier argued that the capabilities approach’s respect for choice by aiming to secure opportunities to function rather than functionings themselves is a strength of the account. The same line of reasoning supports considering the capability to rank for oneself the relative importance of various capabilities a potentially valuable one. The

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345 My definition of commensurability is based on the definition offered by Sen (2009, 240).
346 Nussbaum argues that “it is of the essence of the focus on capabilities to insist that the primary goods to be distributed by society are plural and not single, and that they are not commensurable in terms of any single quantitative standard” (2006, 166). She goes on to say also that “capabilities are radically nonfungible: Lacks in one area cannot be made up simply by giving people a larger amount of another capability” (2006, 166-7). Nussbaum tends to treat capabilities at a high level of generality by focusing on what she calls “basic capabilities,” though, and so may not consider capabilities incommensurable when more narrowly specified. Sen says outright that capabilities are “clearly non-commensurable since they are irreducibly diverse” (2009, 240).
347 Alkire similarly argues that we need a reasoned consensus on the weights we assign to different capabilities to use them effectively for public policy (2016, 626).
goal of eliminating oppression is, in my view, the goal of eliminating a particular kind of socially constructed barrier to living the life one wants to live. On this view, crafting one’s own life is of the utmost importance. Individuals suffering under oppressive systems are disadvantaged in their opportunities to craft their own lives. The methods of dismantling such disadvantages should be in concert with the goal of empowering those who are disadvantaged by oppressive systems, and this means listening to oppressed people’s views of which of their capabilities most need to be secured. When researchers, policymakers, and social justice advocates take seriously the perspectives and opinions of all members of oppressed groups, they affirm the value of oppressed peoples shaping their own lives and deciding what is best for themselves. Alkire expresses this sentiment well when she says, “If researchers apply the capability approach in a way that is consistent with its own tenets, then its operationalization depends upon the thoughtful participation of many users and much public debate.”

The flip-side of this respect for the agency of the oppressed is that it avoids reinforcing the oppressive norms of mostly White, privileged academics and policymakers telling oppressed peoples what they most need for a better life. Not only would this prevent oppressed peoples from being the arbiters of their own needs and desires, it would represent to non-oppressed peoples outside of academia and politics that oppressed peoples are incapable of being such arbiters. It is not always true, of course,

348 Alkire 2005, 128.
349 I must acknowledge here that there is a considerable body of literature on what are called “adaptive preferences” or “deformed desires,” which are, roughly, preferences or desires held by oppressed people that reinforce their own oppression. These desires are considered inappropriate in some way and so, theorists argue, should not be supported by policy. How we should understand deformed desires and their role in discussions of oppression are a matter of much debate, but they are most widely discussed by feminist theorists examining gender oppression. Because Black Americans tend to openly reject the anti-Black oppressive stereotypes and norms perpetuated by Whites, deformed desires are less relevant to the discussion of Black oppression in the United States. I will not address the issue further in this work, but see
that academics and policymakers are White and privileged. Many academics and policymakers are themselves part of one marginalized group or another. For those individuals, it is entirely appropriate that they participate in the public discussion over which capabilities to prioritize in our fight against oppression. Nonetheless, it would be paternalistic for them to speak on behalf of every member of their c-group, despite the paternalism being less egregious from them than from someone outside their c-group.

I am not alone in arguing that members of oppressed groups ought to be the ones dictating the relative importance of capabilities impacted by injustices. Many theorists are committed to the even stronger claim that public deliberation must largely determine which capabilities are considered essential to protect. Sen argues that a definitive list is problematic because it is unresponsive to social changes and new circumstances. Though he is willing to admit that many capabilities are likely to appear on any list, he maintains that context is critical when assessing which capabilities are essential.\textsuperscript{350} Sen also argues that how we weight the importance of addressing capability deficits should be influenced by continued scrutiny and public reasoning.\textsuperscript{351} Alkire argues extensively that Sen’s capability approach and participatory processes aimed at enhancing the agency of those in poverty ought to be used in tandem.\textsuperscript{352} Polly Vizard and Tania Burchardt, in an effort to develop a list of essential capabilities, first appealed to international human rights documents because they take these to represent broad consensus on which capabilities matter most. They then used public workshops and in-depth interviews, focusing


\textsuperscript{351} Sen 2009, 242-3.

\textsuperscript{352} Alkire 2002, chs. 4 and 5.
especially on marginalized groups, to refine their capabilities list.\textsuperscript{353} That these theorists are willing to delegate the more philosophical task of determining which capabilities are essential for justice to those suffering injustice lends strong support to the claim that the task of prioritizing the capabilities impacted by oppression ought to fall to the oppressed.

Even theorists who argue for a specific list of capabilities tend to highlight the importance of public deliberation. Nussbaum considers her list of central human capabilities open to revision and formulates it at a high level of abstraction and generality to give citizens and their political bodies the freedom to more precisely specify the capabilities as they see fit. The generality of the list respects pluralism by giving nations, states, and cities the opportunities to interpret and guarantee the central capabilities differently depending on the wishes of their populace.\textsuperscript{354} Elizabeth Anderson argues that we ought to guarantee whatever capabilities are necessary for “functioning as an equal citizen in a democratic state.”\textsuperscript{355} Though she arrives at this criterion for determining which capabilities the state ought to secure through theorizing, her position clearly emphasizes the importance of public deliberation—part of Anderson’s conception of democratic equality is that citizens ought to be able to participate in “collective self-determination by means of open discussion among equals.”\textsuperscript{356} Robeyns, though she does not incorporate public discourse in shaping the list of capabilities she believes are essential to the degree that Nussbaum and especially Sen do, does acknowledge that

\textsuperscript{353} Vizard and Burchardt 2007.
\textsuperscript{354} Nussbaum 2006, 78-9.
\textsuperscript{355} Anderson 1999, 316.
\textsuperscript{356} Ibid. 313.
“debating the list with other people” is an important final methodological step in developing a list of important capabilities.357

4.3.2 Shaping Public Policy

We see widespread consensus that public deliberation plays an essential role in the implementation of any capabilities theory. This consensus lends additional support to my earlier arguments that public participation is essential for determining the priority of capabilities impacted by oppression and using the priorities outlined to shape public policy. The finer details of how policymakers, advocates, and researchers can best aggregate data showing the priorities of oppressed communities need to be filled in by those with expertise in survey design, policy development, and data analysis, but I offer here a sketch of a method based in public participation for prioritizing capabilities and developing those priorities into policy. The process I outline occurs in four stages: prioritization, policy development, implementation, and monitoring and revision. In each stage, the values of publicity and accountability will be paramount—the processes need to be transparent and offer opportunities for affected parties to weigh in at every stage, and participants need to offer reasons for which they expect to be held accountable and which they believe represent their interests qua membership in their c-group.358

I offer two qualifications to the process for shaping public policy that I outline below. The first is that we must keep in mind that Black Americans do not share a monolithic identity. Their individual interests, political views, moral frameworks, etc. vary widely as would be expected of members of any racial group. Diana Meyers

357 Robeyns 2003, 72.
358 I draw here from David Crocker’s views on the three essential features of any deliberative democratic procedure. The essential features Crocker gives are publicity, reciprocity, and accountability (Crocker 2008, 312-4). I have collapsed reciprocity and accountability together under “accountability” here.
criticizes Iris Marion Young’s conception of gender’s role in identity-formation on the basis that Young offers an “essentialist account of gendering social structures”; I don’t want to be mistaken as offering an essentialist account of racializing social structures.\footnote{Meyers 2002, 6.} One of Meyers’ critiques of Young’s account is that Young points to the oppressive social structures that constrain women as that which unifies women into a group without adequately acknowledging how those social structures vary by societal and historical context and affect women of different socio-economic status, age, and ethnicity differently. My concept “c-group” likewise groups individuals based on the social constraints they face, and thus appears to be subject to a similar criticism. I believe I avoid Meyers’ critique, however, because I restrict the socio-historical context to the present-day United States and I acknowledge the implications of intersectional identities and defend my use of “c-groups” in §3.5.1. The fundamentally important point here is that though intersectionality is extremely important in understanding individuals’ experiences of oppression, and though Black Americans have drastically different individual identities and interests, there are nevertheless many significant broad-based racialized trends that justify treating Black Americans as a unified group.\footnote{I spend the majority of Chapter 2 discussing these broad-based racialized trends and continue to provide examples throughout the dissertation.}

My second qualification before offering a process by which Black Americans can shape the public policy surrounding their oppression is that the process I outline is a sketch that is in no way definitive. I suggest the process that I do in light of the specific socio-political context in which we currently find ourselves; as our socio-political context changes, I would expect the process for shaping public policy to change as well. This is
especially true as Black Americans gain more positions of power in politics, business, academia, and the like. Moreover, others may have better suggestions for how Black Americans can engage in a participatory process for shaping public policy aimed at dismantling oppressive systems. I am open to such suggestions. The essential features of the process for shaping public policy, as I argue below, are that Black Americans are primarily the ones determining how capabilities and oppressive systems are prioritized and that whatever process we utilize, it ensconces the values of transparency and accountability.

4.3.2.1 Prioritization

First and foremost, oppressed individuals need to primarily be the ones prioritizing the capabilities and oppressive systems most essential to address in efforts to undermine their oppression. For Black oppression in the United States, this means that Black Americans need to be the ones deliberating over which capabilities and oppressive systems to prioritize. I mention both capabilities and oppressive systems here because there are two important ways of inquiring into what to prioritize. A focus on capabilities explores which capabilities Black Americans see as both hindered by oppression and essential for living the lives they want to live. With this analytic method, Black Americans argue that certain capabilities need our immediate attention because they are valuable and face oppressive threats. A focus on oppressive systems asks Black Americans to consider what norms and institutions they believe most significantly diminish the capabilities they value. Here, the task is to identify particularly pernicious oppressive systems and then elucidate which capabilities are most impacted by these systems. Both of these avenues of inquiry illuminate ways of prioritizing how we address
oppression. On the one hand, we may home in on an essential capability and work to address the oppressive systems that diminish that capability. On the other, we may find that a particular oppressive system or norm is undermining many capabilities and deserves immediate attention because of the breadth of oppressive wrongs it causes.\textsuperscript{361}

Arriving at a consensus on where our energy should be focused is not an easy task, and I do not have the expertise to argue for the merits of one particular participatory process over another. I imagine that a combination of methods like public forums, surveys, and expert interviews will be necessary to reach the representative sample of the Black population needed for the approximation of a consensus. Questions will need to be carefully posed to avoid biasing participants, public forums will need to be spread throughout the country and offered at different times of day (or offered online) to reach different constituents, and statistical data showing the disparities between White and Black Americans in various metrics will need to be made readily available for the purpose of supporting deliberation. Most importantly, all Black Americans who wish to make their voice heard on the matter of prioritizing which capabilities and oppressive systems to address need to have the opportunity to do so.\textsuperscript{362}

\textsuperscript{361} Black Americans participating in this prioritization process are not expected to know how best to address these oppressive systems. Determining how best to address the oppressive systems is an extremely complex task that requires answering difficult empirical questions. That work is done in the policy development stage by people with the appropriate expertise.

\textsuperscript{362} Many Black Americans are already advocating for the need to protect particular capabilities or eliminate particularly pernicious oppressive systems, and I do not want to diminish the efforts of these activists. The process I am outlining is still important, however, for two reasons. First, by establishing a formal prioritization process, the government implicitly commits to respond to that process. They could, of course, pledge to be responsive to Black activists without such a process, but it is easier for government actors to dismiss Black activists’ demands as unrepresentative of community wishes without a prioritization process designed to include as many voices as possible. The prioritization process thus creates pressure on public officials to take Black Americans’ demands more seriously. More importantly, oppressive systems limit Black Americans’ capabilities to participate in political action, as I argue in §2.2.3.2. Black Americans who are hindered by oppressive systems but want to be a part of the prioritization process, then, benefit from a system explicitly designed to include their voices.
Oppressed groups serving as the primary arbiters of which capabilities are prioritized is my central concern, but the prioritization process should not happen in a vacuum disconnected from the realities of implementation. In addition to the criteria given above for a successful prioritization process, the process must include consideration of how effectively a particular capability or system can be addressed, how much time it will take to implement the policies necessary to strengthen the capabilities and weaken the oppressive systems, and what the cost will be to address the relevant capabilities and systems to a sufficient degree. Policymakers, researchers, and other experts are essential sources of these data and thus need to be included in the prioritization process to help participants make informed decisions. Experts can provide general but realistic expectations and constraints on the effectiveness, timeline, and cost of addressing particular capabilities and systems. Black participants can then use this information in their deliberation over which capabilities to prioritize. These considerations highlight the importance of conversation between the Black community generally and those who work on behalf of this community at large in policymaking, academia, and activism.

Black participants need to make their recommendations with these realistic constraints in mind because throughout the process of prioritization, Black participants are expected to hold each other accountable for the priorities they offer. Regardless of the format through which they are inputting their prioritization, they must offer justifications for their choices that they reasonably expect other Black participants to understand and accept. This in no way means that all Black Americans will agree on how the capabilities are prioritized, but rather that they will make good faith efforts to prioritize the
capabilities in a way that recognizes the realities of addressing their prioritized capabilities and that represents their interests qua member of the Black community and not qua individual identity. For example, it would be inappropriate for a person to argue that education should be prioritized because he or she runs a textbook company that will benefit from said prioritization. This person can still argue for prioritizing education, but the reasons he or she offers in support of prioritizing education need to be general reasons that may be acceptable to Black Americans who won’t directly profit from this prioritization. Likewise, a participant offering an unreasoned recommendation that refuses to engage with the facts surrounding implementation requirements and barriers also fails to offer reasons other Black Americans can understand and accept—the failure to consider the recommendation in a real-world context is a failure to participate in the process outlined. Brainstorming aspirations for society that are divorced from reality may be a worthwhile project, but it is not the prioritization process here.

4.3.2.2 Policy Development

Academic experts, grassroots organizations, and legislators will then have to work together to develop policies that can address the priorities developed by the Black community at large. Coordination between academic experts and grassroots organizations is especially important at this stage. Academic experts can offer invaluable information on the feasibility and likely effectiveness of a potential policy, while grassroots organizations have a better sense of how a particular policy will be received by

\[^{363}\text{Importantly, the group of experts, activists, and legislators serving as policy developers should be diverse and must include Black men and women. Black policy developers are more likely to be sensitive to the nuances of developing policies to end Black oppression because they can draw on their own personal experiences to predict unintended consequences of polices and how those policies will be received by Black Americans generally.}\]
those it is intended to serve and can help academics consider the unintended consequences various policies are likely to have on their communities.\textsuperscript{364} The goal of these efforts is to develop the most effective and efficient policies possible to enhance the capabilities and undermine the oppressive systems prioritized by the Black community. Of course, part of developing effective and efficient policies is developing policies that are permitted by the WDP. Ensuring that whatever capability restrictions Whites face in virtue of these policies are necessary is first and foremost a matter of justice, but it is also an essential part of lessening blowback from the White community. Any policy aimed at diminishing the oppressive systems that diminish Black Americans’ capabilities is likely to face some pushback, but a policy that Whites justifiably believe unnecessarily harms them in its efforts to reduce oppression will face much more resistance. Therefore, when I discuss effective and efficient policies, I include in that description that the policy is permitted by the WDP.

In keeping with the values of publicity and accountability, policy developers need to be transparent about the work they are doing and offer evidence that their policy proposals are likely to be effective and efficient in addressing the Black community’s goals.\textsuperscript{365} Additionally, policy developers need to establish multiple forums through which the public can submit their comments and recommendations. It is critical that Black

\textsuperscript{364} I don’t want to overemphasize feasibility. Many valuable endeavors are infeasible until they aren’t. By this I mean that sustained political activism may take years, but it can shift the notion of what is politically feasible, i.e. what policies may actually become law. Political feasibility of this kind should be downplayed. The more relevant aspect of feasibility I have in mind is whether the needed technology and human capital to accomplish the proposed goal exist.

\textsuperscript{365} I use the term ‘policy developer’ instead of ‘policymaker’ to discuss everyone involved in the policymaking process because ‘policymaker’ is often used synonymously with lawmaker. I want to be clear that the individuals developing these policies are often not the elected officials who are tasked with turning such policies into law. Also, some policies will be changes to organizational or societal norms that are not enacted through law, but instead through informal or extralegal mechanisms.
Americans have the opportunity to make suggestions about a potential policy to help avoid unintended consequences, ensure that the proposed policy is the best available option, garner support that will be critical in the implementation stage, and give the general Black public agency over the policies intended to improve their lives.

Adhering to publicity and accountability conditions is especially important if policy developers argue for policies that seem counterintuitive to reaching the goals outlined by participants in the prioritization stage. An example of such a counterintuitive recommendation is a policy that does not appear to directly relate to the prioritized capabilities at all, but is deemed foundational by policy developers. For example (and this is purely hypothetical), suppose that Black Americans prioritize enhancing their capability to affect change in the political sphere because they are angry at their underrepresentation amongst elected officials and at the way that their proposals, needs, and voices are often ignored by their representatives. Suppose further that instead of focusing on voting restrictions that disproportionately affect Black Americans or gerrymandered districts that entrench White power, policy developers argue that the most effective and efficient way to support Black Americans’ capability to effect change in the political sphere is to enhance Black Americans’ capability to access an adequate and fair public education. On the face of it, policy developers appear to be focusing on a capability that (suppose again) Black Americans have not prioritized. Moreover, highlighting the capability to be fairly educated seems to imply that Black Americans are not adequately represented in politics because they are currently not as qualified as their White peers to hold political positions. To avoid reinforcing oppressive norms that denigrate Black abilities, policy developers will have to be extremely diligent in
justifying their claims to the Black community at large and responding to criticism they receive from Black Americans.

Ultimately, policy developers need support from the communities they aim to help or their policies are unlikely to be successful. We will always have opponents to efforts to bolster support for marginalized groups; if policy developers do not justify their proposals in a way that the general Black public finds persuasive, the policy developers’ efforts are likely to imply to the Black public that they lack agency in determining their own needs and are also unlikely to be implemented. Policy developers may thus offer solutions that, if implemented, would be quite effective in addressing the needs of the Black community at large, while failing to get support for these solutions from the Black community. In these cases, I believe policy developers have to be responsive to the community’s wishes. The potential benefits of the policy are outweighed by the harmful message sent by overriding the community’s wishes and the likelihood that the policy will ultimately fail to be implemented.

This policy development process and the larger procedure for shaping public policy that I outline throughout §4.3 are aimed at addressing Black oppression and White domination, but effective policies must also be sensitive to other justice considerations. My analyses and recommendations are designed to show how we can develop policies effective in undermining Black oppression and White domination. In the broader framework of policymaking, however, we also need to implement policies that effectively address other systems of oppression and justice considerations outside the scope of oppression. How to adjudicate between these different priorities and ensure that efforts to address one justice consideration do not negatively impact efforts to address
others is a major project, one that would require a full theory of justice that is sensitive to the real-world challenges of imperfect information, finite resources, and unpredictable actors. The complex interaction of policies, norms, institutions, and individual people make such a task an extremely difficult one. My work informs this larger project, outlining how we should understand Black oppression and White domination as we attempt to rectify these injustices. Moreover, the capabilities framework and analysis of oppression I develop could be used to analyze other systems of oppression. Ultimately, though, my account is not designed to answer the broader question of how to address injustices in America wholesale. As one reads through this dissertation and considers what policies the U.S. should implement to address injustices, these considerations that lie outside the scope of my project should be kept in mind.

4.3.2.3 Implementation

At this point, we should have policy proposals that are widely supported by members of the communities they intend to serve. In the case of Black oppression, we should have proposed polices that Black Americans largely support and see as addressing one or more of their most pressing concerns. The third stage of shaping public policy is to implement these proposals. If we are lucky enough to be in a position where a majority of legislators, business leaders, and other powerful figures are determined to act in accordance with and promote justice, the implementation stage is quite clear. Policy developers and members of the Black community generally would show people in positions of power that Black Americans support the policy recommendations because they are likely to undermine especially problematic oppressive systems and enhance especially important capabilities, and the relevant agents would act in good faith to
implement those policies. As with the rest of the process, implementation efforts need to be transparent. If policy implementers believe changes need to be made to the policies, they need to share and justify the requested changes to the Black community, with ample opportunity for feedback and political pressure from Black Americans.

Unfortunately, we are unlikely to find ourselves in such a scenario. More often than not, powerful individuals seek to protect their own interests first, which means catering to the desires of their most powerful constituents, followers, or shareholders—people who are likely to be rich White men. And if history is any indicator, rich White men rarely value equal justice for Black Americans strongly enough to sacrifice their own interests. As I argue in the next chapter, part of dismantling oppressive systems is dismantling White domination. Whites must lose power that social norms and institutions currently grant us, and the more powerful one is, the more they have to lose. We must consider the ways that Whites, but especially powerful Whites, will cling to the advantages they have because of Black oppression. Whites’ self-interest in maintaining oppressive systems will be a significant barrier to overcome when attempting to implement policies that will lessen Black oppression. Achieving successful implementation will thus rely in large part on grassroots organizing and public participation. Hopefully, organizers and policy developers have already been in collaboration, and so supporting each other is a natural step in the process. Implementation is likely to take much time and effort in the face of significant pushback from Whites (and likely also some pushback from non-Black people of color), but with sustained advocacy for justice-enhancing policies, public opinion can eventually be
swayed. Once a significant enough portion of the public is strongly in support of these policies, political change will (eventually) follow.

4.3.2.4 Monitoring and Revision

The final stage of capabilities-informed policy development is monitoring and revising as necessary the policies that are implemented. Getting a policy implemented is a monumental achievement, but the work doesn’t stop there. With each policy that is implemented, we need to continuously monitor it to see that it is achieving its goal and to watch for unintended consequences. Even with deep research and the best intentions, policies aimed at enhancing Black capabilities may fail to enhance those capabilities to the extent expected or may create opportunities for other capabilities to be undermined.

One potential example, though the debate is far from settled, is §2 of the Voting Rights Act of 1965, which has been interpreted by the courts to require that majority-minority districts be drawn when possible. On the one hand, the requirement ensures that areas with high populations of minority voters aren’t gerrymandered to disperse the political power of those voters for the purpose of making their political will innocuous. According to this provision of the Voting Rights Act, if a district can be drawn such that the majority of the citizens of that district are of some minority, then the district ought to be drawn that way. Otherwise, districts may be intentionally drawn so that areas that are heavily populated by minorities are split into multiple districts, thus reducing the percentage of the minority population in each district, with the goal of ensuring White voters in the district can overwhelm the wishes of minority voters. 366

On the one hand, majority-minority districts may benefit minorities by making it easier for them to elect people of their own race. A district that has a majority Black population is more likely to elect a Black representative than a district with a majority White population. On the other hand, drawing majority-minority districts concentrates minorities into fewer districts. A potential result is that though more minority representatives are elected, there are fewer districts with significant enough minority populations that representatives feel the need to represent minority interests. Though legislatures become slightly more diverse, they may simultaneously become less friendly to political agendas that empower minorities. As Patricia Okonta argues, this hurts Black voters’ ability to have their desired policies enacted and reduces their ability to create strong coalitions across districts. In other words, majority-minority districts may enhance Black Americans’ capabilities of electing Black representatives, but at the cost of diminishing their capabilities of influencing political outcomes. In light of the repercussions of this well-intentioned policy, some Black scholars (like Okonta), are pushing to constrain when majority-minority districts can be drawn. If Black Americans were to largely agree that their capabilities of influencing political outcomes are worth enhancing at the expense of their capabilities of electing Black representatives, we would have a scenario where a well-intentioned and initially supported effort to enhance Black capabilities has had unintended consequences that necessitate its revision.

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367 Okonta 2018.
368 Okonta argues that majority-minority districts should not be drawn when “racially polarized voting is not significant enough to disempower minority communities from electing their candidates of choice” (2018, 296).
4.4 Conclusion

I argued in this chapter that analyses of oppression benefit from focusing on how oppressive systems impact capabilities rather than on a purely distributive metric. Capabilities can effectively represent the material harms and recognition-wrongs of oppression in ways that distributive models cannot. A well-developed capabilities theory can also avoid problematic idealizations that tend to entrench the views of the most privileged members of society. With these merits of utilizing capabilities established, I then argued that we need not develop an account of transcendental justice to employ capabilities to analyze oppressive injustices. The fact that all oppressive systems are unjust is sufficient for restricting which capabilities are relevant. The necessary task is not to determine which capabilities are relevant, but rather to prioritize which capabilities and oppressive systems to address first.

I ended by sketching how using my capabilities theory to analyze oppression can lay the groundwork for developing policies effective at undermining oppressive systems and strengthening the capabilities Black Americans have had diminished by oppression, emphasizing the role Black Americans should play in prioritizing policy goals. In my next and final chapter, I show perhaps the greatest strength of the capabilities approach in the context of racial oppression—that it can be used to examine how Black oppression both enhances and diminishes Whites’ capabilities. Providing the tools for performing the dual task of analyzing how oppressive systems impact the capabilities of Black and White Americans is an essential feature and great strength of my capabilities theory. Black oppression only exists in conjunction with White domination.
5. WHITE DOMINATION

I have written extensively in this dissertation on the nature of Black oppression and its impact on Black Americans’ capabilities, focusing especially on the systemic nature of oppressive norms and institutions. No discussion of the systems of oppression is complete, however, without an analysis of how those systems are upheld. In this chapter, I explore White domination by examining how systems of oppression shape Whites’ capabilities in ways that encourage the perpetuation of these systems. I argue that Whites have some capabilities that are enhanced by the diminishing of Black Americans’ opportunities to pursue those same functionings, others that are inextricably intertwined with the maintenance of Black oppression, and others still that are actually diminished by White domination. I discuss each of these categories of capability in turn after laying the groundwork for a discussion of White domination.

The ways in which Whites benefit from Black oppression are often described as “White privilege.” Peggy McIntosh’s discussion of the “invisible knapsack” is commonly cited as a foundational contribution to the study of White privilege. McIntosh describes White privilege as “like an invisible weightless knapsack of special provisions, assurances, tools, maps, guides, codebooks, passports, visas, clothes, compass, emergency gear, and blank checks.”\(^{369}\) This knapsack is full of “unearned assets that I can count on cashing in each day, but about which I was “meant” to remain oblivious.”\(^{370}\) McIntosh then offers what she takes to be examples of how White privilege impacts her life in a list of “special circumstances and conditions I experience that I did not earn but that I have been made to feel are mine by birth, by citizenship, and by virtue of being a

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\(^{369}\) McIntosh 1988, 2.
\(^{370}\) Ibid.
conscientious law-abiding “normal” person of goodwill.”

Below, I reproduce a portion of McIntosh’s list of privileges as a guide for how White privilege is typically understood (not as an endorsement of her characterizations of each privilege):

1. I can, if I wish, arrange to be in the company of people of my race most of the time.
2. I can avoid spending time with people whom I was trained to mistrust and who have learned to mistrust my kind or me.
3. If I should need to move, I can be pretty sure of renting or purchasing housing in an area which I can afford and in which I would want to live.
4. I can be reasonably sure that my neighbors in such a location will be neutral or pleasant to me.
5. I can go shopping alone most of the time, fairly well assured that I will not be followed or harassed by store detectives.
6. I can turn on the television or open to the front page of the paper and see people of my race widely and positively represented.
7. When I am told about our national heritage or about “civilization,” I am shown that people of my color made it what it is.

McIntosh’s list goes on to include 46 privileges, but those listed above are a representative sample.

I believe McIntosh’s work is hugely important in identifying the subtle ways that Whites benefit from or are immune to the effects of Black oppression. Her work can help Whites realize the pervasiveness of Black oppression and the significant differences between the lived experiences of White and Black Americans. Nevertheless, I think conceptualizing White privilege as a haphazard collection of benefits Whites enjoy because we aren’t subject to Black oppression is the wrong approach. The focus on “privilege” leads Whites to emphasize our reception of “unearned assets conferred systematically,” and ignore the ways that Black oppression hinders our own

\[^{371}\] Ibid. 4
\[^{372}\] Ibid. 4-5.
\[^{373}\] Alison Bailey defines White privilege as “unearned assets conferred systematically” on Whites in virtue of Whites being the dominant racial group (1998, 107).
capabilities. More importantly, we ignore the capabilities that are intertwined with the maintenance of Black oppression, capabilities that are not merely stronger because we don’t face oppression but arise in tandem with oppression and would cease to exist without oppression. Oppression is not something that “just happens” to Black Americans and “confers privileges” to Whites. This characterization is far too passive. Whites actively maintain oppressive systems through our commitments and contributions to oppressive norms and institutions. When we act according to oppressive norms, we sustain and perpetuate them; if a significant enough percentage of Whites rejected these norms and held other Whites accountable for acting in accordance with them, norms of oppression would eventually cease to be norms. The corollary to Black oppression is thus not a system of mere “privilege,” but one of domination.

When we do act in accordance with oppressive norms, we reinforce the systems of White domination that benefit us. The benefits I discuss in this chapter are our capabilities that are strengthened relative to the capabilities Black Americans have diminished by oppression, which I call correlative capabilities, and capabilities we only have because of oppression, which I call capabilities of White domination. I also discuss the capabilities Whites have diminished as the price for maintaining these oppressive systems.

Characterizing the corollary to Black oppression as White domination more accurately represents what is at stake. First, my concern is not solely with the benefits White receives as a result of Black oppression, but with the hierarchical nature of society that affords Whites these benefits. In focusing on Whites’ capabilities, I focus on the opportunities that Whites have to act in oppressive ways with minimal consequence.
Whites actually functioning in accordance with those capabilities—i.e. Whites acting in the particular ways in which the capabilities describe Whites as having the real opportunities to act—is only part of the concern. The mere potential for Whites to act in oppressive ways with little consequence may limit Black Americans’ capabilities by giving Black Americans reason to fear retribution for exercising those capabilities. For example, I argue later that Whites’ capability to dominate racial narratives means that Whites can malign Black Americans’ protests against injustices that primarily affect Black Americans as extremist and unjustified. Black Americans’ capability to protest is thus hindered by the knowledge that Whites have the power to sour public opinion of their protest, which can cost them employment opportunities or result in other forms of ostracism. Black Americans may self-silence to avoid these negative consequences; in this case, the mere power that Whites have to inflict consequences on certain kinds of protests is enough to quell the protest. No reinterpretation of the protest was necessary because the potential retribution kept the protest from ever happening in the first place. It is thus Whites’ capability to dominate racial narratives that is the culprit here, not the actual dominating of racial narratives.

Another reason to claim the corollary to Black oppression is White domination, as opposed to White privilege, is that the aim of eradicating Black oppression is not just ensuring Black Americans have the same capabilities Whites have currently—the capabilities that Whites only have because of Black oppression are capabilities that Whites will have to lose for Black oppression to be eradicated. I analyze two of these capabilities, the capability to dominate racial narratives and the capability to ignore one’s racialized identity, in great detail in §5.3. Relevant at this stage is the general argument I
make for permitting the restriction of some White capabilities to some degree. Recall that in §1.2 I argued that individuals are *prima facie* wronged by socially constructed barriers to their abilities to form and seek their conception of a good life if those barriers exist in virtue of their race. I then argued for what I call the “White domination proviso” or “WDP”—that one instance in which such race-based barriers are *not* wrong is when impeding White capabilities is necessary for addressing Black oppression. As I explained there, the condition of necessity is meant to codify that Whites should be harmed to the least extent possible—only when there are no feasible alternatives for effectively undermining Black oppression should barriers be erected to Whites’ abilities to pursue good lives, and even then, the barriers should be the least restrictive possible.

Analyzing the capabilities that Whites must have diminished or give up thus requires that I demonstrate the necessity of hindering those capabilities. Throughout the remainder of this chapter, I will defend any diminishing of White capabilities that I recommend by showing how such a diminishing is permitted by the WDP. I begin by examining the two most significant types of capabilities Whites have strengthened by Black oppression—Whites’ capabilities that are enhanced by the diminishing of Black Americans’ opportunities to pursue those same functionings, and the set of capabilities that Whites have solely because of oppression. I argue that this latter set of capabilities must be eradicated entirely. I then end by showing that despite the many White capabilities enhanced by Black oppression, Whites have at least some self-serving reasons to combat Black oppression because it diminishes our capabilities to work well with Black Americans, degrades capabilities necessary for living moral lives, and diminishes Whites’ capabilities for kinship and for effecting political change.
5.1 Correlative Capabilities

The set of White capabilities enhanced by Black oppression that most closely represents the benefits typically described as White privilege are what I call “correlative capabilities” because the strengthening of this set of capabilities for Whites correlates to a weakening of the same capabilities for Black Americans. Correlative capabilities are the White capabilities to function in some way (call it X) that are enhanced by oppressive systems relative to Black Americans’ capabilities to X. Often, the enhancement of Whites’ correlative capabilities is expressed relationally as the privilege of not being subject to oppression. Take two of the privileges offered by McIntosh above; as a White man, I can expect that, ceteris paribus, my neighbors will not treat me poorly and I can generally assume that I won’t be followed, suspected, or harassed by store employees when I go shopping.374 Neither of these privileges are a special unjust benefit I receive because I am White, but rather they represent treatment that ought to be the case for all Americans. My capabilities to live where I want without a generalized fear of mistreatment from my neighbors and to shop without fear of being suspected as a likely criminal are capabilities that I and Black Americans alike should have. What makes me privileged is that my capabilities to do these things are greater than Black Americans’ because I am not subject to race-based oppression and Black Americans are. A remedy of these oppressive wrongs would alter the social norms responsible for Black Americans’ mistreatment and strengthen their capabilities to the same degree as Whites. My experiences as a White man with respect to these capabilities would remain unchanged.

374 McIntosh 1988, 4.
Whites are likely to support Black Americans having the capabilities mentioned above because Whites are not negatively impacted by Black Americans having those capabilities. Support for addressing other correlative capabilities is more contentious.

Black Americans’ capabilities to secure fulfilling jobs that pay a living wage (henceforth called “meaningful employment”) are severely hindered by employment discrimination, norms describing Black Americans as likely criminals, lower quality public schools in Black neighborhoods, and other elements of Black oppression. Whites, insofar as we don’t suffer these oppressive norms, have greater capabilities to secure meaningful employment.\(^{375}\) Additionally, White applicants may have our weaknesses downplayed when applying for a position, or we may have our credentials overrated. In §5.2.2.1, I discuss a study from Dovidio and Gaertner showing how unconscious racial bias can lead Whites to overrate White applicants of ambiguous quality (and simultaneously underrate Black applicants of ambiguous quality) relative to how applicants with those credentials were rated when their racial identities were unknown.\(^{376}\) Black Americans’ capabilities to secure meaningful employment are thus diminished \(both\) by the oppressive systems that diminish their access to important resources and lead Whites to undervalue their testimony and credentials, and \(also\) by Whites overrating the Whites with whom Black Americans are competing for employment.

The capability to secure meaningful employment differs from the previously discussed capabilities to live where one wants without a generalized fear of mistreatment.

\(^{375}\) Keep in mind that when I speak of how Whites have our capabilities enhanced, I’m discussing how Whites are impacted \(ceteris paribus\). How one is impacted by Black oppression depends also on other systems of oppression and natural abilities. Poor Whites who have never had access to an adequate education may have little opportunity to secure meaningful employment irrespective of Black Americans’ capabilities to secure meaningful employment. These Whites benefit less from Black oppression, in this instance, than do wealthier, better educated Whites.

\(^{376}\) Dovidio and Gaertner 2000.
from one’s neighbors and to shop without fear of being suspected as a likely criminal in an important way—enhancing Black Americans’ capabilities to secure meaningful employment diminishes Whites’ capabilities to secure meaningful employment. Unlike in the cases of expecting neighbors who aren’t hateful or shopping without being suspected, the denigration of Black Americans’ capabilities to secure meaningful employment ties directly to the enhancement of Whites’ capabilities for the same. When Black Americans are ostracized from meaningful employment and White Americans’ applications are overrated, those sought-after jobs become less competitive for the Whites also vying for them. Meaningful employment opportunities are not (and will not, without a radical restructuring of our economy, become) available to all who seek them. Whites thus have an incentive to keep Black Americans oppressed in this way; our own chances of securing meaningful employment improve as Black Americans’ chances diminish.

Addressing oppressive systems that exclude Black Americans from the workforce will thus, ceteris paribus, result in Whites’ capabilities to secure meaningful employment being diminished. Though not ideal for Whites, our capabilities being diminished is clearly permitted by the WDP. White and Black Americans will inevitably compete for the same jobs in a capitalist society. Efforts to reduce social barriers to Black Americans’ capabilities to secure those jobs will make Black Americans more likely to secure them, making the Whites with whom they are competing less likely to secure them. It is necessary that Whites face diminished employment prospects; improving Black

377 The analysis here assumes a static number of jobs, which is an oversimplification; when more Black Americans’ skillsets are fully incorporated into the economy, more jobs are likely to be produced. I address this complication later.
Americans’ prospects necessitates diminishing Whites’ prospects when both groups are competing for the same opportunities.

I point out the distinction between correlative capabilities whose functionings are unlimited in their availability (like kindness) and those whose functionings are limited in availability (like jobs) because the difference is important to Whites—in the former case, Whites can generally support the fight against Black oppression with little cost to us, while in the latter we must accept improving Black Americans’ lives will come at a concrete cost to us as a group. We need to be cognizant of the distinction between these two types of correlative capabilities in both our efforts to understand oppression and our efforts to eradicate it. When Whites have something tangible at stake, policy developers can expect Whites to offer pseudo-explanations for Black Americans’ diminished capabilities that don’t involve oppressive systems and to be more reticent to support efforts to address the underlying oppressive norms and policies. One useful heuristic for anticipating how Whites will react to social or policy efforts aimed at strengthening the capabilities Black Americans have diminished by oppression is to look at the correlative White capability and how it will be impacted. The more Whites perceive ourselves as having to give up for Black oppression to be eradicated, the stronger I predict White resistance to be. Conceptualizing Black oppression in terms of capabilities helps those of us interested in undermining oppression draw connections between Black oppression and White domination. Given the sheer number of Whites in the U.S. and the political and

\[378\] Another useful heuristic is to examine the oppressive norms and policies that would have to be altered to secure some capability for Black Americans and consider what Whites will perceive ourselves as having to give up if those norms and policies are changed. Just as Black Americans may prioritize securing particular capabilities or undermining particular oppressive systems, as I argued in §4.3.2.1, so too may Whites rebel against certain capabilities being provided or certain systems being undermined. These different levels of analysis illuminate different costs Whites may have to bear to eradicate Black oppression.
social power we wield as a racial group, drawing that connection will be vital to predicting the political viability and efficacy of various policies.

With that said, analyzing and addressing Black oppression’s impact on the correlative capabilities of White and Black Americans is more complicated than I’ve presented it thus far. The challenge is that every capability, in addition to depending in part on innate ability, is structured by a series of interacting norms and policies. Moreover, the capabilities themselves are interdependent. The result is that we cannot isolate a capability X and assume that most Whites will support undermining the oppressive systems that diminish capability X for Black Americans, even if most Whites find it uncontroversial that Black Americans are oppressed with respect to capability X and that they ought not be. Many Whites may readily admit, for example, that everyone ought to have the capability to shop without fear of being suspected as a likely criminal. Whites may openly condemn business practices of surveilling Black Americans shoppers more extensively than White shoppers (when confronted with such cases—many Whites are unlikely to be cognizant of or outspoken about such occurrences otherwise) and may also support laws or policies that help protect Black customers from undue surveillance.

But Whites are much less likely to support to the same degree eliminating the other norms that contribute to the over-surveillance of Black Americans, which will be necessary for Black Americans to have the capability to shop without fear of being suspected as likely criminals. The norm of businesses seeing Black Americans as likely criminals is intimately tied to mass incarceration. The over-policing of Black communities, the harsher penalties and worse plea deals offered to Black Americans charged with crimes, the collateral consequences that encourage recidivism and
destabilize communities, and the other contributors to the grossly high rates of Black incarceration reinforce the perception of Black Americans as likely criminals.\textsuperscript{379} Without addressing mass incarceration, we can’t expect the norms of treating Black Americans as likely criminals to dissipate. Whites who support Black Americans having the capability to shop without being overly surveilled may simultaneously protest efforts to undermine the oppressive norms of Black incarceration. Whites are likely to view such efforts as compromising the safety of our communities. When framed this way, we see ourselves as having a lot at stake and are incentivized to reject reform.

The complexity and interaction of these norms can make it difficult to gain White support for efforts to address any oppressive system, even when the purported aim—like ensuring Black Americans can shop without harassment—is one that most Whites support. Alternatively, though, the ways that social systems interact to structure capabilities can provide the basis for strategic arguments that it is in Whites’ interest to eliminate oppression. As I argued in §2.2.1, mass incarceration makes all Americans, including Whites, less safe because prisons are not designed for rehabilitation, people with felonies face enormous obstacles to reintegrating into civil society after their release from prison, and mass incarceration destabilizes whole communities. If we can convince Whites that the situation is much more nuanced than “incarcerating people who commit crimes makes us safer because criminals who threaten us will no longer be on the street,” we may be able to generate White support for policies that reduce the oppressive features of incarceration. Reducing the oppressive features of incarceration would also support the

\textsuperscript{379} See §2.2 for my discussion of these features of mass incarceration.
enhancement of other capabilities, like Black Americans’ capabilities to secure meaningful employment.

I argued previously that Whites are likely to resist efforts to enhance Black Americans’ capabilities to secure meaningful employment because the result will be fewer sought-after jobs for Whites. Though I maintain that this is likely to be Whites’ initial reaction to such efforts, the actual impact of Black Americans’ capabilities to secure meaningful employment being enhanced is more complicated. *Prima facie*, discrimination against Black job candidates appears to favor Whites by reducing competition for jobs that Whites seek. Though this may be true, it is only obviously true if the number of available jobs is held constant. Diminishing Black Americans’ capabilities to secure meaningful employment deprives the economy of Black Americans’ intellect and innovation; it may turn out that Black Americans’ contributions in a non-discriminatory world create more meaningful employment opportunities, through the creation of new businesses and the expansion of existing ones, than the number of positions Black Americans occupy that would have been occupied by Whites in the oppressive society we have. Minimally, strengthening Black Americans’ capabilities to find meaningful employment will have *some* positive impacts on the economy by incorporating their talents, even if the impact on Whites’ capabilities to seek meaningful employment is still net negative. In other words, the picture is more complicated than simply “Black Americans take jobs from Whites and so Whites are worse off in a world without oppression.”

The relationship between White and Black Americans’ correlative capabilities is further complicated by oppressive norms which create status differentials between White
and Black Americans. These status differentials occur in specific contexts, such as the difference in epistemic status between White and Black Americans, and generally when Whites are afforded the full dignity of personhood while Black Americans are seen as less deserving of dignified treatment. The relational nature of status makes correlative capabilities a useful concept for analyzing status disparities.

When I say that status is “relational”, I mean that the concept of status is only explanatory in a hierarchical context where some people have higher status and other people have lower status. Without this relationship between those who have high status and those who don’t—i.e. if everyone were afforded equal respect and admiration—we would have no “status” to analyze. The fact that there must be a class of individuals who have low status for a class of individuals with high status to exist helps explain why status differentials are so difficult to eradicate; those with high status are incentivized to keep those with low status subordinated so that they maintain their relative high status and the benefits that come with it.

Recall the discussion of testimonial injustices in §2.2.2.1. There I argued that Black Americans are subject to testimonial injustices when, in virtue of their race, their testimony is not afforded the credence it ought to be afforded given the likelihood that the testimony is true. In these cases, Black Americans are subject to a credibility deficit. But, I argued further, even when Black Americans’ testimonies are given appropriate credence, they may still be subject to testimonial injustices if conflicting information from Whites is afforded excess credibility. Negative credibility bias toward Black

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380 And as Elizabeth Anderson convincingly argues, ethnocentrism often does lead Whites to assign excess credibility to White testimony (2012, 169-70).
Americans doesn’t exhaust the problem; positive credibility bias toward White Americans is also a form of testimonial injustice against Black Americans.

What is at issue, here, is the disparity between the epistemic status or credibility given to Whites and that given to Black Americans. This epistemic status differential ensures that, ceteris paribus, when a Black person’s testimony conflicts with a White person’s testimony, the White person’s capability to convince peers and society at large to accept his or her testimony as truth is greater than the Black person’s capability for the same. Context is, of course, important—Whites don’t have the same power to convince Black communities as they do to convince White communities (and may at times be at a credibility deficit themselves when compared to a Black speaker addressing a Black community). Nevertheless, given the number of Whites in the population and our dominance in politics, law enforcement, media, and other positions of power, Black Americans are much more likely to be in positions of relative disadvantage in offering testimony than are Whites.

Whites’ greater capabilities to convince peers and society at large to accept our testimony as truth relative to Black Americans gives us an advantage in running political campaigns against Black Americans, in workplace, legal, or other disputes with Black Americans, and in shaping media narratives about controversial topics (especially topics where race is a significant factor), among other things. As argued above, these advantages are dependent on the disparity between White and Black Americans’ general credibility, not directly on how our testimony is evaluated relative to the likelihood of its truth. For example, Whites would still be advantaged over Black Americans even if our

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381 I discuss this phenomenon at length as it relates to how racialized events are interpreted in §5.2.1.
testimony were given less credence than it deserves given its likelihood of truth if Black Americans were given *even less* credence. So long as we have greater epistemic status than Black Americans, we retain a level of power over them. The correlative nature of testimonial capabilities illustrates the relationship between White and Black Americans’ capabilities and illuminates the incentive structure that encourages Whites to try to keep Black Americans epistemically subordinated.

These incentives apply in broader contexts as well. In §1.3 I discussed Du Bois’ concept of Whites’ “public and psychological wage.” Du Bois argued that though poor Whites could have gained economic power by forming coalitions with poor Black Americans to fight for better wages and labor conditions, doing so may have led them to lose some of the deference and access to public goods they received in virtue of their Whiteness. Eschewing partnership with Black Americans helped them preserve the non-material benefits of Whiteness. Though we are living in a very different context than Du Bois, there are still non-material benefits that Whites can access in virtue of our Whiteness being elevated in status relative to Blackness. Mills argues that the status of Whites as “full persons” and Black Americans as “subpersons” are due to the same norms. Whiteness, for Mills, is defined in contrast to Blackness; to be White is to *not* be a (Black) subperson.

I’m not fully sold on the value of Mills’ concepts of “person” and “subperson”, but his underlying point about the relationship between White and Black Americans’ social status follows analytically from the systems of White domination and Black oppression pervasive in the United States. Whites’ higher status is inextricably tied to the

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norms which benefit Whites and oppress Black Americans. Whites’ status as oppressors and Black Americans as oppressed necessitates that Whites are a high-status racial group and Black Americans a relatively lower status. We do not need to discuss “correlative capabilities to attain status” to make this point. Where correlative capabilities can be illuminating, though, is in discussing the psychological benefits Whites may receive in virtue of Black Americans’ subordination.

In elucidating my concept of recognition-wrong in §2.2.2.1, I argued in favor of Fraser’s understanding of misrecognition as “an institutionalized relation of subordination and a violation of justice” in contrast to the understanding put forth by Taylor and Honneth, which theorizes recognition as primarily important for identity claims.384 I maintain that this is the correct way to think about recognition-wrongs committed against Black Americans, but I think Taylor and Honneth’s arguments about recognition’s relationship to identity have an important role to play in understanding Whites’ potential to psychologically benefit from Black subordination. Where Taylor and Honneth are concerned with how individuals suffering recognition-wrongs may have their identity and self-worth negatively impacted by those wrongs, I worry about how Whites may be incentivized to maintain our dominant status because such status creates an easy way for us to positively boost our self-worth—we elevate ourselves by crafting our identities in relation to subordinated Black Americans.

White supremacists who believe Whites to be the superior race obviously define their identity in part in relation to subordinated Black Americans. These individuals are explicitly committed to the view that their Whiteness makes them better than non-Whites.

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384 Fraser 2003, 29. Emphasis original.
Because prevailing societal norms denigrate Black cultural norms and testimony below their White counterparts, Whites’ capabilities to derive self-worth from our racial status is much higher than Black Americans’ capabilities for the same. Whites depend on Black Americans being subordinated for this capability; Black subordination gives Whites a group of people with lower social standing to whom we can relate ourselves and from whom we can derive relatively higher status.

But one need not be a white supremacist to engage in this process. Many Whites who believe Black cultural norms, Black media, Black music, etc. are worth less than their White counterparts do not explicitly believe themselves to be racist. When these Whites make comparisons between White and Black norms, highlighting the value of White norms and disvalue of Black norms, they are reflecting the status differential between White and Black Americans. Their views about what is valuable and what is not are reinforced by the domination-subordination relations between White and Black Americans. They are, at least subconsciously, deriving worth from Black Americans’ subordination. How often and to what degree Whites are deriving self-worth from Black Americans’ subordination—as opposed to merely valuing the cultural forms with which they are familiar, say—is an empirical question. Regardless, that Whites have the capability to derive self-worth in this way creates an incentive for Whites to maintain the current racial hierarchy and can help explain instances of White anger toward Black cultural expression.

385 I am only claiming that Whites have a greater capability to derive self-worth from our racial status than Black Americans, not that we necessarily have a greater capability to derive self-worth from our racial identity. Black Americans may find great value in their identification with Black cultural norms, their commitments to Black solidarity, their pride in Black Americans’ continuous resistance, or other features of self-identifying as Black.
These discussions of the relationship between status and recognition-wrongs, paired with the earlier discussions of the material benefits Whites may receive from the complex interaction of oppressive norms and various capabilities, point to the great challenges we face in attempting to undermine oppression. There are many norms and policies that interact to restrict Black Americans’ capabilities through oppression, which makes remedying the impact of oppressive norms on any particular capability extremely difficult. Those difficulties are only compounded by Whites’ reticence to weaken our own capabilities to address them. Though this may seem to belie a weakness in utilizing a capabilities approach to analyze oppression, I think the opposite is true—the phenomena of oppression are varied, complex, and intractable. An adequate analysis of White domination and Black oppression won’t provide easy answers because there aren’t any easy answers. What we should hope for instead is an analysis that helps to lay bare the complexity of oppressive systems so we may have a chance at reshaping our society into a less oppressive one. Examining correlative capabilities offers us a useful way to conceptualize the relationship between the oppressed and the oppressor, between the oppression Black Americans experience and the benefits Whites experience as a result; utilizing capabilities requires us to investigate both the wrongs inflicted by oppressive norms and Whites’ unjust gains from those norms. This conceptual framework can help illuminate for anti-racist Whites—i.e. Whites who believe Black Americans and Whites to have equal moral worth and who attempt to reject norms and subconscious beliefs that deny that fact—where we must be willing to sacrifice our own power, and it helps illuminate for policy developers where they will face the most resistance. Additionally, the complex interactions of norms and capabilities can sometimes offer opportunities for
strategic arguments that encourage Whites to support anti-oppression efforts—for example, emphasizing the potential economic benefits of more completely utilizing Black workers’ talents may lessen Whites’ opposition to efforts aimed at enhancing Black Americans’ capabilities to secure meaningful employment. These strengths of my capabilities theory, along with the strengths outlined in Chapter 4 and those I present in the remainder of this chapter, lend strong support to the value of applying a capabilities approach to conceptualizing oppression and the justice-oriented measures needed to dismantle it.

5.2 Capabilities of White Domination

The norms and policies that underlie Black oppression and White domination don’t just degrade Black Americans’ capabilities, they also empower Whites. Sometimes those phenomena go hand in hand, as with the correlative capabilities above. In other cases, though, the norms and policies of Black oppression generate unique White capabilities, which I call the capabilities of White domination. These are not capabilities that Whites have strengthened and Black Americans have weakened by Black oppression; they are capabilities that Whites only have in virtue of Black oppression and that help Whites to maintain our power.

I argue that analyzing the capabilities of White domination illuminates how Whites see ourselves in racialized contexts, how we construct narratives that purport to explain racialized events, and how we conceptualize racial justice. I hope that in drawing attention to these capabilities, Whites who oppose Black oppression can better understand their role in perpetuating it and make efforts to undermine it. I hope also to give policy developers clearer expectations for White responses to policies aimed at undermining
oppression. The capabilities of White domination embody Whites’ social power and social understanding, both of which contribute significantly to the likely impact and reception of justice-oriented policies.

Though there are surely more capabilities of White domination, there are two White capabilities that I think are essential conceptual foci for understanding how Whites maintain power. The many oppressive norms that keep Black Americans subordinated combine to create a social system that endows Whites with two unjustified capabilities whose elimination coincides with the elimination of oppression. These two capabilities are the capability to dominate racial narratives and the capability to ignore one’s racialized identity.

5.2.1 Capability to Dominate Racial Narratives

Whites’ capability to dominate racial narratives primarily involves the opportunity to have White-favorable interpretations of events in which race is a significant factor—where White-favorable interpretations are interpretations that support White interests and are held widely by Whites, even if many other Whites reject them—be treated as at least equal in explanatory standing to alternative interpretations. Often, these scenarios involve instantiations of oppressive norms that a large contingent of Whites attempts to explain away by appealing to the personal responsibility of the actors involved, usually focusing on the personal responsibility of the Black Americans being oppressed. When Whites are maligned for their bad actions, those actions are almost always cast as due solely to the character of the individual “bad” White person and almost never indict oppressive systems that Whites collectively uphold.  

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386 Plaut 2010, 81-3. See also Pew Research Center 2016, whose survey data show that 70% of Whites believe discrimination “based on the prejudice of individuals” is a bigger problem for Black people than
Whites often exercise the capability to dominate racial narratives when police shootings of Black Americans are publicized. For the most part, if the Black individual who is shot by police had a gun, no further analysis is even deemed necessary; the shooting was, in the eyes of Whites, justified. We rarely hear nuanced discussions in mainstream media about when it is acceptable for police to shoot Black men who have guns—assuming the answer is “always”—despite the fact that multiple White mass murderers in recent years have been taken alive by police.\(^{387}\) When police do come under scrutiny for killing Black Americans, it is usually because the Black person killed was unarmed. Even then, it is not uncommon to hear from ordinary White citizens and Whites in the right-wing media refrains like “Well, if he had just been following the law none of this would have happened” or “Listen when police officers tell you to do something and you won’t get shot!”\(^{388}\)

These are not fringe positions. I cannot say for certain that these are the positions most widely held by Whites, but I can say with confidence that these kinds of views are powerful enough to prevent meaningful reform in much of the country and have sparked movements to counter any emphasis of Black Americans’ experiences of police brutality. In response to the Black Lives Matter organization’s activism against the police brutality directed at Black communities, opponents of this activism began a group called “Blue discrimination “built into laws and institutions.” Only 19% of Whites believe discrimination “built into laws and institutions” is the bigger problem.\(^{387}\) The White murderer who killed 9 Black churchgoers at a historically Black church in Charleston, South Carolina on June 17, 2015 was not murdered by police. Neither was the White murderer who killed 11 students and staff at Marjory Stoneman Douglas High School in Parkland, Florida on February 14, 2018. Nor was the White murderer who killed 11 Jewish worshippers in Pittsburgh on October 27, 2018. These are just a few examples of mass murderers being taken alive by police in recent years. (Note: to avoid giving perpetrators additional attention for their heinous crimes, I do not use their names.)\(^{388}\) Such proclamations are reminiscent of Ibram Kendi’s concept of uplift suasion; if Black Americans only acted exactly as Whites dictate, then Black Americans wouldn’t suffer unjust consequences at the hands of Whites acting on oppressive norms (Kendi 2016, 3-5, 124-32).
Lives Matter”. Blue Lives Matter activists argue that our focus should be on the dangers of policing and on protecting our police officers. Implicit in the Blue Lives Matter mission is that Black American victims are not worthy of our advocacy like police officers are.\textsuperscript{389} Whites who downplay the significance of police brutality against Black Americans do so despite the overwhelming evidence of racial bias in policing and incarceration (as presented throughout chapter 2) and despite evidence that police are significantly more likely to shoot Black Americans than Whites.\textsuperscript{390}

Evidence isn’t the most important element in many Whites’ belief formation on these matters, though. More important is the threat of having to confront one’s commitment to oppressive norms. Whites, as a collective, sanction interpretations of racialized events that make Whites and those they support (like the police) innocent. Theorists of color have observed and reported this phenomena time and time again. Mills argues that as a general rule, “\textit{white misunderstanding, misrepresentation, evasion, and self-deception on matters related to race} are among the most pervasive mental phenomena of the past few hundred years, a cognitive and moral economy psychically required for conquest, colonization, and enslavement.”\textsuperscript{391} Despite ubiquitous evidence to the contrary, Whites collectively sanction a view of the United States as mostly just.

\textsuperscript{389} Evidence of Blue Lives Matter’s politics and neglect of victims of color can be seen in the stories they promote on their website (https://defensemaven.io/bluelivesmatter/).

\textsuperscript{390} For example, despite representing only roughly 12\% of the population, 29\% of unarmed victims (and 22\% of armed victims) killed by police in 2017 were Black and 38\% of unarmed victims (and 22\% of armed victims) killed by police in 2018 were Black. See data collected by The Washington Post for police shootings from 2015-2018 (https://www.washingtonpost.com/graphics/national/police-shootings-2017/).

\textsuperscript{391} Mills 1997, 19. Emphasis original. Mills expresses this position elsewhere as well, arguing that “In whatever discipline that is affected by race, the “testimony” of the black perspective and its distinctive conceptual and theoretical insights will tend to be whitened out” (2007, 33-4).
Often, this premise is taken as fundamental and unchallengeable; there is a prevailing view that injustices are deviations from the norm, never the norm themselves.\(^{392}\)

Maintaining this view of the United States as fundamentally just requires ignoring the many counterexamples available in media and public life. To ignore these counterexamples, we need “cognitive norms of assessment” that permit reasoning in White-favorable ways.\(^{393}\) One such norm is Whites’ tendency to accept as inevitable certain kinds of social data, ignoring the potential of social explanations that would indict American society.\(^{394}\) When we are committed to the view that America is fundamentally just, the incarceration rate of Black Americans, for example, is not seen as evidence of injustice. We have already assumed that an unjust carceral system is not to blame. Instead of investigating this social context, then, we assume that Black Americans’ incarceration is due to their high crime rate, and the question we allow ourselves to ask is what causes Black Americans to commit so many crimes.

Lewis Gordon is helpful in expanding this point. He argues that “Under the model of bad faith, the stubborn racist has made a choice not to admit certain uncomfortable truths about his group and chooses not to challenge certain comfortable falsehoods about other people…it’s not that he isn’t “persuaded” by the logic of counterexamples; it is that he is unwilling to accept what ordinarily count as counter-

\(^{392}\) Though Alcoff does not explicitly name the presumption of justice in society as an unchallengeable premise, she does identify this presumption and claim that “Racism can also supply premises—and cast these as unchallengeable premises—that lead to judgments for which otherwise there is insufficient evidence” (Alcoff 2007, 48). I believe her argumentation, and that of the other theorists drawn on here, support the view that the general presumption of a just society is one of these “unchallengeable premises.”

\(^{393}\) Alcoff 2007, 48.

\(^{394}\) Ibid. 52.
examples where questions of race are concerned.”  Gordon goes on to say that Whites expect “ideal evidence where questions regarding the equality and rights of other racial groups are concerned.” What I think Gordon is arguing is that many Whites resist any evidence that may require us to reconsider the legitimacy of prevailing social norms that deem the status quo of Black oppression and White domination mostly just. Most Whites will acknowledge and admonish obvious and explicit racist acts, but that is as far as we go. We require a level of evidence of racial bias that is so strong that the only cases counted as racist are those where it is impossible to give an even mildly plausible non-racial explanation of the action. All other evidence is overruled by alternative considerations, even when the evidence in favor of viewing an event as racially oppressive is much stronger than the evidence in favor of any alternative explanation.

The alternative interpretations put forth by Whites, despite their lack of justification, successfully shape the public interpretation and narrative surrounding racially significant events in part because Whites universalize these interpretations as though they can represent Black Americans’ experiences just as well as they explain Whites’. White-favorable interpretations of events are likely to be those most widely disseminated and representative of the “mainstream” view. In other words, Whites have the power of what Young describes as cultural imperialism—our undue influence in the public sphere means our interpretations are given undue authority. Importantly, Whites

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395 Gordon 1995, 75. Feminist philosophers have also echoed these views. Alison Bailey, for example, argues similarly that “members of the racial polity must learn to see the world wrongly, but with the assurance that their mistaken ways of making sense of events count as accurate explanations” (2007, 80).
396 Gordon 1995, 76.
397 Ashley W. Doane writes that “a key element of [White] dominance is the disproportionate ability to shape the sociocultural understandings of society, especially those involving group identity and intergroup interactions” (Doane 1997, 376).
present our White-favorable views under the guise of impartiality. Part of positioning White-favorable views as the mainstream involves presenting these views as though they arise from a neutral, reasoned perspective. Despite our selective presentation of evidence for our views, wide support for and reproduction of those views can offer a sense that the White-favorable view is the “correct” interpretation. Then, when non-dominant groups protest and present an alternative viewpoint, we can justify disregarding it by arguing that their claims are really based on their biased, selfish interest in having the event interpreted in a way that is less favorable to Whites.\(^\text{399}\)

Even those Whites who disagree with the White-favorable interpretation in question are likely to treat it as a valuable perspective because the norms of acceptable argumentation are different for White and Black Americans. Fraser, in her discussion of the concept of “sociocultural means of interpretation and communication” that informed Young’s account of cultural imperialism, argues that discursive resources differ between groups. One such discursive resource is which paradigms of argumentation are accepted as authoritative in a given context.\(^\text{400}\) Another reason why Whites can successfully reject contrary evidence when presenting White-favorable interpretations is because many Whites take Whites’ accounts of their experiences as authoritative while denying such charity to Black Americans.\(^\text{401}\) The authoritative argumentative paradigm legitimating arguments from experience does not condone a particular argumentative process so much

\(^{399}\) Ibid. 116. In addition to portraying Black Americans’ views as selfish, Whites may use the power of our majority and the centrality of our norms to portray alternative viewpoints from Black Americans as unrealistic (Medina 2013a, 59).

\(^{400}\) Fraser 1989, 294-5.

\(^{401}\) Alcoff recognizes this phenomenon as well, arguing that “cognitive norms of assessment will have to be maintained that allow for this countervailing evidence [the daily evidence demonstrating that Black Americans do not experience the same treatment and norms as Whites] to be regularly dismissed so that the dominant view can be held stable” (Alcoff 2007, 48).
as it legitimates arguments from particular sources. We assign a level of credibility to Whites’ experiences that we do not assign to Black Americans’, so when Black Americans report experiences that seem foreign to Whites, we are more likely to ignore them. Testimonial injustices of Whites giving other Whites too much credibility, and giving Black Americans too little, structure what kinds of arguments Whites find acceptable. Thus, even when we disagree with a White-favorable interpretation, we are unlikely to refuse to engage the White person offering that White-favorable interpretation because we are socialized to view his or her argumentative process as legitimate.

Another important aspect of Whites’ argumentative process that enables us to maintain the illusion of impartiality and reasonableness is our inconsistent application of moral norms; rejecting evidence that exposes the flaws in our White-favorable reasoning is complemented by a shifting of moral goalposts that helps provide a rationalization for holding White-favorable views and treating them as valuable perspectives. Colin Kaepernick’s blackballing from the NFL for his protest of police brutality displays prominently Whites’ rejection of evidence, our inconsistent application of moral norms, and our willingness to treat White-favorable views as valuable perspectives worthy of consideration. The timeline of Kaepernick’s protest is as follows. Kaepernick stayed

402 The term “blackballed” may be disputed by those who believe Kaepernick hasn’t been signed because he simply isn’t good enough to play, but the available evidence strongly suggests that NFL owners and managers have chosen not to sign him due to his protests, not his athletic performance. In the past 50 years, only one other quarterback of Kaepernick’s caliber under the age of 30 missed a year of play because he wasn’t signed to a team—Ed Rubbert in 1988 (Wagner and Paine 2017). Adding support to the view that Kaepernick was unjustly blocked from playing in the NFL on the basis of his protests, rather than rightfully denied a spot because of his play, is the fact that the NFL settled the lawsuit Kaepernick brought against the league in which he alleged unjust treatment. Though the amount of the settlement was not disclosed, the Director of the Sports Business Program at Washington University estimated, based on Kaepernick’s expected earnings in the league, that Kaepernick likely received $20-40 million (Rishe 2019). Other estimates from sports reporters with insider knowledge suggest Kaepernick received far more, in the range of $60-80 million (Wood 2019). The high settlement amount indicates NFL owners believed they would lose the case.
on the bench while the national anthem played during the first two preseason games of 2016, but his action went unnoticed. He first gained attention for sitting out the anthem during the third preseason game of 2016 on August 26th. On August 28th, Kaepernick made public statements clearly offering his reasons for the protest. Kaepernick claimed he was sitting out the anthem in support of oppressed peoples and their subjection to police violence in the United States and would stand again when “there’s significant change and I feel that flag represents what it’s supposed to represent, and this country is representing people the way that it’s supposed to.” He went on to discuss his respect for “the men and women that have fought for this country,” noting that he has friends and family who have served in the military but are still subject to injustice when they return home from their service.403

By this point, Kaepernick was already being accused of disrespecting the military and law enforcement in articles with titles like “NFL’s Kaepernick insults Americans, law enforcement officers everywhere.”404 Very important to Kaepernick was respecting the military and maintaining the message that his protest was directed toward police violence and racial injustice. To that end, he spoke with Nate Boyer, a former Green Beret and former NFL long snapper who is White, about how to continue the protest in a way that would show respect for our armed forces.405 Ultimately, Kaepernick and Boyer decided that Kaepernick and his supporters should kneel for the anthem instead of remaining on the bench. Kneeling, they thought, would be taken as a sign of respect and reflection.

403 Sandritter 2017.
404 Erickson 2016.
405 I point out Boyer’s race because his Whiteness indicates that his response is not based on self-interest, protecting him from the kinds of responses Whites typically lodge at Black Americans when they point out the injustices inflicted on them. Boyer can’t be accused of “playing the race card” or “making excuses” that exculpate Kaepernick’s behavior for his own gain.
while remaining an effective protest method that would draw attention to the issues that concern Kaepernick.\textsuperscript{406}

Unfortunately, many Whites remain obtuse and continue to criticize Kaepernick as an enemy of the military, the flag, and the nation. These Whites refuse to acknowledge the evidence that supports Kaepernick’s expressed motives despite the fact that, as they wished, he is no longer even in the NFL—after declaring free agency at the end of 2016, Kaepernick was not signed by any team and remains unsigned to this day.\textsuperscript{407} Though Kaepernick hasn’t kneeled in protest in more than 2 years, he has remained vocal as an advocate for justice and has continued to face extreme criticism from many Whites for this advocacy. Nike recently hired Kaepernick for an advertising campaign hoping to reach those sympathetic to his message; the response was overwhelmingly positive from many Americans and overwhelmingly negative from many others. People were appalled at Nike’s claim that Kaepernick had “sacrificed everything” for his cause—claiming he sacrificed “everything” is the kind of exaggeration one expects to find in advertising, but he did sacrifice his career in the NFL for his beliefs—and skewered Kaepernick (and Nike) as disrespectful to the military and law enforcement officers who are “willing to part with life itself” and “risk doing [so] every single day.”\textsuperscript{408} Unsurprisingly, the vast majority of derision directed at Kaepernick is from Whites.

The continued derision directed at Kaepernick exemplifies Whites’ abdication of responsibility to evaluate evidence for our positions on racially-significant events, but selective outrage and inconsistently applied moral principles are also employed to

\textsuperscript{406} Sandritter 2017.  
\textsuperscript{407} Wagner and Paine 2017.  
\textsuperscript{408} McHenry 2018.
provide disingenuous “justifications” for the White-favorable position.409 Whites’

purported argument against Kaepernick taking a knee during the national anthem is that

his action disrespects the flag and anthem, and therefore disrespects the military. There is

no precedent for this position, both because kneeling is considered in most contexts (such

as when one kneels in prayer or in front of a religious icon, or when young athletes are

taught to kneel when another player is injured on the playing field) to be a sign of respect

and reflection and because there is no prohibition of kneeling in the U.S. Code outlining

what constitutes (dis)respect for the flag. Yet these same Whites say nothing about the

many ways we in the U.S. do disrespect the flag as outlined in the U.S. Code. There, the

Code makes clear that the flag should never be used for advertising purposes or on

apparel, a costume, or an athletic uniform.410 There are too many examples to count of

the flag being used in one or another of these ways very publicly. Yet, to my knowledge,

there has not been an instance of public outrage against any of these acts as disrespecting

the flag or the military. Certainly, there has not been any collective uprising comparable

to the response to Kaepernick’s protest. Derision seems to be directed at Kaepernick

primarily because he is a prominent Black man advocating against police brutality, an

issue that most significantly affects Black Americans.

Despite Kaepernick’s explicit statements about the purpose of his protest, his
deliberate attempts to nullify claims that he was doing something displaying disrespect to

the military, and the obvious inconsistencies in how Whites view “respect for the flag,”

409 Whites’ judgment of Black Americans’ behavior according to moral principles we otherwise ignore is

not a new phenomenon; Baldwin wrote in 1962 that “the Negro’s experience of the white world cannot

possibly create in him any respect for the standards by which the white world claims to live. His own

condition is overwhelming proof that white people do not live by these standards” (Baldwin 1962).

the view that his protest was extremely disrespectful was widely parroted and even more widely discussed. Major media sources debated his protest ad nauseum. Though many public figures in the media and elsewhere supported Kaepernick’s protest and argued that it was not disrespectful to the military, the analysis of his protest was consistently framed around the question of whether it was disrespectful to the flag or military. Instead of a deep examination of police brutality, most of the coverage framed the debate as between two legitimate positions in need of adjudication, a debate between those who found Kaepernick’s protest reasonable and those who rejected it on the grounds that he was disrespecting the military.

Whites should not have been able to so easily turn Kaepernick’s protest into an argument about the military—no norm had previously described the action of kneeling as disrespectful, Whites had ample reason to be outraged about behavior that does disrespect the flag and anthem but had never before expressed outrage, Kaepernick explicitly denied that his protest had anything to do with the military, and Kaepernick made public efforts to ensure he was not seen as disrespecting the military. The norms that permit Whites to willfully misrepresent a Black person’s intent, condemn Black Americans’ actions according to moral norms they do not otherwise apply, and still have our White-favorable interpretation of the action analyzed and debated in the public sphere as an understanding at least as legitimate as the understanding dominant among Black Americans coalesce in Whites’ capability to dominate racial narratives.

There are many examples I could have chosen to illustrate Whites’ capability to dominate racial narratives. Even among athletes there are many examples; Black
American athletes have a long history of resistance and activism. In fact, striking similarities exist between Kaepernick’s protests and those of Black American runners Tommie Smith and John Carlos in the 1968 Olympics. Smith and Carlos placed first and third, respectively, in the 200-meter dash and, as they stood on the dais with bowed heads and the Star-Spangled Banner playing in the background, each man donned a Black glove on one hand and raised his gloved fist in the air to symbolize the power and strength of Black Americans. White Americans in the stands booed and jeered at what they saw as disrespect for the flag and anthem, only growing louder as the anthem ended and Smith and Carlos left the stadium. Smith and Carlos were later forced by the U.S. Olympic Committee to leave the Olympic Village. They returned home to countless media reports, some supportive, but many critical. Many White journalists were apathetic, claiming that the protest was pointless because Americans already knew that Black Americans weren’t treated equally, or acknowledging the racial injustice in America while arguing that politics and sports should remain separate. Others were hostile, pointing to the success and wealth of some Black athletes as reason they should be grateful for their opportunities, accusing Smith and Carlos of being ungrateful and attention-seeking, and comparing their gesture to a Nazi salute. Ultimately, they paid the price for their protests. Smith never ran professionally again. Carlos attempted to

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411 Howard Bryant gives a nice overview of Black athletic activism from Negro League baseball players attempting to integrate Major League Baseball teams and front offices, to Muhammad Ali protesting the Vietnam War, to Colin Kaepernick’s protests against police brutality today (2018).

412 Bass 2002, 239-40. The irony of Whites booing and jeering during the national anthem because they believed Smith and Carlos to be disrespecting the anthem was not lost on Smith. Bass reprints a quote of Smith’s from a 1995 HBO documentary in which he says, “It was nothing but a raised fist in the air and a bowed head acknowledging the American flag—not symbolizing a hatred for it. The hatred for the flag was those people in the stands booing and not looking at the flag while it was playing. It was too interested in seeing those black devils on the victory stand” (Bass 2002, 287).

413 Ibid. 257.

transition into the NFL, but shortly ruined his knee. Both of their marriages fell apart. Even many Black Americans turned against them, fearing Smith and Carlos’ protest would jeopardize their chances at athletic careers, too.415

As Smith and Carlos’ protest shows, Whites’ domination of the Kaepernick narrative is not particularly special or unique. In fact, this is exactly what makes it so striking. We expect from Whites in 1968 the backlash, the accusations that the Black athletes protesting are doing so to disrespect the flag or for personal attention, the moral concern for the protest but lack of moral concern for disrespect shown through booing during the national anthem, and the shift in emphasis from the purpose of the protest to whether the (peaceful, quiet, somber) method of protest was justified. After all, racial discrimination was only prohibited by law four years prior. That the same elements show up some 50 years later, though, may be quite surprising to Whites who believe us to have entered an era where race is no longer significant. Whites’ ability to denigrate Kaepernick’s protest and ensure that conversation centered on whether his method of (peaceful, quiet, somber) protest was justified rather than analyzing his stated purpose for protesting—and to dominate the narrative so effectively that NFL owners colluded to keep him from the league—demonstrates how significant Whites’ capability to dominate racial narratives remains today.

I also want to emphasize that the importance of the capability to dominate racial narratives is not just when it is exercised as it was in response to Kaepernick. Public knowledge of Whites’ capability to dominate racial narratives (whether it is conceptualized as such or not) creates perverse incentive structures for both White and

Black Americans. For Whites, the capability gives us license to act in ways that further Black oppression, knowing (at least subconsciously) that we have great power to shape how our actions are interpreted. The capability to dominate racial narratives gives us less to fear in terms of repercussions for bad behavior. Further, our capability to dominate racial narratives may entrench in us the view that Black Americans’ perspectives ought to be held in lower regard than White perspectives. If we do not recognize that we have the capability to dominate racial narratives and question why we have this capability, it may be simply accepted as natural or justified. Such an acceptance is tantamount to accepting as normal or justified Whites’ consistent devaluation of Black perspectives through testimonial and hermeneutical injustices. As José Medina correctly notes, when these injustices are normalized, we may use Black perspectives as foils to our White-affirming interpretations of racialized events. Black perspectives then become weaponized against Black Americans, entrenching Whites’ perspectives by being castigated as foolish alternative views.⁴¹⁶

For Black Americans, knowledge of Whites’ capability to dominate racial narratives may lead them to self-silence. Watching the debate around Kaepernick’s actions play out—as just one event among many similar others—gives Black Americans justification in believing that their protests against oppressive treatment may generally be dismissed, misinterpreted, or ridiculed. Further, they may face significant personal and professional repercussions, as Kaepernick did, for their actions. The threat of these repercussions may already be sufficient to convince many Black Americans to self-silence, but the silencing power of these repercussions is enhanced further by Whites’

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⁴¹⁶ Medina 2013a, 59.
power to, in virtue of our capability to dominate racial narratives, frame those repercussions as a justified response to our (unjustified) interpretation of their protests.

That Whites as a racial group have such influence over how racially significant events are interpreted indicates that societal norms place higher value on the views of Whites than the views of Black Americans. So long as Whites have this capability, we will have the opportunity to commit epistemic injustices by discounting the value of Black Americans’ testimony and conceptualizations of oppressive systems, injustices we can use to protect a façade of legitimacy for other oppressive systems.\textsuperscript{417} Whites’ capability to dominate racial narratives is thus antithetical to White and Black equality. Therefore, the elimination of Whites’ capability to dominate racial narratives is necessary for oppression’s eradication and justified by the WDP.

5.2.2 Capability to Ignore Racialized Identity

The fact that White perspectives on racialized events that downplay White domination and Black oppression are nearly always legitimated as worthy of debate means that the Whites who hold these views are almost always given space to maintain them. The White capability to dominate racial narratives helps insulate from criticism Whites who hold views that support White dominance, but lack justification. We create an environment where all but the most outlandish and extreme White interpretations are seen as reasonable for someone to hold, allowing Whites who hold views that perpetuate Black oppression to believe that all White perspectives are “individual” perspectives worthy of consideration. Because White positions that are strongly determined by our Whiteness are not shown to be partially a product of oppressive systems by Whites

\textsuperscript{417} See §2.2.2.1 for a detailed analysis of epistemic injustices.
generally and in dominant media narratives, we are able to divorce our positions from our racialized identities. As George Yancy points out, we often do this reflexively and without thought.\textsuperscript{418} All of us want to believe that we’ve come to our positions in the right kind of way and, despite our differing views on the right ways to form beliefs, most of us don’t want our beliefs to be largely byproducts of our racialized social norms. It is no surprise, then, that we are inclined to disbelieve in the influence of racialized social norms on our belief forming practices. Whites, however, are unique in that our capability to dominate racial narratives coupled with the White norms I detail below allow Whites to ignore our racialized identities altogether. We come to see ourselves as raceless; only people of color are raced.

One reason Whites are able to ignore our racialized identities is that Whites have typically controlled most major American institutions and have our norms and experiences treated as “central” or “normal.”\textsuperscript{419} Most positions of power are occupied by Whites, we frequently see various nuanced White characters in television and movies, and we see our perspectives shared by other White figures in the media. Whites also tend to be treated with respect by authority figures and Whites’ typical ways of speaking, dressing, and behaving are considered the ways that “normal” people speak, dress, and behave. To us, these things don’t seem like a privilege or benefit of Whiteness; we generally give such treatment little thought.\textsuperscript{420} Whites are likely to view ourselves as unconditioned by our racial identity, as if Whiteness were a natural feature of the world, rather than a socialized identity.\textsuperscript{421} Even when we do recognize that White norms are not

\textsuperscript{418} Yancy 2008, 41-3.
\textsuperscript{419} Young 1990, 112, 116; Doane 2003, 7.
\textsuperscript{420} Macmullan 2009, 145.
\textsuperscript{421} Yancy 2008, 158.
universal norms, we are unlikely to conceptualize the role of Whiteness. Instead, we reframe our White identity and experiences as quintessentially American. Because our norms and experiences are so widely represented and condoned, we can interpret these norms and experiences as equivalent to the norms and experiences of Americans everywhere with little cognitive dissonance. Seeing our norms and experiences characterized as “central” or “American” encourages us to see ourselves as merely “normal people” or “Americans.” These norms obfuscate the role Whiteness plays in structuring our experiences.

Another feature of Whites’ lived experience that makes it easier to ignore our racialized identities is that we aren’t incentivized to recognize the role of our racialized identities by racial oppression. Eliminating racial oppression is likely to, at least in the short term, have many negative effects for Whites. We are likely to have fewer desirable employment opportunities available, lose power in determining how racialized events are interpreted, have our resources redistributed, etc. For Whites, recognizing the benefits we receive in virtue of our Whiteness at the expense of Black Americans requires indicting ourselves. Ignoring the role our race plays in structuring our social opportunities allows us to maintain these benefits guilt-free.

We are then also incentivized to ignore the experiences of people of color because paying too close attention to their experiences might require us to recognize our own unjustly gained benefits of Whiteness. One feature of Whites’ lived experience that makes ignoring Black Americans’ oppression easier is how little we interact with Black

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423 Not to mention the benefits Whites get from our oppression of other races and minority groups. Though my focus in this dissertation is Black oppression, it is important to remember that other non-White (and non-heterosexual, non-able-bodied, etc.) groups face oppressive systems as well.
Americans as peers.⁴²⁴ There are ample data showing the physical segregation of White and Black Americans in cities and neighborhoods throughout the country, but more significant is how few Whites interact with Black Americans about things they deem important. Whites rarely have peer-to-peer interactions with Black Americans in which we come to know about each other in significant ways. In a 2013 survey, nearly 1,700 Whites were asked to name up to seven people with whom they had, in the previous six months, discussed matters important to them. The full question was: “From time to time, most people discuss important matters with other people. Looking back over the last six months, who are the people with whom you discussed matters important to you?” A full 75% of White respondents named only Whites in their response. In total, 91% of all individuals Whites listed were White and only 1% of those named by Whites were Black.⁴²⁵ The lack of meaningful interactions between White and Black Americans strengthens the White norms of generalizing White viewpoints and ignoring Black experiences. We can mostly ignore Black Americans’ experience of oppression because a vast majority of Whites don’t have Black Americans we know and trust in our lives to challenge our ignorance. When we do not grapple with Black oppression and its causes, we have little reason to investigate the role Whiteness plays in our lives. It becomes easy to ignore our Whiteness altogether.

Black Americans do not have this luxury. As I’ve shown throughout this dissertation, Black Americans face a multitude of varied oppressive systems. It’s hard to imagine a Black person anywhere in America who has not at some time in his or her life

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⁴²⁴ Elizabeth Anderson argues convincingly that racial segregation is a major factor in continued Black oppression. She maintains that racial integration is imperative for racial justice (2010).
⁴²⁵ Cox, Navarro-Rivera, and Jones 2016.
had racial oppression directly impact himself, herself, or a close friend or family member. Joe Feagin writes, “In interview studies of nearly one thousand black and white Americans, my colleagues and I have found that black Americans in all walks of life are usually very aware of, and sensitive to, the multifaceted reality of everyday racism for themselves, their families, and other African Americans.”

Data from the Pew Research Center show that 71% of Black Americans say they personally have experienced racial discrimination and only 8% of Black Americans think the U.S. has made the changes necessary to give them equal rights with Whites. Black Americans’ personal experiences of oppression, their recognition of the stigmas associated with their Blackness, the criminalization of their communities, and their knowledge that Whites routinely dismiss these issues as unimportant all contribute to Black Americans’ awareness of their racialized identities and how it shapes their experiences. The capability to ignore one’s racialized identity is certainly not a capability Black Americans have as Whites do.

I have been arguing that Whites have a capability to ignore our racialized identities rather than arguing that we have a deficit in knowledge of our racialized identities. I believe this characterization is conceptually important, even as I prepare to complicate it with a discussion of the ways in which Whites’ habitual adherence to White norms makes it harder for us to recognize our racialized identities. One reason for claiming that Whites have a capability to ignore our racialized identities is that some Whites don’t ignore our racialized identities (most of the time), but the norms that make ignoring our racialized identities permissible (and even incentivize it) are still

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426 Feagin 2006, 194.
problematic. Whites who are committed to fighting racial oppression are likely to, at least partly, acknowledge the significance of our Whiteness. Nonetheless, societal norms of treating White behavior and culture as “normal” or “American”, our capability to dominate racial narratives, and de facto segregation give Whites latitude to shift our priorities away from anti-racism and toward White hegemony with minimal repercussions. We ought not have that power—the capability to ignore our racialized identities undercuts our commitments to anti-racist work by making it easy to abandon that work and gives Black Americans reason to be suspect of our allyship because it can at any time be revoked.

More importantly, though, we ought to understand Whites as having the capability to ignore our racialized identities because we are not primarily suffering a lack of available knowledge, but rather willfully ignoring evidence of the wrongs of Black oppression and the unjust gains Whites receive in consequence. I argued in §5.2.1 that Whites often ignore or mischaracterize evidence of racial injustice in favor of interpreting events in ways that do not morally impugn Whites. Whites’ purported “ignorance” of our racialized identities fits the same mold described there—we willfully ignore evidence of the significance of our Whiteness.428 This is not to say that all Whites are equally blameworthy for their ignorance, as education and relationships with people of color play an important role in exposing the many ways that our Whiteness impacts our opportunities. Nor is it to say that Whites should be aware of all the ways that our Whiteness shapes our experiences and perspectives. There are ample opportunities, however, for Whites to see instances of our race shaping our lived experience. Surely, if

we reflected on our own lives and how our Whiteness may have advantaged us, or considered the disparities in how White and Black Americans are represented in popular culture and media, or thought about the ways that the blatant and violent racism of 60 years ago may shape a person’s present opportunities, or contemplated why current anti-racist movements exist, we would see that Whiteness is not inert.

Ignoring our racialized identities is a capability because it is not a lack of evidence to the contrary that leads Whites to believe that Whiteness is inert, but rather a commitment to a belief-forming practice that involves reinterpreting anything that exposes the benefits of Whiteness and the dependence of those benefits on Black oppression. Systems of White domination give us the opportunity to ignore our racialized identities and we do so because it is advantageous to do so. Acknowledging the agency we have in ignoring our racialized identities is conceptually more accurate and also gives us practical policy guidance; educating Whites about Black oppression will not be enough—we will also have to work to change the incentive structures that encourage ignoring our Whiteness.

I must admit, though, that Whites don’t just make a straightforward decision to ignore our racialized identities. The norms and social conditions that incentivize us to ignore our Whiteness can simultaneously make it more difficult for us to recognize the social significance of Whiteness. For example, that Whites lack personal experience with racial oppression means we are not only incentivized to ignore Black oppression and the resulting benefits we receive as Whites, but also that we cannot interpret instances of racial oppression with a perspective informed by our personal experiences of such oppression. We have to rely on empathy and the accounts of others to get a sense of what
those events feel like, why they are deeply unjust, and, for some events, why they’re oppressive at all. In many circumstances, more effort is required of Whites to see how an event is shaped by racial oppression than is required of Black Americans who draw on their own personal experiences, but I do not think this alleviates Whites’ responsibility. Whites ought to adopt an attitude of humility with respect to understanding race’s role in shaping our lives and the lives of people of color. We can admit that Whiteness significantly shapes our life experiences without being aware of every instance or every way in which it does so. Moreover, we can acknowledge that part of how Whiteness shapes us is by limiting our perspective on the role race plays in some circumstances. Accepting our potential ignorance about certain instantiations of racial oppression still commits one to the view that Whiteness is significant and ought to be conceptualized as a racialized identity, highlighting that it is still a capability to ignore our racialized identities that we often exercise.

A greater threat to our agency in ignoring our racialized identities, though, comes when we completely fail to recognize that our perspectives are shaped by our Whiteness. We have a “meta-insensitivity,” as José Medina calls it—norms of Whites ignoring and remaining indifferent to how our Whiteness shapes our social experiences culminate in Whites becoming insensitive to our insensitivity. Instead of recognizing that we may be mistaken about the influence one’s racialized identity has on his or her lived experience, we come to ignore our perspectival limitations. We also numb our affective responses not only to individual acts that are racially oppressive, but also to the existence of racial

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429 I draw here on Alcoff’s discussion of how our racial and gendered identities shape our epistemological perspectives (2006, 125-7).
oppression generally.\textsuperscript{430} The greater our meta-insensitivity, the more consistently we will ignore our Whiteness altogether, making it all the harder to recognize and correct our meta-insensitivity. We enter a vicious cycle that leaves us unable to recognize our racialized identities, which seems to cast doubt on the notion that we have a capability to ignore them.

I think Medina is right to highlight Whites’ meta-insensitivity because it points to the significance of social systems in maintaining White domination. Unquestioning adherence to White norms can leave us unaware that we are ignorant of the ways our racialized identities shape our experiences. Acknowledging Medina’s insight shifts the emphasis away from educating Whites about specific examples of Black oppression and toward addressing the systematic ways in which Whites ignore oppression and how it shapes both Black and White lives. I have attempted to keep the focus on systems of oppression, rather than individual experiences of oppression, partly for this reason.

Where Medina and I disagree, however, is in how intractable we see meta-insensitivity to be. Though Medina acknowledges that Whites’ reflection on available media and our social experiences can go some way toward upending our meta-insensitivity, he believes that we still won’t be able to address racial oppression productively.\textsuperscript{431} Without “sustained interactions with significantly different individuals and groups,” Medina is skeptical that Whites can embody a truly anti-racist perspective.\textsuperscript{432} Norms are certainly powerful and may impede Whites’ progress in recognizing the role of Whiteness in our lives, but I nevertheless believe that Whites are

\textsuperscript{430} Medina 2013b, 212.
\textsuperscript{431} Ibid. 216-22.
\textsuperscript{432} Ibid. 224.
capable of acknowledging our racialized identities under current social conditions. There is an abundance of evidence that the world is structured partly along racial lines in movies and television shows depicting racism, stories and videos of police violence, protests and statements by prominent Black Americans ranging from musicians and athletes to politicians and poets, academic research in a variety of fields, and in virtually every local community in America. Except in very unique circumstances of extreme cultural isolation, all of us will have some level of interaction with these portrayals and reflections of Black oppression in our society. We can either examine these counterexamples or dismiss them outright. When we dismiss them, we exhibit our agency to ignore our Whiteness. We are willfully ignoring our Whiteness when we claim wholesale ignorance of its social role. Some level of insensitivity to the many oppressive norms and instantiations of those norms is almost certain to continue without enormous changes to our social structure, but I see these as examples of racial insensitivity, not meta-insensitivity. As Medina himself notes elsewhere, it is “possible to have object-level ignorance about one’s peers without having meta-level ignorance about them.”

The responses over which we have the least control actually serve to confirm our agency in the case of globally ignoring our racialized identities. Shannon Sullivan argues that too little attention has been given to Whites’ “physiological racist habits.” Sullivan’s concern is that if we fail to address the real physiological responses Whites have in interactions with people of color as a result of the history and norms of oppression, we will unwittingly encourage Whites to justify those feelings as natural and out of our control when they arise. Important in Sullivan’s analysis is that these physiological

\[433\] Medina 2013a, 45.
responses are due to unjustifiable systems of oppression.\textsuperscript{434} Sullivan offers a couple of examples of how Whites physically embody the emotions we have in response to interactions with Black Americans—how Whites (especially in the Jim Crow era) refused to eat with Black Americans and came to feel nauseous at the thought, and how White women’s fear of Black men involves a quickening of the heart, drying of the mouth, and an uneasiness in the stomach. These physiological responses often arise even for those of us who are committed to anti-racist beliefs; our bodies are trained by societal norms to respond negatively to certain kinds of interactions with Black Americans, and we may have those responses even as we explicitly believe the responses are unwarranted.\textsuperscript{435} I agree with Sullivan’s contention that these physiological responses should be taken into account when thinking of how to combat Black oppression, as we should be interested in changing Whites’ beliefs \textit{and} affective responses.

Sullivan’s work on the importance of our physiological responses to interactions with Black Americans, and how those physiological responses can seem out of our control and difficult to eradicate, strengthens my argument that Whites have a \textit{capability} to ignore our racialized identities. The physiological responses Whites have in interactions with Black Americans—responses we generally lack in similar interactions with other Whites—gives us further evidence that our Whiteness is shaping our social experiences. Reflecting on these responses ought to, whether we think the responses are justified or not, indicate to Whites that we have different kinds of affective responses to Black Americans than we do to Whites. Such a realization is further evidence that our social experiences are shaped by our Whiteness. Though I think ample evidence of the

\textsuperscript{434} Sullivan 2015, 130.
\textsuperscript{435} Ibid. 135-8.
significance of Whites’ racial identity exists outside our affective responses to interactions with Black Americans, José Medina argues that Whites need to have interactions with Black Americans precisely because these kinds of physiological responses give rise to an awareness for Whites of our racialized identities.\footnote{Medina 2013b, 222-3.} Automatic physiological responses that seem out of our control do not undermine our agency in recognizing our racialized identities, then, but actually enhance our agency.

I hope that in arguing for understanding Whites as having a capability to ignore our racialized identities, I have made clear why such a capability is a matter of justice. Whites can only ignore our racial status because Whites have the capability to dominate racial narratives, which allows Whites to deem virtually all White-favorable interpretations of racialized events reasonable (regardless of our evidence for or justification of our interpretations). Whiteness is often seen to be natural or unconditioned, White norms are taken as normal for everyone or quintessentially American norms, and few Whites have significant relationships with Black Americans that might give them personal insights to Black American’s experience of oppression and personal reasons to resist White domination. All of these societal features make it easier for Whites to ignore the ways we oppress Black Americans and assume that because we don’t believe in coercive domination of Black Americans, we aren’t contributing to White domination.\footnote{Macmullan 2009, 143.} Whites’ capability to ignore our racialized identities gives us space to ignore our role in oppressing Black Americans. As Doane and Macmullan argue, one goal of analyzing Whiteness should be to make clear to Whites that we, too, are part of
the racial hierarchy.\footnote{Doane 2003, 24-5 and Macmullan 2009, 169.} Illuminating Whites’ capability to ignore our racialized identities serves to weaken that capability. Showing Whites how we willfully ignore the significance of our Whiteness makes it more difficult to continue ignoring that significance; by making our capability to ignore our racialized identities salient, we ensure that persisting in ignoring it is a conscious choice.

I aim to also make it more difficult to forget our history. Ignoring our racialized identities allows Whites to ignore our history of atrocious, ubiquitous, violent racism. We conceptualize the United States’ history of racism as perpetrated by nameless Whites of the past who are not connected to us in any meaningful way. We see ourselves as now “simply people,” ignoring our direct connection to our very recent ancestors.\footnote{Zeus Leonardo points out the irony in Whites’ tendency to find Whiteness everywhere when discussing historical advancement—we proclaim that Whites are responsible for the greatest advancements in art, science, and civil society—but to deny our connections to the atrocities carried out by our White ancestors. Just as we can appreciate how our White ancestors’ achievements produced benefits we enjoy today, so too must we recognize that their exploitation of Black Americans produced benefits we enjoy today (Leonardo 2004, 148-9).} This “collective amnesia” permits us to largely ignore (or revise) the devastating consequences of past White racism by marking it as distinctly separate from and irrelevant to the present.\footnote{Mills 2007, 29-31.} Whites today embody this collective amnesia when we ask Black Americans to accept a color-blind conception of justice.

\subsection*{5.2.2.1 Color-blind Conception of Justice}

Whites can only reasonably expect Black Americans to accept a color-blind conception of justice if we ignore entirely the history and continuation of Black oppression, as well as the social significance or our racialized identities that this continuation of Black oppression entails. When Whites ignore our racialized identities
and divorce ourselves from the history of White domination, Whites begin to believe that race is largely inert in modern society. Data from 2016 showed that 38% of Whites believed nothing needs to be done in the U.S. for equity between White and Black Americans, and an additional 30% of Whites took the slightly weaker position that their Whiteness has done little to advantage them. The election of Donald Trump to the U.S. presidency in November of 2016 and his subsequent actions as President have brought the significance of race back into mainstream conversation, but have shifted public opinion less than one might suspect. Data collected in August of 2017 show that 19% of Whites still believe that we gain no advantages whatsoever from our Whiteness, and an additional 34% believe our Whiteness does little to advantage us. In other words, though 15% of Whites have shifted from believing race has little or no relevance to believing it matters at least a fair amount, the majority of Whites still believe that our race has little impact on our social opportunities.

We must note, too, that this shift of White sentiment occurred almost entirely among Whites who lean Democratic or identify themselves as Democrats. The election of Trump has not pushed the White population as a whole toward recognizing the significance of race, but rather has pushed Democrats dramatically while making Republicans, if anything, more likely to downplay the importance of race. In 2015, 58% of self-identified Democrats claimed that racism is a “big problem” in the United States when polled. In August of 2017, the percentage of Democrats claiming racism is a big problem jumped to 76%. The percentage of self-identified Republicans who believe

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441 Doane 2003, 14.
443 Oliphant 2017.
racism is a big problem, however, dropped from 40% in 2015 to 37% in August of 2017.\textsuperscript{444} It is important that we not assume that shifting views on the significance of race mean that Whites are by and large moving toward anti-racism. For some, the salience of race entrenches them in their racist views. Given the power of the Republican party, we should expect Republican politicians and the voters that support the party to obstruct efforts by Black Americans and their anti-racist allies to enact policies aimed at diminishing the disparities between White and Black Americans.

For the Republicans and others who are convinced that racism’s past has little impact today and that Whites shouldn’t be viewed as Whites, but rather just as “people,” the natural conclusion is that justice requires color-blind policies. Such a conclusion is reasonable because \textit{if} it were true that race plays no significant role in the lives of White and Black Americans (which it is not), then the best way to construct policies that address society’s injustices would be to construct them without reference to race.

Osagie Obasogie notes a tendency in recent Equal Protection jurisprudence to divorce race from its social role and view race as merely a physical descriptor.\textsuperscript{445} Race cannot be coherently understood without reference to the systems of domination and subordination it marks, as I argued in §1.3; race is not something we merely see, but rather is a context-dependent social construction that marks Whites as normal and deserving of full dignity while Othering and denigrating non-Whites. When we ignore the important context of historical and ongoing oppression, we come to draw a moral equivalence between the race-conscious policies that deliberately deny rights to Black

\textsuperscript{444} Neal 2017.  
\textsuperscript{445} Obasogie 2014, 157.
Americans and the race-conscious policies that seek to redress oppressive systems.\textsuperscript{446} Whites come to believe that the only problematic policies are those that explicitly distinguish between Black and White Americans. In reality, color-blind policies preclude the possibility of the race-conscious policies needed to redress the United States’ long history of oppressing Black Americans, which results in a perpetuation of those oppressive systems. Worse still, color-blind policies are sometimes used to oppress Black Americans deliberately by targeting them implicitly—Whites craft policies that hinder Black Americans’ capabilities by applying only to people who share certain characteristics likely to be shared by Black Americans. Whites can then, as Elizabeth Anderson points out, justify any racially oppressive policy they want by claiming the policy doesn’t discriminate by race.\textsuperscript{447}

A recent example of a color-blind policy intended to oppress Black Americans can be found in a North Carolina Voter-ID law, called the Voter Information Verification Act (VIVA), struck down by courts in 2016. VIVA required residents to show identification when voting in person, eliminated same-day voter registration, reduced the early voting period from seventeen days to ten, disallowed provisional ballots cast within the appropriate county but at an election site outside the voter’s precinct, and eliminated preregistration (previously, sixteen- and seventeen-year-olds could get preregistered when getting a driver’s license or at high school registration drives and would then be automatically registered to vote when they turned eighteen).\textsuperscript{448} None of these voting criteria explicitly reference race. Nevertheless, Diana Gribbon Motz, the circuit judge

\textsuperscript{446} Cho 2009, 1603; Obasogie 2014, 116.
\textsuperscript{447} Anderson 2010, 62.
overseeing a consolidated series of cases challenging aspects of VIVA, found rampant racial bias. Every provision of VIVA listed above disproportionately impeded Black Americans from voting—Black Americans were more likely than Whites to lack the necessary identification, were more likely to utilize same-day registration, were more likely to vote in the seven days of early voting that were eliminated, were more likely to vote by provisional ballot, and were more likely to be registered as a result of the preregistration process. The VIVA provisions were purportedly to “promote the electoral process through education and increased registration of voters” and to “protect the right of each registered voter to cast a secure vote with reasonable security measures that confirm voter identity.” As Judge Motz notes, though, these policies actually decreased voter registration and constituted “inapt remedies for the problems assertedly justifying them and, in fact, impose cures for problems that did not exist.” Most important of all is that VIVA was drawn up after legislators requested and received information on the breakdown by race of who was utilizing the policies VIVA curtails. Lawmakers used the guise of color-blindness to deliberately disenfranchise Black voters. The lawmakers’ efforts were so blatantly transparent that Judge Motz concluded that they targeted Black voters with “almost surgical precision.”

One potential response to the case just given is to assert that the problem is not with the color-blind framework, but with the case I have chosen. On this view, the VIVA case is an example of pseudo-color-blindness; though VIVA didn’t explicitly

452 Ibid.
discriminate by race, the true purpose of the policy *was* to discriminate by race. What we need are policies that are *actually* color-blind.

I think it is reasonable to say that the VIVA case is an example of pseudo-color-blindness because there was obvious intent to restrict Black Americans’ access to voting. I chose this example to illustrate how color-blindness as a theoretical framework is intentionally weaponized, hoping to thereby cast doubt on the usefulness of the color-blind framework in policymaking. Even setting aside cases of deliberate manipulation of “color-blindness”, however, a major challenge for advocates of the color-blind framework is determining when a policy is truly color-blind. Any policy that helps close some disparity between White and Black Americans is, analytically, a policy that disproportionately helps Black Americans relative to Whites. For a color-blind conception of justice to be a reasonable way to address Black oppression and White domination, then, we cannot use the mere fact that a policy disproportionately impacts one racial group as evidence that the policy is not color-blind.

If the lack of an explicit reference to race is not sufficient for establishing color-blindness and the demonstration of disparate impact on White and Black Americans is not sufficient for undermining color-blindness, what useful understanding of color-blindness remains? Maybe one could argue that color-blind policies are those that (1) do not explicitly reference race and (2) when they disproportionately impact members of one racial group, the disproportionate impact is justified by some non-racial feature that is relevant to policymaking goals. On this understanding of color-blindness, policies aimed at improving schools or helping the poor could be justified on the basis of non-racial features, like the importance of education and having minimal subsistence, while still
having a disproportionate positive impact on the Black community. But then we might also have to admit that voter-ID laws are justified because, absent their disproportionate negative impact on Black Americans, they seem to be justifiable as a reasonable protection of our electoral process; I take this to be a significant drawback of employing this notion of color-blindness.

The definition of color-blindness being considered is quite far from the common-sense notion of “not discriminating according to race.” But let us ignore this infidelity with the folk notion and further suppose that the issues just raised are somehow resolvable—the “truly color-blind” policies that help Black Americans are often justified, and the policies that disproportionately hurt Black Americans are unjustified. We are still left with the problem that color-blind policies create injustices because people and history are not color-blind. By this I mean, color-blind policies will result in injustices in a society that has social norms which denigrate one race and celebrate another, as ours does. Because of these norms, color-blind policies are very likely to be implemented in such a way that is not truly color-blind.

Research on “aversive racism” demonstrates how even anti-racist Whites may still perpetuate oppressive norms under color-blind frameworks. Psychologists John Dovidio and Samuel Gaertner developed the concept of aversive racism to identify Whites who are committed to egalitarian principles and believe themselves to be nonprejudiced, but still harbor anti-Black bias and express this bias in indirect ways that they can rationalize as nonracial.453 Dovidio and Gaertner ran two simulated hiring studies for a peer counselor position at Northeastern liberal arts colleges ten years apart. The first study was

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453 Dovidio and Gaertner 2000, 315.
conducted during the 1988-89 academic year and the second during the 1998-99 academic year. In each study, White students were first asked to self-report their anti-Black bias (which they rated quite low in both studies, but lowest in the second study). The White participants were then given interview excerpts that were representative of the candidates’ abilities to serve as a peer counselor. These excerpts either showed strong leadership qualities and counseling skills (in pretests, these candidates were recommended for the position 85-90% of the time), medium leadership qualities and counseling skills (in pretests, these candidates were recommended for the position 50-65% of the time), or weak leadership qualities and counseling skills (in pretests, these candidates were recommended for the position 10-20% of the time). For each type of candidate, some were coded as Black and some as White through, respectively, their professed membership in the Black Student Union or a fraternity (at the time, fraternities at these colleges were almost exclusively White). The Black Student Union and fraternity memberships of the candidates were extremely effective in conveying the race of the candidates—in 100% of White-candidate circumstances the participants identified the candidate as White and in 97% of Black-candidate circumstances they identified the candidate as Black.454

In both studies, the White students suggested hiring Black and White candidates at similar rates when the candidates were either very weak or very strong but displayed statistically significant anti-Black bias when the applicants were of ambiguous quality. Interestingly, in cases where the candidate was very weak or very strong, Black candidates were actually favored—Black Americans were recommended 91% of the time

454 Ibid. 315-6.
when they were strong candidates (compared to Whites’ recommendation rate of 85%) and 13% of the time when they were weak candidates (compared to Whites’ recommendation rate of 6%). In the cases where the candidates were of middling quality, however, Whites were greatly preferred; 76% of White candidates with ambiguous qualifications were recommended compared to only 45% of Black candidates. Dovidio and Gaertner argue, and I agree, that when participants were unsure of whether to recommend the candidate, Whites’ racial biases played stronger roles in their decision-making processes.\footnote{Ibid. 317-8.}

When Whites could confidently recommend hiring or passing over a candidate, they avoided being influenced by implicit anti-Black biases. When the skillset of the candidate was less clear, however, implicit biases nudged Whites to give White candidates the benefit of the doubt and to deny such charity to Black candidates. The norms of White domination and Black subordination are so ubiquitous in U.S. society that even Whites who sincerely believe in racial equality often succumb to our racist biases when policies and procedures aren’t intentionally designed to protect against these biases.

Color-blind policies let bad actors justify their deliberate Black oppression and do too little to protect against anti-racist Whites’ implicit commitments to White norms; we must instead recognize the significant role race plays in determining how norms are applied and enact policies and procedures that explicitly protect against White domination and Black oppression. We must therefore eliminate the White capabilities to dominate racial narratives and ignore our racialized identities that underlie the
justification of color-blind policies; these capabilities empower Whites to enact oppressive policies while insulating us against the open recognition that the policies are oppressive.

5.2.2.2 White Victimhood

There is one final unsavory consequence of Whites’ capabilities to dominate racial narratives and ignore our racialized identities that I want to discuss—our tendency to claim victimhood in the face of Black advancement. There is a clear path by which Whites arrive at the belief that we are the ones who are victimized. I have laid out above how Whites come to a color-blind conception of justice, but I want to re-emphasize how color-blind conceptions are very much mainstream; Supreme Court Chief Justice John Roberts employed the color-blind conception of justice in a 2007 opinion, claiming, “The way to stop discrimination on the basis of race is to stop discriminating on the basis of race.” According to Chief Justice Roberts and the color-blind view, the way to stop racial oppression is to stop referencing racial identity altogether. The claim is that if all our laws and policies are race-neutral, then the resulting society will be one where race is irrelevant to justice. Holding that view requires committing, at least implicitly, to a belief that White and Black Americans are treated roughly equally in the United States today when they aren’t explicitly targeted by oppressive laws and policies.

When we take White norms as universal and accept the view that White and Black Americans are treated nearly equally by extra-legal norms, we create a framework in which any repudiation or rejection of White norms is seen as disadvantaging Whites.

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457 As I’ve argued above, this belief only holds true if the extra-legal norms of society do not discriminate by race and, as we have seen, oppressive social norms abound. We must therefore reject color-blind conceptions of justice.
We ignore our racialized identities and establish our experiences as the status quo. When these experiences are threatened in any way, we feel as though we personally, as individual Whites, are under attack. We become reactionary, developing our claims around any disturbance by Black Americans to the status quo. When Black Americans try to create groups or events for themselves, not recognizing that they do so because Whites tend to control and exclude Black Americans from the “race-neutral” groups and events. Every February I hear fellow Whites question why there is a “Black History Month,” but no “White History Month.” They ignore the fact that most history we study in the U.S. is White history and that Black History Month only exists because Black history is often absent the rest of the year.

Kristen Myers ran a qualitative study in which she recruited White students to take field notes on discussions of race in conversations they had or heard involving only Whites. The goal was to get a glimpse of how Whites speak about racial minorities in casual conversation. These students recorded their friends questioning why there was a Black choir on campus but no White choir, or why there is a Black congressional caucus but no White caucus (despite the existence of caucuses like the House Freedom Caucus, which is almost exclusively White). Myers found that even the students who were taking the notes reported their own defensive reactions to Black events; a student named Sophia felt slighted when a Black woman who was handing out fliers to a DJ event to other Black Americans near a bank seemed reluctant to give one to her.

Whites who ignore their racialized identities often react negatively when Black Americans disrupt the status quo. First, Whites may see any policy that aims to close

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459 Myers 2003, 142.
some capability gap between Black and White Americans as “reverse racism” that disadvantages Whites. Affirmative action policies are a case in point.\textsuperscript{460} These policies aim, in part, to increase racial diversity at universities by considering an applicant’s race in determining his or her admittance to the university.\textsuperscript{461} These policies have by no means closed the racial gap; data from 2013 show that in 79\% of the United States’ research universities, Black students are underrepresented as a share of university students (in comparison to the proportion of college-aged Black Americans in the state in which the university resides) by at least 20\%.\textsuperscript{462} Nevertheless, affirmative action continues to be billed as racist against Whites, purportedly unfairly disadvantaging Whites and our opportunities to be accepted to our universities of choice. In fact, the Supreme Court narrowly ruled against considering it a violation of the Equal Protection Clause—which aims to secure racial parity under the law, among other things— that the University of Texas at Austin uses race as one element in a holistic admissions review process. The 4-3 decision came after consideration of a lawsuit filed by a White student who claims she was unjustly denied admission to UT Austin because of her race.\textsuperscript{463} Whites continue to fight against affirmative action policies and have their views of affirmative action as reverse racism reproduced in popular media sources.\textsuperscript{464}

Some Whites also express apprehension when we see Black Americans achieving status, positions of power, or comfort in spaces Whites deem reserved for ourselves.

\textsuperscript{460} Obasogie 2014, 117.
\textsuperscript{461} Though affirmative action is advocated by anti-racists as one means to combat Black oppression, it is worth noting that the original legal justification for affirmative action policies is that the state has a strong interest in diverse perspectives being represented in university classrooms, as diverse perspectives are necessary for a high quality education and for good leadership in a pluralistic society (\textit{Regents of the University of California v. Bakke}, 438 U.S. 265 (1978)).
\textsuperscript{462} Munguia 2015.
\textsuperscript{463} Fisher v. University of Texas at Austin, 136 U.S. 2198 (2016).
\textsuperscript{464} Gonzalez 2018.
Myers writes that several of the White participants in her study reported hearing other Whites question how Black Americans could afford the nice cars, clothes, or other items they had. These White participants also questioned Black Americans’ spending habits without knowledge of their financial situations, accusing them of wastefully spending money on nice things when they should’ve been using that money for necessities like housing. Whites also complained when they felt their field of study, neighborhoods, or universities had “too many” Black Americans. Whites worried they were being “overrun” by minorities. 465 Throughout the study, Whites judged Black Americans to be, in Myers’ words, “threatening and undeserving of resources and self-confidence.” 466 In sum, the Whites examined tended to fear that Black advancements threaten our way of life.

Whites who believe that race is mostly unimportant and that we ought to promote color-blind policies are likely to have negative responses to policies or events attempting to empower Black Americans specifically because efforts aimed explicitly at Black Americans are inconsistent with their color-blind position. Color-blindness “freezes the status quo distribution of resources, wealth, and opportunities as the racial norm,” making any efforts to advance non-dominant groups directly look like an unfair disadvantaging of dominant groups. 467 Medina’s concept of meta-insensitivity, discussed earlier in §5.2.2, helps explain these Whites’ responses—Whites committed to color-blindness are not just intellectually insensitive to Black oppression (and to their insensitivity to Black oppression), but also affectively insensitive to Black oppression (and, again, to their insensitivity itself). Our failure in particular instances to empathize with Black victims is

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466 Ibid. 143.
467 Obasogie 2014, 117.
due to a larger, systemic failure to recognize that we are not as empathetic to Black Americans and their experiences of Black oppression as we should be. We remove the significance of race from social contexts and then feel angry when Black Americans, who cannot without cognitive dissonance remove race from many of their experiences, highlight race’s continued significance. We come to feel that Black Americans are being overly sensitive when they highlight the pains and injustices of Black oppression.\textsuperscript{468}

We see this White response in action when Whites attack “political correctness.”\textsuperscript{469} Whites reframe (often successfully because of our capability to dominate racial narratives) subordinated groups’ demands for respect of their experiences as overly sensitive, unrealistic, or unjustified race-baiting. “Political correctness” is, according to “color-blind” Whites, a way of pandering to the (in their eyes) unjustified sensitivity Black Americans have to instances of Black oppression (instances that color-blind Whites would, of course, explain without reference to Black oppression). “Color-blind” Whites view themselves as victims of unjust criticism and it culminates in Whites collectively believing there to be more anti-White bias in the U.S. than anti-Black bias.\textsuperscript{470}

These Whites believe that when Black Americans make claims against Whites, when they argue that they are suffering oppression at our hands, that they are anti-White. Whites make ourselves the victims. Malcolm X captured Black Americans’ position powerfully, and his words ring true today:

\textsuperscript{468} Medina 2013b, 209-11.
\textsuperscript{469} Doane 1997, 389.
\textsuperscript{470} Research from 2011 surveying 209 White Americans and 208 Black Americans showed that White Americans believe there is more anti-White bias than anti-Black bias. When asked to rate both anti-White and anti-Black bias on a 10-point scale (where a rating of 1 indicates no bias, and a rating of 10 indicates very much bias), White Americans rated anti-White bias at nearly 5 and anti-Black bias at roughly 3.5. Black Americans, however, rated anti-White bias at just under 2, and anti-Black bias at just over 6 (Norton and Sommers 2011, 216).
All of us have suffered here, in this country, political oppression at the hands of the white man, economic exploitation at the hands of the white man, and social degradation at the hands of the White man. Now in speaking like this, it doesn’t mean that we’re anti-white, but it does mean we’re anti-exploitation, we’re anti-degradation, we’re anti-oppression. And if the white man doesn’t want us to be anti-him, let him stop oppressing and exploiting and degrading us.\textsuperscript{471}

To summarize, the norms which give Whites the capability to ignore our racialized identities lead us to promote color-blind conceptions of justice and, in many cases, to see ourselves as the true victims of racial discrimination. These results are in stark contrast to the reality of Black oppression in our society. So long as Whites have the capability to ignore our racialized identities, anti-racist Whites will struggle to avoid perpetuating oppressive norms and Whites who aren’t committed to anti-racism will have success in protecting the advantages of Whiteness. For these reasons, it is necessary that Whites lose our capability to ignore our racialized identities. According to the WDP, then, we are justified in attempting to eliminate Whites’ capability to ignore one’s racialized identity.

5.3 White Domination’s Cost to Whites

An often-overlooked aspect of White domination is that Whites do not universally benefit from White domination. We tend to focus on the ways Whites benefit from Black oppression—and rightfully so, as these benefits represent great injustices—but the ways Whites have our capabilities diminished is strategically important for convincing Whites to more deliberately and actively reject oppressive systems. I first discuss how Whites who do not actively endeavor to reject oppressive systems have the capabilities required to perform their jobs well and to live moral lives diminished by their failure to

\textsuperscript{471} Breitman 1965, 24-5.
acknowledge and address their contributions to oppressive systems. Whites are not victims in any sense here; I have argued throughout this chapter that Whites have sufficient agency and responsibility to reject oppressive norms, and so the costs we bear for failing to fight back against these norms are not undeserved. Nevertheless, the costs are real and significant. I hope that highlighting these negative externalities of White domination may nudge largely unsympathetic Whites to care more deeply about their perpetuation of oppressive norms. I then end the chapter with a discussion of Whites’ kinship capabilities and Whites’ capabilities to effect political change, arguing that White domination can diminish those capabilities for all Whites, anti-racist or not.

5.3.1 Job Performance

Whites who are not sufficiently attuned to the ways White domination and Black oppression structure society have their capabilities to perform their job duties well hindered by White domination if they work in an organization that has Black employees, clients, students, or otherwise hopes to engage Black Americans with the organization in a positive way. Elizabeth Anderson offers an example from a midsize firm that had hoped to reward its employees with a dependent-care benefit but found that lower-paid employees did not utilize the benefit. The dependent-care benefit in question allowed employees to be reimbursed for their childcare expenses from a dependent-care account the employees would fund with pre-tax income. Employees would save on childcare by not having to pay taxes on the funds they use for childcare. The manager who introduced

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Even anti-racist Whites will have these capabilities diminished to some degree by White domination, as my earlier discussions of aversive racism and of the psychosomatic responses Whites have to interactions with Black Americans demonstrate. No White person is immune to the norms of White domination. Anti-racist Whites are certainly less affected, however, and my argument here is a strategic one intended to persuade Whites who care little about White domination to care more deeply. My argument is therefore directed primarily at Whites who do not hold anti-racist views.

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this benefit was excited by the opportunity to help the working mothers in her company afford childcare more easily. After introducing the benefit, however, she found that none of the lower-paid administrative staff utilized it. She had not consulted these lower-paid women when developing this childcare benefit but came to find after speaking with them that they couldn’t afford the float. The money they set aside in the dependent-care account could only be used to reimburse themselves for childcare expenses, which meant the women had to have the money to pay for childcare twice—once to pay the childcare provider upfront and once to fund the account that would ultimately reimburse them. Additionally, the women worried that if they made a mistake submitting paperwork for reimbursement, they may not be reimbursed before their next childcare payment was due. These women did not have sufficient income to take that risk. Had the manager been more familiar with the lives of working class people or consulted her employees before introducing the benefit, she would have known that the benefit would ultimately only serve the higher-paid employees in management.473 Though Anderson’s example highlights the divide between those who occupy higher and lower socio-economic statuses, and is thus not explicitly a matter of race, the data presented throughout this dissertation showing that Black Americans are more likely to hold lower-status positions, have less wealth, and receive less pay indicate that Black Americans are more likely to be impacted by these kinds of policy failures.474 The upshot of this discussion is that the

474 Board seats at Fortune 500 companies are overwhelmingly held by White men (Alliance for Board Diversity and Deloitte 2016, 9); only 3% of tech workers at major firms are Black (Grant 2018) despite Black Americans being roughly 12% of the overall population and, in 2009, 10% of the recipients of bachelor’s degrees in computer science (National Center for Education Statistics’ Integrated Postsecondary Education Data System, https://nces.ed.gov/ipeds/datacenter/Statistics.aspx); median White wealth is thirteen times greater than median Black wealth (Pew Research Center 2016); and Whites earn, on average, tens of thousands of dollars more per year than Black Americans, even when they have the same levels of education (Pew Research Center 2016).
manager developed a benefit that only helped the higher-paid employees who needed it least. Such a policy at best did nothing for the lower-paid administrative staff and at worst inspired or exacerbated feelings of resentment, frustration, and annoyance directed at their better-paid supervisors for widening the divide between lower- and higher-paid staff. The manager’s capability to do her job well was hindered by her ignorance of the needs of her more vulnerable employees.

A second example that more directly reflects the intertwined nature of White domination and Black oppression is found in the tech industry. As of 2014, Black Americans represented 2.5% of the technical workers in 8 of the U.S.’s largest tech companies. By 2017, that percentage had only risen to 3.1%.\textsuperscript{475} Given that Black Americans comprise roughly 12% of the U.S. population, Black Americans are either being wrongly excluded from the tech sector because of prevailing White norms that deem Black Americans generally unfit for this technical work or because tech companies, try as they might to diversify, find that only 3% of their qualified applicants are Black. Though not conclusive, I believe the data showing that nearly 10% of 2009 graduates with bachelor’s degrees in computer science are Black lends strong credibility to the view that White dominant norms explain why Black Americans comprise such a small percentage of tech jobs today.\textsuperscript{476} Regardless, the particular oppressive norm I’m interested in is the way the Black employees who \textit{are} hired to major tech companies are treated once they arrive. One Black employee, who chose not to be named for fear of professional repercussions, described a culture in which Whites rely on each other for

\textsuperscript{475} Grant 2018.
\textsuperscript{476} Data taken from the National Center for Education Statistics’ Integrated Postsecondary Education Data System, \url{https://nces.ed.gov/ipeds/datacenter/Statistics.aspx}. 

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help with projects and good reviews, but mostly ignore Black employees. This particular employee felt lonely and isolated, often choosing not ask for help from others or offer his expertise on collaborative projects because he feels that he is “not in the loop.”\textsuperscript{477} Whites’ discomfort with interacting with Black Americans and/or our assumption that collaboration with Black employees is not necessary for a successful company means the important perspectives that Black employees can offer are ignored. Many Whites thus perform their individual job duties more poorly because they ignore the potential of innovative ideas from Black colleagues and neglect their responsibility to consider how their work will be received by and impact Black Americans.

Failures by individuals to perform our jobs well result in overall losses for our companies—there is strong evidence that companies perform better when diverse perspectives are valued. Research from McKinsey & Company, one of the world’s leading management consulting firms, found “a statistically significant relationship between a more diverse leadership team and better financial performance.”\textsuperscript{478} When it comes to ethnic diversity in particular, they found that companies are 35\% more likely to outperform their national industry median if they are in the first quartile for ethnic diversity than if they are in the fourth quartile.\textsuperscript{479} There is a statistically significant correlation between a company’s financial success and the diversity of its staff; White norms of excluding Black Americans from contributing in the workplace hurt the companies for which we work in addition to diminishing Whites’ capabilities to perform our jobs well.

\textsuperscript{477} Grant 2018.
\textsuperscript{478} Hunt, Layton, and Prince 2017, I.
\textsuperscript{479} Ibid. 3.
Most importantly, however, is how Whites’ failures to perform our jobs well as a result of White domination can have extraordinarily significant impacts on the lives of Black Americans. I discussed above how White dominant norms shape the tech industry, resulting in too few Black technical workers in large tech companies and subjecting those few Black technical workers to norms of exclusion and distrust. These are serious wrongs that need to be addressed, but more dangerous are how the products developed in the absence of racial diversity can pose serious risks to the Black community. Researchers have found that the most prominent facial recognition algorithms have been fine-tuned to recognize lighter-skinned male faces, but struggle to recognize darker-skinned faces and women, with Black women and other dark-skinned women the most likely to be misidentified.\footnote{Joy Buolamwini and Timnit Gebru examined three commercial gender classification systems intended to be used for facial recognition programs and found error rates of 20.8\% - 34.7\% in classifying dark-skinned female faces. The highest error rate for any of these three programs in classifying lighter-skinned male faces, on the other hand, was 0.8\%.\footnote{Evidence suggests that people developing and training these algorithms are more likely to use datasets that overrepresent people that look like them, which results in algorithms that are more effective at identifying individuals with the race and gender of those who are overrepresented. Algorithms developed in East Asia tend to better identify Asian subjects than algorithms developed in the Western hemisphere, while algorithms developed largely by Whites in the West tend to better identify Whites than do the algorithms developed in East Asia.\footnote{If more Black Americans (and Klare 	extit{et. al.} 2012; Buolamwini and Gebru 2018.}}}}
especially Black women) were involved in the development of facial identification technologies, they would be more likely to ensure that datasets are representative. Additionally, we may expect that Black Americans involved in the algorithm development process are more likely to be sensitive to the quality of images used of Black Americans—default camera settings tend to offer better light exposure for light-skinned individuals than dark-skinned individuals, so more caution must be taken in assembling a dataset of images of Black Americans.\footnote{Buolamwini and Gebru 2018, 4.}

The danger inherent in error-ridden algorithms lies in how these algorithms are deployed. Law enforcement agencies across the nation are already using facial-recognition software in efforts to identify individuals suspected of committing a crime. At least 25% of state and local police departments in the United States have the ability to utilize face recognition searches and at least 26 states allow law enforcement agencies to run these searches against the states’ identification photo databases. Many factors influence the risk these systems pose to Black Americans, such as whether the database against which the suspect’s image is compared is narrow or broad (the broader it is, the more opportunities there are for a false positive match) and whether the application is intended to determine a person’s identity on the basis of a recent photo or in real-time through video surveillance (real-time applications are prone to more inaccuracies).\footnote{Garvie, Bedoya, and Frankle 2016.} In all of these cases, however, the higher likelihood of error in identifying Black Americans, and especially Black women, compounds the greater risks they already face in virtue of our racially biased carceral system. Black Americans are more likely to be subject to interactions with law enforcement, and thus more likely to be subject to facial-

\[\text{\footnote{Buolamwini and Gebru 2018, 4.}}\] 
\[\text{\footnote{Garvie, Bedoya, and Frankle 2016.}}\]
recognition technology, and this technology is then more likely to misidentify them than to misidentify White subjects. We can see this as one more way in which mass incarceration oppresses Black Americans.

The risks of software that are more error-prone in identifying Black Americans are exemplified in other contexts as well. Researchers at Georgia Tech found that the object detection systems used in autonomous vehicles are less capable of identifying darker-skinned pedestrians than lighter-skinned ones. These findings held when controlling for the time of day in which the test was run, weather conditions affecting natural lighting, and how occluded the pedestrian was. The result is that autonomous vehicles operating with these systems are more likely to hit darker-skinned pedestrians than lighter-skinned ones.\(^{485}\) Whites’ commitment to White domination and the resulting diminishing of our capabilities to perform our jobs well are thus not only an important issue for Whites who value their work; the lesser quality of work that we and our organizations produce as a result can be literally a matter of life and death for Black Americans.

5.3.2 Living Morally

White domination also has more personal implications. Whites who value living moral lives have our abilities to do so diminished by the norms of White domination. I discussed above (especially in §5.2.2.2) evidence showing that White Americans perceived anti-White bias to be higher in America than anti-Black bias. I’ve also presented ample evidence throughout this dissertation that Black Americans are oppressed in myriad ways and that Whites do not face these same barriers. In other

\(^{485}\) Wilson, Hoffman, and Morgenstern 2019.
words, the view that anti-White bias is more sinister in America than anti-Black bias is obviously and egregiously false. Many Whites nevertheless hold this view, and many Whites who don’t believe anti-White bias is a bigger issue than anti-Black bias still falsely believe that the differences between Black and White Americans’ experiences are minor and overblown. The fact that many Whites in America falsely believe that Black Americans face fewer or only slightly more structural barriers than Whites leads us to be less moral than we would otherwise be.486

The norm among Whites of seeing American society as crueler to Whites than Black Americans, or nearly as cruel to Whites as Black Americans, results in Whites wronging Black Americans in a number of ways. First, it leads us to disbelieve Black Americans’ testimony of their experiences of racism and oppressive norms. We think that Black Americans must be exaggerating their experiences to elicit sympathy or that they are confused about the true causes (which Whites will argue are not race-related) of their experiences. In downgrading the value of Black testimony because we do not think it can truly be as bad as they say, we commit testimonial injustices against Black Americans.

Whites’ warped beliefs that we are the true victims also reinforce Whites’ views of Black Americans as deserving of their lower-status positions. Once a person believes that Black Americans face little or no systemic barriers due to oppression, he or she must offer an alternative explanation for Black Americans’ lower income and wealth, lower education levels, higher incarceration rates, etc. than Whites. Whites blame these disparities on individual shortcomings or Black culture. Either way, failing to recognize

486 Though it is an empirical question, I think Alcoff is probably right that most Whites want to see ourselves as moral people, and that our desire to be seen as moral then often reinforces, in the context of White domination and an unwillingness to do the hard work to address it, our willingness to ignore evidence that the status quo is unjust (Alcoff 2007, 49).
the systemic barriers Black Americans face causes us to degrade them. We assume that if Black Americans just behaved differently, they would have the same financial, professional, and personal success as Whites.\footnote{Refer back to my discussion of “uplift suasion” in §1.3.} We commit recognition-wrongs by adhering to this view and also propose moral frameworks that reinforce White domination. Often, we propose these immoral frameworks with the belief that we are acting morally. As Charles Mills writes, Whites will “act in racist ways \textit{while} thinking of themselves as acting morally. In other words, they will experience genuine cognitive difficulties in recognizing certain behavior patterns \textit{as} racist, so that quite apart from questions of motivation and bad faith they will be morally handicapped simply from the conceptual point of view in seeing and doing the right thing.”\footnote{Mills 1997, 93.}

Martin Luther King, Jr. espoused these same worries decades earlier. He expresses his frustration with the “white moderate” in his famous “Letter from Birmingham Jail,” claiming that White moderates may be more of an impediment to Black Americans receiving justice than White supremacists. He writes powerfully here; I think it is valuable to quote him at length:

\begin{quote}
I have almost reached the regrettable conclusion that the Negro’s great stumbling block in the stride toward freedom is not the White Citizen’s Council-er or the Klu Klux Klanner, but the white moderate who is more devoted to “order” than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says “I agree with you in the goal you seek, but I can’t agree with your methods of direct action;” who paternalistically feels that he can set the time-table for another man’s freedom; who lives by the myth of time and who constantly advises the Negro to wait until a “more convenient season.” Shallow understanding from people of goodwill is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.\footnote{King 1963.}
\end{quote}
King is deeply troubled by the Whites he sees claim they believe in Black equality while impeding progress toward that goal. These are Whites who see themselves as good people who want the best for everyone, but even still, their actions are shaped by norms of White domination.

The most common moral framework for Whites to embrace once they have accepted that Black culture or personal failings explain the disparities between White and Black Americans is one of color-blindness. I argued extensively against color-blind conceptions of justice in §5.2.2.1, but Alison Bailey’s succinct characterization of the view is a helpful reminder: “People who are prejudiced see color and make unfair judgments based on color. To be absolutely certain that we are not making unfair judgements based on color, we should ignore accidental properties, such as color, and just see people.” The problem with this view is that it assumes we can make race causally inert if we ignore it in our conversations and policymaking. The effects of centuries of Black oppression and White domination, oppressive social norms, and the racial bias evident in the application and development of many laws and policies won’t just go away because we pretend we can’t see that Black Americans look different from Whites. We live in a society full of oppressive systems. Regardless of one’s preferred metaethics and moral framework, then, a failure to appreciate America’s real and important racial divide in one’s moral reasoning is to reason from a false premise. Reasoning from false premises is not conducive to arriving at true moral conclusions. It is inevitable that

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490 Many scholars have identified color-blindness as a moral framework that Whites embrace and frame as the morally best option (sometimes earnestly, sometimes not), despite color-blind frameworks in reality reinforcing White domination—see Alexander 2010, 224-31; Bailey 2007, 85-91; Collins 2000, 278-80; Crenshaw 2011, 1315-27; Doane 1997, 389; Ferber 2012; and Leonardo 2004.
491 Bailey 2007, 85.
adherence to color-blindness will result in us wronging Black Americans more often than we would if we employed the same moral reasoning with a recognition that U.S. society is arranged around norms and institutions that denigrate Black capabilities and empower White capabilities.

5.3.3 Whites’ Kinship Capabilities

The third way in which Whites suffer from White domination that I will discuss is how White kinship capabilities are restricted by systems of White domination. Most straightforwardly, our capabilities to form and maintain relationship with Black Americans are severely inhibited by White domination. Norms of de facto segregation keep White and Black Americans from having many opportunities to form relationships in the first place. When White and Black Americans do have opportunities to form relationships, Whites are less likely to pursue those relationships than we would be in a world free of White domination. Whites who largely act in accordance with the norms of White domination are likely to devalue the potential relationship from the outset as they are unlikely to view Black Americans as having the same status and dignity that Whites accord to other Whites. Similar to how Whites commit pre-emptive testimonial injustices by failing to seek the perspectives and ideas of Black Americans when they would seek the perspectives and ideas of a similarly situated White person, so too do Whites pre-emptively disregard the potential of a friendship or romantic relationship with Black Americans.

Black Americans, too, may pre-emptively disregard the potential of relationships with Whites, but for understandable reasons. Black Americans have suffered so many injustices under systems of White domination that they may be justifiably hesitant to try
to form relationships with Whites. Black Americans may assume that Whites are likely to misunderstand them or act in oppressive ways, and so it is better to just focus their energy on forming and maintaining relationships with other Black Americans. Additionally, attempts to form relationships with Whites put Black Americans in a greater position of vulnerability to racial degradation because such degradation is likely to be more impactful and hurtful from someone one cares about.

When Black Americans adopt these attitudes, racist and anti-racist Whites alike have our capabilities to form relationships with Black Americans diminished. If Black Americans pre-emptively avoid relationships with Whites, they are unlikely to reach the point of judging whether any particular White person is an anti-racist. Perhaps Whites who maintain systems of White domination won’t be bothered much, as they don’t much care to form relationships with Black Americans anyway (although, if Kristen Myers’ research discussed in §5.2.2.2 is any indication, even Whites who aren’t all that interested in relationships with Black Americans may feel angry or excluded if Black Americans don’t make efforts to form those relationships with them).\textsuperscript{492} Anti-racist Whites who want to be able to form friendships with people of all races, though, are more likely to see this loss of potential relationships with Black Americans as a genuine loss. Nevertheless, when Black Americans gives Whites the benefit of the doubt, anti-racist Whites still must contend with the ways that systems of White domination shape our behavior.

Anti-racist Whites certainly still harbor implicit biases but are likely to carefully monitor our behavior when interacting with Black Americans to avoid acting on these biases. A bigger worry is that anti-racist Whites place too much value on what rejecting

\textsuperscript{492} Myers 2003, 142.
White domination means to us and too little on what it means for Black Americans. By this I mean that anti-racist Whites run the risk of tokenizing Black Americans by seeking out relationships with them to boost our moral profile. We attempt to demonstrate to anti-racist White peers that we are true anti-racists because we have Black friends. We feel the need to reject systems of White domination publicly and completely; Black Americans become a means to an end, where the end is status as an official Good White Person. When our relationships with Black Americans are self-serving in this way, they are less likely to become deep and personal relationships. Friendships formed for the sake of appearances rarely become vulnerable, intimate relationships.

The last way in which White domination limits Whites’ capabilities to form and maintain relationships is how systems of White domination can drive wedges between anti-racist Whites and Whites who intentionally or unintentionally uphold systems of White domination. Where this phenomenon is likely to be most significant is within families. Many of my own family members, for example, believe that color-blindness is our way forward and routinely dismiss the needs and perspectives of Black Americans. They also refuse to reconsider their views and attempt to educate themselves when I press them on their racist beliefs. Their unwillingness to investigate and change their racist views is infuriating; I see racial justice as so important an issue that I have dedicated my academic research to the cause, yet members of my family refuse to make even small efforts to reevaluate their racism. These experiences have caused me to lose respect for those family members and have degraded formerly strong relationships. I know they feel

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493 Sullivan makes a similar point in her discussion of how anti-racist Whites may stymie, rather than investigate and address, our psychosocial responses to interactions with Black Americans because we believe that Good White People don’t have those kinds of feelings (2015, 159-60).
frustrated with me as well, seeing me as a provocateur who won’t just accept them as they are.

Though this is just one personal anecdote, I’ve heard similar stories from many friends. My evidence is unscientific, but I imagine that many anti-racist Whites have similar experiences with unsympathetic family members. We on the one hand feel bonded by our family relations and past experiences with these people, and on the other hand feel isolated from them as we’ve grown older and come to understand how significant and harmful their racist views are. Addressing systems of White domination is a moral imperative, and the primary focus should be on redressing our wrongs and correcting the unjust system. Still, Whites have significant gains to be made in our personal relationships with Black Americans and White family members. I highlight these potential benefits for Whites in the hope that it more strongly motivates Whites to investigate how we contribute to White domination and the efforts we are making to combat it.

5.3.4 Effecting Political Change

The final way in which White domination diminishes Whites’ capabilities that I will discuss is how norms of White domination hinder our capabilities to effect political change by diminishing the possibility of cross-racial political coalitions. Whites, and particularly poorer Whites, have much to gain by working with disadvantaged members of other racial groups to shift resources from the wealthy to the poor. But as I discussed in the previous section, Whites’ kinship opportunities with Black Americans are limited by White domination. The pervasiveness of norms of oppression gives Black Americans reasons to be hesitant in forming relationships with Whites, which of course limits
opportunities for political solidarity. If White and Black Americans had more kinship relationships, joint ventures would arise more easily and naturally.

The problem here goes deeper, though. We might expect White and Black Americans to try to set aside our distrust for each other in order to achieve common goals, even when we are unable to do so for the purpose of forming meaningful relationships. Distrust erodes kinship opportunities to a much greater degree than it erodes the possibility of an alliance for instrumental reasons. Black Americans cannot be expected to form any kind of allegiance with Whites who believe Black Americans ought to be oppressed, though. Given the insights from Du Bois on the “public and psychological wage” of better treatment by public figures and authorities, access to all public goods, and treatment as the prototypical or “normal” Americans, to name a few, that Whites earn by maintaining White domination, we can expect that these Whites won’t want to form allegiances with Black Americans either.⁴⁹⁴ We also can’t expect Black Americans to trust as partners in political change Whites who believe that Black Americans are generally treated equally. In these cases, White and Black Americans do not share enough common ground with respect to Black Americans’ plight and the dignity they deserve to have a reasonable conversation about how to move forward.⁴⁹⁵

It is obvious how, in these cases, White domination precludes the possibility of White and Black political solidarity. But even Whites who are largely anti-racist may not be able to effectively make political change if they cannot make that change without the allegiance of Black Americans; the ways in which Whites oppress Black Americans

⁴⁹⁴ Du Bois 1998[1935], 700-1. See also my discussion of the public and psychological wage in §§1.3 and 5.1.
⁴⁹⁵ Lebron 2012.
makes it reasonable for Black Americans to largely disbelieve Whites who claim to be anti-racist. First, Whites have collectively done far too little to combat mass incarceration, which dramatically diminishes Black Americans’ political power by disenfranchising millions of Black Americans who are currently or formerly incarcerated around the country.496 Whites’ lack of concern for Black Americans’ political power gives Black Americans little reason to be hopeful that Whites mean to work as partners with Black Americans. Less powerful Whites have also historically made their gains by sacrificing the interests of Black Americans.497 The New Deal, for example, represents the largest set of social programs and projects ever enacted to combat unemployment and low income. The policies only passed, however, because they deliberately did not provide relief for agricultural or domestic workers. These workers were excluded from the laws that established modern unions, set minimum wages, protected laborers from overwork, and created the Social Security system. Agricultural and domestic workers constituted more than 60% of Black employment at that time.498

In addition to the lack of response to mass incarceration and the history of sacrificing Black American interests for White gains, Whites also frequently extol the virtue of equality while we live in an obviously unequal society.499 A verbal commitment to anti-racism and equal treatment for all people is thus relatively meaningless without demonstrated action in support of that commitment. Whites who hope to join Black Americans as true partners in achieving better social services for the poor and marginalized may need to earn Black Americans’ trust through consistent efforts to

496 Lebron 2013, 162-3.
497 Bell and Bansal 1988, 1620.
498 Katznelson 2005, 22.
499 Lebron 2013, 164-5.
undermine the oppressive systems like mass incarceration that primarily diminish Black Americans’ political power. Because of how Whites have sustained these oppressive norms, the existence of these norms poses great obstacles for even anti-racist Whites hoping to work alongside Black Americans to achieve jointly beneficial policies.

The many reasons Black Americans have to distrust Whites as a result of White domination coalesce to create one further problem for Whites seeking to effect political change through democratic means—Black Americans have good reason to be distrustful of democratic systems. As noted above, those systems have often been used to Black Americans’ exclusion when creating social safety nets. Moreover, policies proposed to help the disadvantaged tend to be couched in a color-blind framework that enshrines Whites’ unjust gains from centuries of Black oppression. Bell and Bansal make this point when discussing why Black Americans would be skeptical of the value of deliberative democracy (Bell and Bansal 1988, 1611-2). I also discuss the color-blind framework for justice and its many problems in §5.2.2.1.

Couple this history of neglecting Black Americans’ interests with the disparate treatment of White and Black Americans by institutions like those representing the carceral system—which mistreats Black Americans at every stage of the process, from whose communities are monitored, to what charges are pressed, to treatment by authority figures in prisons—and we see that our institutions are fundamentally unfair. I discuss these disparities in detail in §2.2.1.

The fundamental unfairness of political institutions gives Black Americans little reason to trust the formal levers of change, like democratic participation.

Black Americans’ distrust of democratic processes comes from a long history of oppression and recognition that institutions do not work for them. Baldwin wrote in 1980

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500 Bell and Bansal make this point when discussing why Black Americans would be skeptical of the value of deliberative democracy (Bell and Bansal 1988, 1611-2). I also discuss the color-blind framework for justice and its many problems in §5.2.2.1.
501 I discuss these disparities in detail in §2.2.1.
502 Lebron 2013, 165-6.
that “No black citizen (!) of what is left of Harlem supposes that either Carter, or Reagan, or Anderson has any concern for them at all, except as voters—that is, to put it brutally, except as instruments, or dupes—and while one hates to say that the black citizens are right, one certainly cannot say that they are wrong.” Baldwin, in his always poignant and elegant prose, notes that Black Americans’ plight at the hands of Whites in America give them no reason to believe that they represent anything more to Whites than votes Whites need to enact their own agendas. Anti-racist Whites have to not only earn the trust of Black Americans themselves, then, but also convince Black Americans that the leaders and policies for which they advocate can be trusted to work on behalf of Black Americans as equals, as citizens with the same standing as Whites. In the context of White domination, that is a rightfully arduous task. Whites who want to join coalitions with Black Americans to improve conditions for less advantaged White and Black Americans jointly would be much more likely to succeed if we showed true solidarity with Black Americans by working to dismantle the White-favorable norms that oppress them.

5.4 Conclusion

In this project, I have analyzed the injustices engendered by systems of White domination and Black oppression in the United States. I aimed to elucidate the many wrongs of Black oppression and provide a framework through which we can understand how and why those wrongs are perpetuated by Whites, with the ultimate goals of empowering anti-racists in the United States to more effectively address oppressive

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503 Baldwin 1998[1980], 800.
504 Note Baldwin’s complicated feelings about Black Americans’ citizenship in the quote above, as seen by his use of an exclamation point in parentheses after making the claim. I take Baldwin to be signaling that though Black Americans are formally citizens, they have never really been treated as citizens.
systems and showing Whites the capabilities we need to relinquish to be good allies. To that end, I began in Chapter 1 by emphasizing the importance of one’s opportunities to pursue his or her conception of a good life. I then proceeded to show how, given this commitment and my understanding of race, individuals are *prima facie* wronged by socially constructed barriers to their abilities to form and seek their conception of a good life if those barriers exist in virtue of their race.

In Chapter 2, I examined in depth the ways that Black Americans are subordinated in the United States. I gave statistical data showing the general disparities between White and Black Americans in metrics like wealth, income, and employment, and also highlighted Black thinkers’ personal experiences of oppression as expressed in their works. I next turned to mass incarceration as a significant oppressive system, explaining the nature of mass incarceration and how it encapsulates many of the wrongs of Black oppression. I highlighted the recognition-wrongs of oppression here, discussing the concept of epistemic injustice and introducing my own concept of kinship-wrongs.

I then turned to analyzing the concept of oppression itself in Chapter 3, arguing that a good account of Black oppression in the U.S. needs to capture the wrongs set forth in the previous chapters. I carefully dissected the concepts of oppression offered by Iris Marion Young and Ann Cudd, finding both to be unsatisfactory for the task of conceptualizing Black oppression. I built from their pioneering work to develop a unique account of oppression that is sensitive to both material and recognition-wrongs, an account that I believe better captures the nature of Black oppression.

In Chapter 4, I argued that we ought to understand oppression in the framework of a capabilities approach. Analyzing oppressive wrongs in terms of how they restrict the
real opportunities of Black Americans to pursue their life goals offers an effective way to capture the material and recognition-wrongs of oppression. Moreover, the capabilities theory I put forth avoids the kinds of bad idealizations that often skew our understanding of oppressive systems and their impact. These features and an emphasis on locating injustices in society today make my capabilities theory one that is designed for making judgments about modern day society without a need for developing an account of perfect justice. I ended Chapter 4 by arguing that oppressed people should lead the way in determining which oppressive wrongs and systems are most important to rectify first and offering a sketch of what this determination process might look like.

My final chapter shows how my account is also effective in understanding the White domination that coincides with Black oppression. I argued that “correlative capabilities” can characterize the benefits typically described as “White privilege,” where Whites are advantaged by not being subject to the oppressive norms Black Americans face. Further, the concept of correlative capabilities is effective in showing when Whites receive concrete benefits from Black oppression. I then argued that analyzing White domination in terms of the additional capabilities Whites have in virtue of oppression illuminates Whites’ power to maintain oppressive systems. Systems of Black oppression give Whites capabilities to dominate racial narratives and ignore our racialized identities, both of which pose serious negative consequences for Black Americans by ostracizing Black voices, leading Whites to propose color-blind theories of justice that are ineffective in addressing oppression, and allowing Whites to cast ourselves as victimized by efforts to redress Black oppression. I then ended Chapter 5 with an often-overlooked aspect of Black oppression—that there are ways in which Black oppression actually harms Whites’
kinship opportunities and our abilities to achieve our professional, personal, and political
goals.

Eliminating White domination and Black oppression is a monumental task. In
some cases, determining what needs to be done is much less difficult than accomplishing
it. Identifying that we need an enormous redistribution of wealth to correct for the racial
wealth gap is fairly straightforward; enacting such a redistribution of wealth will require
sustained, coordinated advocacy of a massive scale. Ending other oppressive systems,
like mass incarceration, is far more complicated. Developing the policies and laws
necessary to curb the disparate impacts on Black Americans and reduce incarceration
rates generally is sure to be a multifaceted effort requiring a complex web of interacting
policies. It will also require working on the aspects of White domination that are most
difficult of all—changing the social norms and culture of White domination. I have argued throughout this dissertation that we should focus our attention on the norms and
trends of oppression, aiming to undermine the systems rather than to change individual
actors. Institutions are populated by people, however, so some of our work must be
changing individual hearts and minds. The extraordinary challenge we face in
accomplishing this goal is partly why Cudd emphasizes changing laws and policies, with
the hope that the elements of oppression that lay outside the purview of laws and policies
will then become ineffective. I argued in §3.4 that we cannot downplay the
significance of recognition-wrongs. I remain unconvinced that enacting the laws and
policies necessary for addressing Black oppression will be sufficient for addressing Black
oppression if norms of White domination remain in place. So what do we do?

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505 Cudd 2006, 184.
I think an encouraging avenue for further inquiry is to consider how we may teach race-sensitive virtues in public education and public programming. To ensure Black Americans do not have capabilities they value unjustly diminished, we have to address the ways that Whiteness-affirming attitudes lead Whites to degrade Black Americans through disregard for their intelligence and humanity, create unjust laws and policies intended to protect Whites’ resources and dominant status, and corrupt otherwise good laws and policies, resulting in disparate impacts on Black Americans. Targeting laws and policies directly is one avenue for this change, but it must be complemented by efforts to change the White-affirming attitudes that result in the perpetuation of these oppressive systems.

Christopher Lebron offers us hope on how we can move forward. Lebron criticizes Elizabeth Anderson’s conception of democratic equality as that which needs to be ensured for social justice, arguing that she places too much emphasis on Black Americans “receiving” the resources and opportunities required for justice and far too little attention on how Whites maintain power. Lebron goes onward, building on his criticism of Anderson and suggesting avenues for combating White domination through the inculcation of certain moral and civic virtues in Whites. I believe his insights offer great promise into how we may attempt to undermine Whites’ capabilities to dominate racial narratives and ignore our racialized identities.

Lebron argues that we have often celebrated the virtue of equality, but in the wrong kind of way. We view equality in a transcendental, tautological way; we ignore all

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506 Lebron 2014, 146-7.
contingencies of human nature and claim that, in virtue of our shared transcendental humanity (whatever that may be), we are all equal. For Lebron, transcendental equality isn’t morally interesting because it is detached from the empirical features relevant for determining whether different people with different needs and experiences can actually function in society as equals. Lebron’s argument is reminiscent of Charles Mills’ concerns in The Racial Contract. Mills recognizes that though philosophers often operate under the assumption of transcendental equality between persons, where racial subordination is a pesky aberration of the ideal, the reality is that Black Americans have never been “persons” on this model. Black subordination is central to the history of the United States and other Western nations.

What I take from Lebron and Mills is that we cannot teach “equality” as a transcendental virtue and expect to meaningfully impact systems of White domination and Black oppression in the United States. Teaching equality on this model is too close for comfort to reinforcing the problematic framework of color-blind justice. Proclamations that we are all equal in virtue of our shared humanity are empty in a society where certain groups of people, like Black Americans, are consistently devalued and degraded relative to other groups, like Whites. Rather than transcendental virtues, then, I believe we need to teach what I call “race-sensitive” virtues. Instead of teaching virtues in a context that presupposes the equality of all people, a presupposition that is contradicted by widespread oppression, we should make explicit how White and Black Americans do not function as equals and advocate embodying virtues in this context. The vast majority of Americans already have an understanding of equality for all people as

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507 Ibid. 151-2.
virtuous; the problem is that we, implicitly or explicitly, don’t take Black Americans to be the people in question. In the words of Lebron, “The path to social justice does not begin with the realization that you cannot treat people this way; it begins more essentially and urgently with the realization that Blacks are in fact people, too and that is why you cannot treat them this way.”509

To establish the appropriate context of race-sensitivity, I think Lebron is right that we must do more through public education and public programming to teach the depth, reach, and persistence of Black oppression.510 Whites need to have a fuller understanding of how the impacts of past oppression create unjust starting points for White and Black Americans and of how oppression is still very much alive today in systems like mass incarceration. With this foundation of knowledge built, we need to emphasize living virtuously in a context of racial subordination. Lebron argues for the importance of a race-sensitive imagination, which I think is an excellent starting point. Whites need to learn the skill of imagining the experiences of Black Americans. We need to try to imagine experiencing the social conditions and oppressive systems that Black Americans face.511 Employing imagination in this way will take quite a lot of work for many of us, however, as we need to imagine with receptivity (an openness to new ideas and perspectives), responsibility (we have a duty in our imagining to attempt to uncover and ignore the racial biases that shape how we imagine the experience of racial oppression), and compassion (instead of trying to justify or rationalize the oppressive system, we make efforts to truly feel how a person in the oppressive situation would feel). Only when

509 Lebron 2015, 159. Emphasis original.
511 Lebron 2014, 155-6.
we are receptive, responsible, and compassionate in our imagination can we use it to respond to racial injustice.\textsuperscript{512}

None of this is to say that Whites will really come to know what it is like to be Black—trying to imagine an experience of Black oppression is a far cry from experiencing Black oppression. Whites do not need to fully know what it is like to be Black to be more sensitive to White domination and Black oppression, though. The goal of strengthening Whites’ imaginations is to strengthen our empathy and our willingness to work alongside Black Americans to dismantle oppressive systems, especially the oppressive social norms that cannot be legislated away. The hope is that teaching Whites these skills can encourage more Whites to be anti-racist and to strengthen anti-racist Whites’ abilities to advocate for Black Americans. Through racially-sensitive imagining, we can better understand the social significance of race and Black Americans’ perceptions of racially significant events. This understanding won’t eliminate our capabilities to dominate racial narratives or ignore our racialized identities, but it will, hopefully, make us less likely to function in accordance with them.

Much more needs to be done in developing this account of race-sensitive virtues, but I believe this avenue is worthy of pursuit. I am hopeful that there are enough Whites who care to practice and improve these virtues to make the efforts fruitful. It will be a struggle, to be sure. Here again, imagination may be of use. It is easy to be cynical about the future of race relations in America, but if anyone has a responsibility to steadfastly imagine a less oppressive society, it is White people. Ultimately, Whites are responsible

\textsuperscript{512} Lebron 2015, 162-3.
for ending the oppressive systems we have created. We must continue to imagine that future in a responsible, compassionate way, even as we repeatedly fail to achieve it.

We can remain steadfast by finding value in the effort to undermine White domination and Black oppression even when our efforts seem ineffective. In 1948, Baldwin wrote of the “heartbreaking dignity” of Black leaders fighting for better conditions in Harlem. He sees value in their efforts even when they seem hopeless:

It is unlikely that anyone acquainted with Harlem seriously assumes that the presence of one playground more or less has any profound effect upon the psychology of the citizens there. And yet it is better to have the playground; it is better than nothing; and it will, at least, make life somewhat easier for parents who will then know that their children are not in as much danger of being run down in the streets. Similarly, even though the American cult of literacy has chiefly operated only to provide a market for the Reader’s Digest and the Daily News, literacy is still better than illiteracy; so Negro leaders must demand more and better schools for Negroes, though any Negro who takes this schooling at face value will find himself virtually incapacitated for life in this democracy. Possibly the most salutary effect of all this activity is that it assures the Negro that he is not altogether forgotten: people are working in his behalf, however hopeless or misguided they may be; and as long as the water is troubled it cannot become stagnant.513

Baldwin found value in the efforts Black Americans were making to improve their communities, even when those improvements were quite small in comparison to the deep problems found there. Baldwin found the efforts encouraging, despite his belief that some of these efforts were “hopeless or misguided,” because every effort troubles the water, resists the unjust status quo. Whites have always done far too little to trouble the water, and many Whites will remain committed to the stillness. But anti-racist Whites who do believe in dismantling our unjust racial hierarchy can find strength and hope in our efforts, even when those efforts are likely to fail. If Baldwin and other Black Americans

513 Baldwin 1998[1948], 43.
can find hope and determination in the face of their subjugation to fight against Black oppression, anti-racist Whites can continue working to dismantle White domination in the face of far less risk and resistance. We can, and we must.
REFERENCES


