

Lecture Notes on Racial Classification  
EC 137, Prof. Glenn C. Loury

- I. Notes on Color-Blindness and Social Justice
  - A. The AA Battle Heats-Up. Not really About achieving a Color-Blind Society
    1. Rise of “white” interests
    2. Choice of instruments not same as choice of goals. [Latter are what matter, and strong case can be made that goals shouldn’t be color-blind]
    3. Choice of instruments doesn’t determine our consciousness [Attending to racial inequality does not make us race conscious – it’s other way around]
  - B. De-legitimation of racial equality as a public goal? (This is my main concern)
    1. “Color-blind” (CB) means no explicit use of race in decision-making
    2. “Color-neutral” (CN) is unconcern for the racial consequences of decisions
    3. I claim that the fundamental ethical issues revolve around CN, not CB.
  - C. Some Key Distinctions Regarding Notions of Justice and Society
    1. *Procedural vs. Distributional* notions of justice
    2. *Individualized/atomized vs. group-based/socialized* conceptions of society
    3. Advocates of CB embrace procedural and individualistic views
    4. Connerly’s “race free” zone; Thernstrom’s “figment of the pigment”; Steele’s reading of Ellison as waging war against “race” and for “individuality”, etc.
    5. I want to suggest these views are both historically wrong but also incoherent
      - a. Should race-defined data exist? (how else to argue for progress?)
      - b. “race” is reproduced endogenously through choices of association and identity. These are deep facts about our society, not moral errors
      - c. Connerly/Steele/et al. can’t exist as political actors in a raceless world
  - D. Social Justice necessitates a concern for racial inequality, per se
    1. War on Drugs and it’s impact as a case in point (Tonry)
    2. Legitimacy of institutions depends on their representativeness.
    3. Objective mechanisms of status transmission are inherently race-impacted
    4. Hence, must reject CN. Choice on CB guided mainly by prudence
  - E. Further Observations on Matters of Principle
    1. “Equal protection of the laws” does not imply equal treatment by the law.
    2. [Racial classification “suspect” because of history]
    3. Three kinds of racial discrimination:
      - a. “welfare weight” disc -- decision-maker values one group more highly
      - b. “unequal treatment” disc -- decision rule depends on group identity
      - c. “incidence” disc -- decision rule, while race blind, not race neutral
    4. “a” is the moral problem. Evidence for “a” may be provided by “b” or “c.” CB norm reaches “b,” but not “c.” Yet, there are (non-“a”) reasons for “b.”
      - (i). social externalities. (networks); (ii) “identity-based” externalities (BFOQ generalized-Wertheimer); (iii) “affirmative development”; (iv) Information constraints on EEO enforcement. (discretion; opaqueness)

[See Other Side Please]

## II. Notes on Racial Classification

### A. Introductory Observations

1. “Classification” more fundamental than “discrimination,” as latter presupposes former: discerning a difference is logically prior to acting on one
2. There are cognitive and normative aspects of “classification” question – these quite different
3. Fundamentally, the “social” is prior to the “economic” or the “political”

### B. “Racial Discrimination” should no longer be the key issue.

1. “discrimination” endemic; essence of choice
2. can’t/won’t proscribe entirely, especially in intimate sphere [recall James Fishkin’s “trilemma”]
3. raw discr. down, yet “race matters” still. See data. Question arises: why view disparities in strictly racial terms? “Figment of the pigment” camp vs. “Enigma of the Stigma” camp. (I’m in latter)

### C. Must moral/ethical claims for racial equality turn on demonstration of discrimination? My answer: No, due to fact that present inequality flows out of past discrimination. But, how to account for the past? This *the* question in field of “race ethics.” I doubt there’s a satisfactory answer.

1. past effects difficult to measure (eg., Alan Krueger’s heroic attempt re. segregated education)
2. historical causality difficult to establish (eg., Orlando Patterson’s heroic attempt re. black family)
3. Thus, moral culpability difficult to assign (“reparations” can’t be modeled on “tort” concept; what then can it mean?) My view is that general commitment to reduce racial inequality is only meaningful response to past discr.

### D. I focus instead on “racial classification” – neither a good or bad thing in itself.

Also, it suits economist

1. includes discrimination as one case, but broadens vision
2. Looks at “discrimination” in *contact* as well as *contract*.
3. Raises issues of “Belonging,” “wantedness,” “empathy”; “‘those’ vs. ‘our’ people”; O. Patterson’s “infrangibility” principle” – race/IQ contro. turns on prior racial classif. which can be questioned
4. Importance of social capital
5. “Selves endogenous to moral problem” implies issue for liberalism: usually “self” is given. Now, fact of historic injustice and ongoing segregation based on racial classification in social sphere forces a consideration of what shapes the (racialized) self.
6. Emphasis on classification shifts attention to information-based factors such as visibility, contractibility, identity (who am I?), identification (who’s like me?), expectations (self-fulfilling?)

### E. I further suggest 3-part division of “arenas” in which classification arises:

1. formal (contractual); this classic venue for discrimination study
2. informal (contacts); this where social capital formed, allocated via non-market means; and
3. bureaucratic (both private and public agencies) (AA problem resides here) (data collection issues)