

Of Hearts and Minds

Whitewashing Race: The Myth of a Color-Blind Society. By Michael K. Brown et al. University of California Press (2003). Pp. 338.

*Reviewed by Barbara J. Flagg**

*Whitewashing Race*¹ is a collaborative project motivated by a concern over the persistence of racial inequality in this country and a desire to respond to a conservative “consensus” that represents the problem of race as “solved” and advocates the adoption of colorblind social policies. Thus the authors set out to contest conceptions of race and racism that help sustain what they describe as “durable racial inequality.” The core elements of those challenged conceptions are: first, the belief that race discrimination is largely a thing of the past; second, the attribution of remaining racial inequalities to the choices and behaviors of people of color themselves; and finally, the advocacy of colorblind social policies.² The authors of *Whitewashing Race* set themselves the important task of discrediting each of these “popular understandings,” by exposing internal contradictions where they exist, by analyzing inaccurate and/or incomplete empirical data often marshaled in support of this way of thinking about race, and by challenging the normative assumptions upon which they rely.³ This review will summarize the data, arguments, and analyses set forth in *Whitewashing Race*, and offer a brief evaluation of the project. My hope is that this format will lure readers of the review into engaging with the work itself.

The book’s Introduction develops the three elements of the “popular understandings,” associates those popular views with a

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1. MICHAEL K. BROWN ET AL., *WHITEWASHING RACE: THE MYTH OF A COLOR-BLIND SOCIETY* (2003).

2. *Id.* at 1–2.

3. These points will be developed more fully *infra*.

group of books that, they say, lend those understandings “the appearance of scholarly heft and intellectual legitimacy,”⁴ and sets forth the outlines of alternative factual and normative understandings of the problem of race. For example, the proposition that there has been such significant progress that racial inequality has all but disappeared, associated predominantly with the work of Stephen and Abigail Thernstrom,⁵ is broken down into its component parts—the claim that one sees progressively smaller economic disparities along racial lines, the claim that one sees increasing indicators of racial harmony, such as racial intermarriage, and the claim that such racial tension that remains is at least partially the consequence of race-conscious social policies—and then each is contrasted with an array of data that establishes the existence of persisting racial inequality. Similarly, the conservative assertion that remaining racial inequalities are the product of the “lethargic, incorrigible, and often pathological behavior of people who fail to take responsibility for their own lives”⁶ is countered with an analysis that identifies institutional causes: a history of official acts and programs that systematically advantaged whites, and a concomitant and ongoing pattern of white accumulation of wealth and opportunity and black disaccumulation. By implication, though the authors clearly do not intend to make affirmative action the focus of the book, the third element of the “popular understanding”—colorblind policies—must fall as well; in the authors’ analysis, race-conscious action might be appropriate to remedy persisting racial inequality.

Chapter One, entitled “Of Fish and Water,” sets the stage for the more specific analyses that follow by exploring the invisibility of whiteness, and with it the invisibility to whites of their own perspective on matters of race. The chapter examines three areas in which the (unseen) white perspective is salient: the claim by “racial realists” that white attitudes regarding people of color have significantly improved, the conception of racism as prejudice or

4. WHITEWASHING RACE, *supra* note 1, at 5. The authors of these works are collectively referred to as the “racial realists.” *Id.*

5. STEPHEN & ABIGAIL THERNSTROM, *AMERICA IN BLACK AND WHITE: ONE NATION INDIVISIBLE* (1997).

6. WHITEWASHING RACE, *supra* note 1, at 6.

bigotry, and the tendency of law to incorporate and reflect the latter conception. The authors then offer a response or alternative to each. In regard to the claim that whites' racial attitudes have improved, for example, the authors offer data from studies that show significant gaps between whites' expressed attitudes and their actual behavior. With respect to the conception of racism as individual prejudice or bigotry, the authors propose an understanding of racism as "systems of advantage and exclusion that generate privilege for one racially defined group at the expense of another."⁷ They then marshal an impressive array of data documenting the advantages whites enjoy as consumers, in access to health care, and (interestingly) in the area of sports. Finally, the chapter offers a brief sketch of the difficulties inherent in the law's approach to race and racism (this topic is explored more fully in later chapters).

The second chapter of *Whitewashing Race* looks at the "racial realists'" claim that blacks have made significant educational and economic gains, such that any remaining economic gaps between blacks and whites must be attributed to "individual failure." The authors offer a two-pronged reply to this claim. First, they set forth a well-documented historical account of blacks' economic fortunes that includes recognition of governmental policies and programs that have operated to the advantage of whites—such as FHA and VA mortgage programs⁸—and thus have had a substantial impact on the economic situation of non-whites. In this account, while blacks made significant gains after World War II and into the 1970s, they "lost ground" in the 1980s, in part because of a decline in the availability of remedial government programs. Second, the authors advance a systemic explanation for persisting black poverty: "One must examine how labor market discrimination and color-coded investment and disinvestment practices produced and sustained the deep, enervating poverty experienced by large numbers of black families."⁹ Thus, in the authors' view, existing black poverty is not the result of individual failure, but the product of a history of

7. *Id.* at 43.

8. See *id.* at 77 for a description of these programs after World War II.

9. *Id.* at 90.

prejudice and discrimination combined with ongoing public policies that advantage whites.

If one accepted the conservatives' arguments, one might believe that better education is the preferred way to address black poverty. Accordingly, conservatives' analysis of education and standardized testing is the subject of Chapter Three. In the conservative view, the preferential admission of blacks to selective colleges is bad policy because it leads to underperformance, lower graduation rates, and ultimately lower productivity for blacks individually, and thus for society as a whole. From this perspective, the better approach would be to improve the quality of primary and secondary education, and then to admit blacks to colleges and universities on the same terms (that is, having the same standardized test scores) as whites.

The authors of *Whitewashing Race* respond to each of these contentions. First, they note that there is significant debate, a good deal of suggestive but incomplete data, and little consensus on what aspects of primary and secondary education contribute to good, or higher, test scores. Second, they produce data showing that while the college graduation rates for blacks are lower than for whites across the board, the graduation rates for blacks are better at selective colleges and universities than at less selective schools. The authors counter the conservatives' claims about economic productivity by noting that while Asians have slightly higher test scores and slightly better graduation rates than whites, they still earn less than whites; thus test scores and graduation rates are not infallible indicators of economic success after graduation. Finally, the authors ask the very important question of whether equalizing blacks' and whites' graduation rates really is the most desirable goal; there are southern schools at which such equalization has been achieved, but at the cost of significant underrepresentation of blacks, and in a setting in which the graduation rates for whites as well as blacks are substantially lower than at many more selective schools.¹⁰

Chapter Four turns to another central issue in the popular understanding of race: the topic of blacks and crime. The authors identify two core elements of the conservative position on race and

10. *See id.* at 124–29.

crime: the claims that there remains little or no racism in the criminal justice system, and that the higher rates of incarceration of blacks are due to the fact that blacks commit crimes at disproportionately high rates. In response, the authors set forth an array of relatively recent studies that indicate that racism does persist in the administration of criminal justice, though not necessarily racism of the overt kind.¹¹ In addition, the authors cite some studies showing that police practices still disproportionately target blacks (and Latinos) for police stops and for arrest. Finally, the authors summarize the work of criminologists who avoid simplistic explanations for high rates of crime committed by blacks, instead formulating explanations that comprehend a mutually reinforcing cycle of structural disadvantage and individual “bad behavior.”¹²

In Chapter Five, *Whitewashing Race* addresses conservatives’ criticism of employment discrimination law. At the heart of this criticism are the contentions that employment discrimination law never was intended to remedy more than intentional discrimination (at most), that expansion of the antidiscrimination laws has been effected, inappropriately, by the judiciary, and that this expansion provides an incentive for employers to engage in “quota hiring,” which violates the principle of colorblindness. In reply, the authors trace the legislative history of Title VII,¹³ carefully analyze the language and holding of *Griggs v. Duke Power Company*¹⁴ (which created the “disparate impact” form of action), and discuss the Civil Rights Restoration Act,¹⁵ all to the end of showing that it is the legislation itself, and not the judiciary, which has created and sustained an employment discrimination cause of action for other than intentional discrimination. The authors also point out that disparate impact cases are often difficult to prove and promise relatively modest monetary compensation. The chapter concludes

11. See *id.* at 138–47.

12. “[B]ad behavior among black people, just as among white people, is more likely to occur when blacks are living under extremely adverse conditions, especially if they are caught in those conditions for generations.” *Id.* at 156.

13. Civil Rights Act (Title VII) of 1964, 42 U.S.C. §§ 2000e–2000e-17 (2000).

14. 401 U.S. 424 (1971).

15. Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1071 (codified as amended in scattered sections of 42 U.S.C.).

with an overview of why employment discrimination law matters: unconscious bias remains an important factor disadvantaging blacks in the workplace, and employment discrimination law has been effective in improving the economic prospects of black workers.

The emphasis of Chapter Six, the subject of which is voting rights, is decidedly normative. The conservative position under discussion is that blacks now enjoy adequate political representation; “[r]acial and ethnic fragmentation, driven in part by racial districting and other public policies, [is now] the greater danger.”¹⁶ Though the chapter does address the degree to which blacks are politically represented, its focus is on what sorts of representation are adequate: the question is “what minority political representation means in a society with a history of racial gerrymandering.”¹⁷ In support of their view that race-conscious redistricting is an appropriate political tool, the authors chronicle the history of the Voting Rights Act and make an argument that the interests at stake in this context are group-based rather than individual. In addition, the authors advance, with some empirical support, a claim that “[a]s a group, African Americans display a coherent and distinctive set of political beliefs.”¹⁸ They contest the reasoning of the U.S. Supreme Court’s recent racial redistricting cases, arguing that “[u]nderlying the majority’s color-blind logic is a concern for the privileged status of white voters.”¹⁹ Finally, the chapter explores the question of whether blacks can be adequately represented by white politicians.

The argument with which the book opened is brought full circle in the Conclusion, titled “Facing Up to Race.” This chapter recaps the authors’ analysis of race as it has been presented to this point, and then sketches a series of proposals for action that might combat existing racial inequalities. The recapitulation makes the points that substantial racial inequality persists; that (some) overt racial discrimination persists; but that the most significant cause of existing inequality is a “legacy of past patterns of discrimination and racially

16. WHITEWASHING RACE, *supra* note 1, at 195.

17. *Id.*

18. *Id.* at 205.

19. *Id.* at 215.

coded patterns of disinvestment.”²⁰ Thus, the authors’ explanation is structural: “Most of the current gap in life-chances and various measures of performance between blacks and whites reflects the legacy of past decisions—decisions that cumulatively resulted in a profound imbalance in the most fundamental structures of opportunity and support in America.”²¹ This understanding of race generates a commensurate set of proposals, having to do with reversing the patterns of disaccumulation and with “diminishing current discrimination.” On the former front, the authors suggest: “(1) stepped-up public investment in schools, jobs, and critical services; (2) strategies that will create wealth in minority communities; and (3) policies to increase what economists call the ‘social wage’—the social and economic benefits that supplement earned income.”²² With respect to ongoing discrimination, intentional and otherwise, the authors advocate: “(1) strengthening and augmenting antidiscrimination laws; (2) promoting diversity; and (3) challenging ostensibly neutral institutional practices that routinely generate inequality.”²³

The authors of *Whitewashing Race* bring to bear a wide variety of arguments and evidence in the process of discrediting the “racial realist”/conservative understandings of, and prescriptions for addressing, race and racism. Their responses can be aggregated into three categories: they marshal empirical data in opposition to the often incomplete or inaccurate data cited by the “racial realists”; they expose internal contradictions in the popular understanding and its conservative defense; and they contest the normative assumptions upon which the popular/conservative view depends. Among these responses, the first is by far the most effective. The authors also do an excellent job of exposing internal contradictions in the conservatives’ position; this approach is less effective than the first only in that there are fewer instances to address. The least effective aspect of *Whitewashing Race* is its normative challenge to the popular

20. *Id.* at 226.

21. *Id.* at 227.

22. *Id.* at 232.

23. *Id.* at 237.

understanding, but that is so largely because the task itself is exceedingly difficult.

Whitewashing Race excels at collecting and presenting data that touch on many of the most widely discussed aspects of race and racial inequality. Each of the first four chapters is a goldmine of useful information, dealing with topics such as whites' racial attitudes, racial disparities in health care, economic disparities by race and over time, college graduation rates, and racial disparities at successive stages in the juvenile justice system.²⁴ If attended to, this data could greatly enhance the public discussion of race and racial justice.

The book also exposes several internal inconsistencies in the "racial realist" view of race. For example, the authors point out that the Thernstroms focus on institutional issues when looking at primary and secondary education, but abandon this approach in favor of an individualistic analysis when discussing higher education.²⁵ Similarly, the authors show that many of the conservatives are inconsistent in their approach to social science methodology when analyzing crime and criminal justice statistics.²⁶ This is a significant contribution, though it is a minor theme in the book's presentation.

As the availability of conflicting data makes clear, the public debate over race is not ultimately a debate controlled by facts or logic. It is, rather, constituted by a clash over normative assumptions and preexisting commitments. The linchpins of the conservative position are stated adherence to a principle of colorblindness²⁷ and to an adamant individualism. *Whitewashing Race* contests both of these principles, both directly and indirectly (by offering alternative normative structures, such as an account of structural racism). These challenges appear most forcefully in the Introduction, Chapter One,

24. These are examples only; additional useful data appear throughout.

25. *WHITEWASHING RACE*, *supra* note 1, at 127.

26. *See id.* at 140–47.

27. I tend to agree with the authors' occasional suggestion that this principle is not in fact the engine driving the conservative position, but it is what is asserted publicly. I doubt that the authors' (infrequent) more ad hominem comments concerning the conservatives' motivations are helpful in advancing the project. *See, e.g., id.* at 106 ("[C]onservatives seem less concerned with improving the education and incomes of disadvantaged minorities and more with weakening the 'public' in public primary and secondary education and preserving access to elite universities for the (mainly white) upper middle class.").

and the Conclusion. While I have some reservations about the effectiveness of presenting an alternative normative approach at the outset, before establishing an empirical foundation for it, I do think it a substantial contribution that the book offers alternative ways of thinking about race and racism, even while remaining focused on the central project of contesting the mainstream/conservative position. The same can be said about the policy proposals with which the book closes; they are not its focus, but it is helpful to have alternatives on the table.

Will minds be changed by *Whitewashing Race*? I think that its prospects depend on the degree to which the mind in question already is open, and even more on the degree to which the heart in question already inclines toward racial justice. For the white liberal who has not thought through, or who has not stepped back from, the popular understanding of race, *Whitewashing Race* may be an eye-opener. As one proceeds from there to progressively more conservative starting points, however, the likely impact of the book progressively decreases. In my view, this is so because these ultimately are matters of hearts, not minds, and thus are rarely susceptible to reasoned intervention. Even so, *Whitewashing Race* makes a compelling empirical case and lays out the outlines of an important alternative to the popular normative interpretation of race, and so makes a significant contribution to the literature on racial equality.