

Presentation to Society for the Study of Africana Philosophy, New York, May 2008 [DRAFT:
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RACE , CLASS , AND IMMIGRATION: A NORMATIVE FRAMEWORK
FOR EQUALITY

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Race and class are two major axes of systemic inequalities, across a wide spectrum of socioeconomic domains—income, poverty rate, wealth, health, life expectancy, education, and so on. Disparities of both class and race are frequently reported in popular and scholarly contexts. For example, according to the Census Bureau’s measures, in 2006, the median household income was \$64,238 for “Asians,” \$52,423 for “Non-Hispanic Whites,” \$37,781 for “Hispanics,” and \$31,969 for “Blacks.”¹ Here are some others comparing White and Black: Unemployment rate: 9.0% for Blacks, 4.2% for Whites (June 2007); % of adults who are college graduates: 18.5% of Blacks, 31% of Whites (2005); home ownership: 48.2% blacks, 75.8% whites.² Class inequality is sometimes measured by the percentage of income garnered by a particular segment of the population. For example, in 2006, the bottom 20% garnered 3.4% of all income, and the top 20%, 50.4% (top 5%, 22.2%). Sociologists and economists investigate why such disparities exist, but their reporting also often carries normative

¹ U.S. Census Bureau, “Income, Poverty, and Health Insurance coverage in the United States: 2006” p. 7.

² “A Summary of Standard Measures of Black Inequality in the United States,” *Journal of Blacks in Higher Education*, summer 2007: 69

implications—that there is something wrong with such disparities. Many people take it to be obvious that the disparities are in some way wrong; but others don't see what the problem is. Why shouldn't some people have more than others? A story in *The Economist* says, “Americans don't go in for envy. The gap between rich and poor is bigger than in any other advanced country, but most people are unconcerned.”³ Perhaps this alleged group of Americans is simply morally blind. But it is also possible that more should be said in an attempt to explain wherein the wrong or bad resides. What makes a particular degree of disparity worrying? And it would seem to be the province of philosophers to address this sort of question with regard to both race and class. [To simplify, I will for the most part consider only within-nation disparities, not ones across nations.]

In political philosophy there is a sophisticated literature on class-related inequalities, sparked initially by Rawls's Theory of Justice and to which Dworkin, Temkin, Parfit, and Nagel have also prominently contributed. This literature seldom engages directly with the sorts of statistics just mentioned; Dworkin does not say whether it violates justice for the top 5% of income earners to garner 22.2% of total income, or for the wealthiest 1% of Americans to own 33% of the total wealth, while the bottom 50% holds a total of 2.8%.⁴ (Perhaps an argument based on one of these philosophers' views could be generated to do so.) Charles Mills has pointed out a striking feature of this philosophical inequality literature, which is that it virtually never discusses race.⁵ Since both race and class are generally considered important forms of inequality, and are causally related to one another, discussing them normatively in relation to one another would seem to be illuminating to both.

Looking to the philosophical literature on race, racial disparities are almost always condemned morally. Yet here too, one finds little in the way of a set of explicitly

³ Here are the next sentences: “Whereas Europeans fret about the way the economic pie is divided, Americans want to join the rich, not soak them. Eight out of ten, more than anywhere else, believe that though you may start poor, if you work hard, you can make pots of money. It is central part of the American Dream.” From “The rich are the big gainers in America's new prosperity,” *The Economist*, June 17, 2006.

⁴ United for a Fair Economy, The Wealth Inequality Reader, p. 6

⁵ Mills on race & political philosophy.

stated norms that will tell us if and why disparities are wrong;⁶ whether some are more morally objectionable than others; whether different domains of social existence (health, employment, education) are or should be governed by distinct norms; and whether current levels of disparity are objectionable, but were the gap to close up but not entirely, would this still be morally objectionable.

In this paper, I would like to propose some principle-types for assessing class-based disparities, and race-based ones, and of comparing them. Though mainly a ground-clearing exercise, I will aim to defend one substantive position, which consists in a rejection of two distinct positions on the comparison of race and class inequality. The first rejected position is that the wrongness of racial disparities is, normatively, purely *sui generis*; that is, reasons to object to racial disparities contain no overlap at all with reasons to object to class-based disparities. The second rejected position is that all that matters with respect to inequality is its extent, not the identity of those who occupy particular positions on the scale of inequality. So racial equality in socio-economic measures is of no normative significance in its own right. On this view, it would not be any more wrong if (contrary to fact) the 1% top wealth holders were all white and all blacks and Latinos were in the bottom 50%.

I will argue that the racial identity does matter, so that if Blacks are disproportionately positioned in a disadvantaged position on some SES measure, that is a source of moral concern over and above the extent of the inequality itself. On the other hand, I will argue, there is also *some* overlap in what is morally objectionable about race and class inequality, so that racial inequality is *not* normatively *sui generis*. This is so because there are some reasons to object to race disparity that are the same as those to object to class disparity; whereas there are other reasons to object in the one case that do not apply in the other. So my view is somewhere in between the two rejected views.

⁶ Shelby does explicitly state that “proportionate racial representation or racial parity in all significant sectors of social life” is not, in itself, a principle of justice. (*We Who Are Dark*, 157.) This is worth noting as the contrary often seems to be assumed or at least suggested, though not necessarily in the philosophical literature on race (more in popular discussions).

At first glance, it may seem to be a category mistake to attempt to compare racial and class forms of inequality, since the terms in which racial disparities are expressed are themselves terms relating to class—income, wealth, education, health, and so on. In order to compare them, we need to bring race and class into the same conceptual space. To do so, I will distinguish three distinct things that “class-related disparities” can refer to.

Identity and Non-Identity-Based disparities: 3 modes of class disparity

First is a distinction between *identity-based* and *non-identity-based* disparities. The sociologist Dalton Conley provides a visual image to illustrate. Let a ladder represent a particular socio-economic measure (income, wealth, health, etc.), from the least advantaged at the bottom to the most advantaged at the top, on the measure in question. We can ask two different questions about this ladder. First, how far apart are its rungs, a question about the *degree* of inequality. For example, between 1979 and 2004, the percentage of income earned by the top quintile of American households rose from 43.8% to 50%, and the bottom dropped from 4% to 3.4%.⁷ This is a measure of how far apart the rungs are. Rawls’s difference principle is meant to normatively regulate the distance between the rungs; it says that disparities in income or other measurable social goods of that sort are justified only to the extent that they benefit the worst off (as a way of ensuring that they benefit everyone). The second question is *who ends up on each rung*; that is members of which identity-defined groups end up on which rungs. So members of group X might be disproportionately ranged in the lower income quintile, those of group Y in the higher.⁸

The questions are different. There could be a very great spread among the rungs, thus great inequality on some measure, yet the relevant identity groups could all be equally placed among the rungs—that is, the same percentage of each group could be at the top, in the middle, and so on. Alternatively, the rungs could be very close together, indicating a minimal degree of inequality in the measure in question; but the identity groups could be very unequally placed, for example, group X could have all the top

⁷ Ref. Census?

⁸ Conley draws the ladder metaphor from C. Fischer et al, *Inequality By Design: Cracking the Bell Curve Myth* (Princeton, 1996), p. 3. Dalton Conley, *Being Black, Living in the Red* (Routledge, 1999) 14.

places and group Y, all the bottom ones. So the issue of identity-based disparity—of which race is the identity with which I am most concerned, but others include gender, ethnicity, religion, region, nation—is importantly conceptually distinct from non-identity-based, or “general,” disparity or inequality, since this general inequality provides the categories in terms of which identity-based disparity is expressed. General non-identity-based inequality is, as mentioned, often equated with “class” inequality, and this is a way that Rawls’s discussion of inequality is (rightly) understood. But in fact there are two further forms of class-related disparity, both of which fall within the “identity-based” category. The first concerns the way that one class-based measure, such as income, correlates with some other social good, such as health or education. Just as we can ask whether different *racial* groups have the same or different health care or educational outcomes, we can do the same for *income* groups (or groups defined by some other class-based measure, such as wealth or occupation). For example, the question, what is the disparity in health care between persons making \$20,000 or under and those making \$150,000 or over compares two identity groups, just as does the question, what is the disparity between blacks and whites in health care; and both matters relate to justice.

So the question about the extent of *overall* disparity (on some significant measure)—the rung question—is *not* comparable to a question about racial disparity. But disparity, along some class measure, of groups defined by some *other* class measure *is* comparable to that question about racial identity.

There is also a second kind of class-based identity, thus a third meaning of “class” in relation to inequality, and that is “class *background*.” Class background contrasts with the previous category of *current* class position. That is, one can ask where people of certain class backgrounds (that is, the class position of one’s parents, as measured by income, wealth, education, and so on) end up on the various rungs of the ladder, just as one can ask where Blacks or Asian–Americans end up on the various rungs. So, as with *current* class position, one can ask where persons of certain income backgrounds end up in the provision of health care or education. (If children of different class backgrounds

end up with very different educational provision, this might be regarded as unjust.)⁹ For if the bottom rungs of the ladder are occupied overwhelmingly by people whose class background is at those same bottom rungs, and if the top rungs are overwhelmingly occupied by persons of top-rung background, this would generally be taken as indicating that equality of opportunity is minimal in the society. As is well known, the United States in the past 30 years has moved more and more in that direction, and the reproduction of class privilege at the top has been particularly pronounced, as detailed in many books in the past several years documenting the increasingly privileged background of students in selective colleges.¹⁰

Thus when we are looking at “class” as something to compare with “race,” with respect to normative criteria for disparity assessment, there are really three quite distinct things we can mean by “class”—current class position, class background, and extent of inequality. The first two are identity categories and thus allow a direct comparison with race, while the last does not; yet it is this last—the extent of inequality—that is the subject of most of the philosophical literature on equality and inequality.

Note that my use of “identity-category” here does not require that those in the category see themselves *as* members of that category and whether that category is important to their sense of individual identity. I use the language of “identity” primarily because the sorts of groupings I am discussing generally do have such a social and personal salience. But the criterion for an identity in my sense is simply a shared condition of a certain kind; and, in the cases both of *class background*, as well as *current class position*, it is a conventional sociological claim made about the United States that such conditions do *not* generally provide salient social identities for their members, at least not to the extent of other comparable societies, and not as salient as are racial and ethnic identities in the U.S.

⁹ Cf. Rawls’s view that equality of opportunity requires a person’s final place in the hierarchy of social reward to be dependent only on her effort and native endowments, not on her social background. (*Theory of Justice*, p.)

¹⁰ Golden, *Price of Admission*. Massey et al, *The Social Origins...* Karin Fischer, “Top Colleges Admit Fewer Low-Income Students,” *Chronicle of Higher Education*, May 2, 2008.

Although this may be obvious, I want to note that the normative inquiry in which I am engaged—comparing race and class normatively—differs from another important empirical question about race and class, which is, the extent to which a given racial disparity, or racial disparities in general, are due to class-related factors or to race-related factors. WJ Wilson has famously argued that certain class-related and race-independent factors (for example, the disappearance from urban centers of good wage but low education jobs in the manufacturing sector) have had (given a certain level of pre-existing racial stratification) an important causal role in intensifying black poverty. I want to make clear that my own normative inquiry takes no position on this important empirical question. For example, someone who holds Wilson’s position on the causal question could nevertheless coherently take the “race as normatively sui generis” position on the normative question. She could think that the normative interest in class factors is solely in their contribution to racial disparity. Someone who holds my “overlap” view of race and class can also take a wide range of positions on the causal question.

Group Harm as a desideratum in racial disparity

In the race literature, some attempts have been made to characterize the wrong of racial inequality in terms of certain kinds of group harms. Glenn Loury argues that Blacks in the US suffer from stigma—a questioning of their human worth—and that this stigma is a product of racial inequality but also a source of it.¹¹ Howard McGary also discusses the stigmatizing of blacks, which he connects with another harm, that of alienation, construed as an internalized self-devaluing. (Loury does not discuss whether blacks internalize the stigma or not.) McGary also mentions a different but related group harm, that of not believing the basic structure (in Rawls’s sense) of one’s society to be just, thus undermining trust and the values of cooperation with others.¹² McGary also claims that this stigmatizing distinguishes race from class inequality, since it is only in

¹¹ Loury, An Anatomy of Racial Inequality.

¹² Howard McGary, “Racism, Social Justice, and Interracial Coalitions,” in Race and Social Justice, 197f.

the race case that the disadvantaged group is “thought by the prevailing ideology of the society to be less than a person and treated accordingly.”¹³

McGary does not address the extent to which these group harms are a product of the inequality itself, as distinct from a specific anti-black ideology that may in part be driving, or at least rationalizing, the inequality. It might be, for example, that the reason for the difference between class and race that McGary mentions does not lie in the character of the inequality itself but in the ideology rationalizing it.¹⁴ (This is not contrary to what McGary says.)

These sorts of considerations may well explain at least a portion of the wrong of white/black SES disparity. But I am interested here in whether principles of injustice of a more distinctly distributive character might also be capturing part of the overall wrong of racial (and perhaps class) injustice.

Practical and Philosophical Equality

Let me now distinguish between practical and philosophical egalitarian standards. It has become a familiar move in discussions about equality to say that those in favor of making societies more equal—that is, crafting policies that reduce the gap (along some SES measure) between those who have more and those who have less—are often drawing on moral intuitions that concern something other than equality itself. For example, T. Scanlon argues that alleviating suffering is part of the reason that he favors redistributive measures, but that such a reason is not inherently egalitarian since it provides no foundation for objecting to inequalities among the non-suffering, and does not favor equality purely as such.¹⁵ Nevertheless, this standard is one that I would call “practically egalitarian” in the sense that if implemented it would in fact involve some reduction in

¹³ McGary, “Race and Class Exploitation,” *RSJ*, 37. It is possible that McGary’s claim here is localized to the situation of exploitation, which he might be seeing as a subset of injustice more generally.

¹⁴ Shelby takes such a position: “Of course, if so-called racial differences were not reified or naturalized as they are in our racialized cultures, blacks’ being overrepresented among the poor and underrepresented among the affluent would not lead to stigmatizing assumptions about the inferiority of blacks.” (*WWAD*, 157)

¹⁵ Scanlon, “The Variety of Objections to Inequality,” in M. Clayton and A. Williams, *The Ideal of Equality*. Scanlon’s terminology might be misleading on this issue in not clearly distinguishing between practical and philosophic egalitarianism.

inequality in society; resources from all would have to be diverted to the suffering, who would be “lifted” by these resources. Parfit has argued that a position he calls “prioritarianism”—favoring the worst off—is distinct from philosophical egalitarianism. And Larry Temkin has probably done the most to tease apart the different strands in practical egalitarian thinking, leaving philosophical egalitarianism as only one among a number of principles that pull for practical egalitarianism.¹⁶ What I am concerned with here are the larger category of practically rather than specifically philosophically egalitarian principles.

Types of Principles Governing Disparities: Universal Minimum, Tainted Process, Inegalitarian principles with egalitarian implication

Without claiming to be comprehensive, I want to distinguish three distinct types of practically egalitarian principles that are plausibly thought to bear on racial disparities.: (1) Universal minimum; (2) Tainted process; (3) Inegalitarian principles that can have egalitarian implications in group comparative contexts.

Universal minimum standards set a baseline of minimal adequacy in social provision. If members of the given society fall below that baseline, an injustice is being done to them. In advanced industrial societies such as the U.S., it is plausible to set such universal minima in various domains of life—education, health, housing. There can be differing conceptions of the baseline. Should it be thought of as “adequacy,” as “decency,” as “robust minimum,” as “the skills and capabilities necessary for full civic participation,” and so on? And it is not always obvious how to apply each of the different conceptions within a given domain. For example, suppose we think “adequacy” the appropriate standard, and are applying it to the domain of education. We still have to decide how many years of school the completion of which or the acquisition of which educational capacities satisfies that standard.

These are complex and important questions. My purpose here is more limited. I want to look at the implications of this type of standard for the assessment of group disparities. I want to make four claims. First, on most plausible accounts of any of these

¹⁶ Temkin “Equality, Priority, and the Levelling Down Objection,” in A. Williams and M. Clayton (eds.), The Idea of Equality; and Inequality.

universal minimum standards, as applied to major life domains, significant numbers of persons in the U.S. fall below that standard. For example, significant numbers of persons do not receive an adequate (decent, etc.) education, do not have adequate (decent, etc.) health care, and so on. Second, there are significant racial group disparities among those who fall short, in most of these domains. Blacks and Latinos fall short compared to whites on a (plausible) education standard and a health and health care standard, for example. Third, there are also significant class differentials, with regard to income-based groups (an identity-defined group); poorer people are more likely not to have adequate health care or education than middle class or, especially, wealthier individuals. Putting points two and three together, there is both race- and class-based group injustice with respect to universal minimum standards, in that a higher proportion of some race- and class-defined groups than others falls below the standard.

Fourth, for every *individual* who falls below the minimum (or below it to a distinct extent), the injustice done to that person is the same no matter what her race or class, with respect to this particular principle of justice. If a poor white kid, a poor black kid, and a middle class Latino kid all end up leaving school with the same inadequate level of education, the injustice done to each individual is the same, with respect to the “universal minimum” standard considered by itself. (There may be differences in the total injustice suffered by each individual, because a given individual may suffer from several different forms of injustice, as we will discuss below.)

Tainted process. A second general type of principle is a tainted process standard, which views the wrong in a disparity as arising from the fact that the process by which that disparity is produced is tainted. The injustice here is a form of procedural injustice rather than the direct injustice of the result, as in the universal minimum standard, but it is still the injustice of the result, not the fact of suffering procedural injustice, that I am concerned with. Two distinct but related tainted process standards are *racial discrimination*, and *the legacy of racial discrimination*. I will focus here mainly on the first of these.

For many people who may be unsure why a particular racial disparity is wrong, if that disparity can be shown to be produced by racial discrimination, that will sustain a

judgment that the disparity is wrong. There is an almost universally shared sense in the U.S. that it is wrong to racially discriminate. And if one group's current situation can be shown to have resulted from discrimination, it will be widely taken to be morally unacceptable for this reason. Let me take the case of health disparities, to which a great deal of attention has been paid, as an example: Suppose group A and group B differ in their heart health. And let us imagine two alternative explanations for this disparity. One is that members of group B have inferior health insurance compared to group A, and so are unable to afford the requisite care for their heart condition. A second is that health care workers have (perhaps unconscious) prejudices against group B that they do not have toward group A, and as a result are less attentive and caring toward patients of group B, leading to less adequate treatment for heart condition.

I am not disputing that some may find reason to object to the mere disparity between A and B, but noting that its being a product of racial discrimination is itself an independent reason for objecting to it, to seeing it as violating a norm of justice, one distinct from violation of a universal minimum. Although it may be a bad thing that one group has inferior health insurance compared to the other, I think we tend to put that fact in a different and lesser moral category than the direct discrimination taking place in the other scenario. There is a wrongful targeting of group B that is not taking place in scenario/explanation one. Discrimination is a tainted process. And the wrongfulness of the discrimination carries over to the *result* of that discrimination.

Of course a good deal more could be and needs to be said to fill out this picture. But all I am trying to do here is to establish that "tainted process" is a different kind of moral standard than "universal minimum," and that racial discrimination is an example of a tainted process. But I do want to call attention to my avoiding a use of the term "discrimination" in which every disparity is seen as a product of, or even sometimes as consisting in, discrimination. Philosophers are not likely to make this error, but it is rampant in popular discourse—a problematic racial disparity is not distinguished from the processes that led to that disparity, and it is assumed that those processes are "discriminatory." On my scheme, disparities are one thing and the processes that lead to them another; they are also normatively independent, in that the disparities can be wrong for reasons that do not relate to their formative processes (for example, violating a

“universal minimum” standard), but the wrongness of the processes can also be a source of the wrongness of the (resultant) disparities.

Both the first two types of principle—universal minimum and tainted process—are philosophically egalitarian as well as practically egalitarian. They pull for equality; in the case of universal minimum, an equality of result (that everyone come up to the minimum), in the case of tainted process, that disparities that result from them be corrected (to some degree). The third type of principle is philosophically inegalitarian, but can be practically egalitarian in group-comparative contexts. An example is the principle of desert as applied to effort—that those who put more effort should (*ceteris paribus*) be given greater rewards. The relevance of this principle is seen in the recent discussion of the wealth gap between Blacks and Whites, especially in the work of Melvin Oliver and Thomas Shapiro.

Wealth and the equal reward for equal effort principle

There are two different sorts of reasons for the interest in wealth/assets among race scholars. First, the racial gap is much larger than the gap in other SES measures. On average, blacks possess between 7% and 10% the wealth of (non-Hispanic) whites.¹⁷ As we saw earlier, the income gap is much smaller—about 60% (which is still a lot!). Second, wealth bears significant causal links to other outcomes that might not be evident.

On the latter point, recent work has documented the significance of wealth for important features of familial and personal well-being. Income is what families use for day-to-day expenses. Wealth is used to expand opportunities for oneself and one’s children—paying for education, further job training, down payment on a home, safety nets for unexpected emergencies that would financially undermine families without assets (e.g. medical emergencies not covered by health insurance [or if one does not have health insurance]), helping unemployed family members out), and so on.¹⁸ Assets, much more than income, affect families’ ability to buy a new home, to move to neighborhoods with schools they want for their children, to find good schools for their children outside of the public system if they live in neighborhoods where the public schools do not meet their

¹⁷ Oliver and Shapiro, *Black Wealth/White Wealth*, 10th Anniversary edition (Routledge, 2006), 204.

¹⁸ Oliver and Shapiro, introduction; Shapiro, *Hidden Cost of Being African American*, esp. 33-34.

standards, and to head in a new occupational direction. Shapiro, Oliver and Shapiro, and Conley provide data that strongly suggest that assets affect an individual's sense of having possibilities in their lives much more strongly than does income. Conley provides a pointed example of this. Eugene Lang, a philanthropist, offered a random group of sixty-one 6th graders at a Harlem school full college tuition if they graduated from high school. "In a school district with a drop-out rate that ranged between 50 and 75%, and in a neighborhood where few students ever made it to college, fifty-four of the sixty-one students graduated from high school. Of that number, thirty-two went on to college."¹⁹ Lang had offered these children an asset—a guarantee of college tuition—that normally comes only through families, and its results suggest the importance of such assets. Conley also argues more generally that blacks and whites at the same family asset level—in contrast to the same income level—perform almost equally in school.

These authors demonstrate in detail the social, economic, and psychic dynamic that accounts for why assets are correlated with many important dimensions of personal and familial well-being. This would be sufficient to establish the striking wealth/asset gap between White and Black as normatively significant. But there is also a normative principle that seems to govern our responses to the black/white wealth gap, and that is the meritarian principle that reward should be apportioned to effort and ability. Education level is, very roughly [qualifications of this below], a product of effort and ability, and occupation and income are, again roughly, dependent on level of education. So differences in income, occupation, and education can be seen as merit-based differences, at least in comparison to differences in assets. Assets are affected by processes, that bear no relation to effort and ability, the most obvious being inheritance, a key source of assets in a given family. Inheritance is understood by social scientists (appropriately) not only as financial and other assets left to someone by her parents or other relatives when they die, but all the financial and other help given by those relatives during the recipient's life time. So help with a down payment on a home, helping to pay for college, and the like counts as inheritance. Assets that are a result or outcome of such assistance obviously have no relation to one's own merit, that is (in this context), one's effort and ability; it is simply a matter of good fortune to, rather than merit of, a given

¹⁹ Conley, 64 (from Philip Cook and Robert Frank, *The Winner-Take-All Society*, 223-34)

individual that her parents, or other relatives, have assets that can be transferred to her. And there is a tremendous difference between Blacks and Whites in the assets they possess to pass along to the next generation.

Inheritance is not the only non-merit-based source of assets or asset differentials between Blacks and Whites. Another is the dynamics of the housing market. The value of Black-owned homes is less than that of whites where the physical properties of the homes are the same. Black homes appreciate less in value than do whites.²⁰ The reasons for this differential lie in the way that the market reflects the buying preferences of home buyers; whites won't buy homes in predominantly black neighborhoods or neighborhoods that have reached a "tipping point" with respect to the percentage of blacks, and will move out of such neighborhoods selling their houses at a lower price than the same house in a white neighborhood on the near side of the tipping point. Since homes are, for many people, the major source of assets, this disparity is a significant component in racial asset disparity.

Perhaps it is misleading to say that income, education, and occupation are a product of effort and ability. After all, schools are of very unequal quality, so educational credentials are partly a reflection of undeserved educational resource advantage, and this difference often has a racial dimension; black majority schools are, on average, inferior to white majority schools. (Nor does the income ladder necessarily correspond to anything that can plausibly be regarded as an equivalent ladder of effort and ability; that the ratio between CEO compensation and average worker salary has risen from 42 to 1 in 1980 to 300 to 1 in 2003 can hardly be explained by anything relating to personal merit.²¹) But what we can perhaps say is that income captures a rough, popular way of looking at effort and reward that is violated by assets. So, looking at the race gap in assets, we have a very large and humanly consequential gap that violates the principle of reward being apportioned to effort or effort and ability. Whites and Blacks who put in a comparable amount of effort and with presumably similar abilities are not equally reaping the rewards of that merit. The presumption is that something should be done to bring Blacks' assets

²⁰ refs on home value issues.

²¹ Oliver/Shapiro

more in line with Whites'. It is that practically egalitarian result to which the merit-based principle is here being put.

There are many normative issues left aside in this discussion. Most people do not look at assets primarily in a merit-based way. They think parents should be permitted to pass their assets along to their children, and expect these assets to be unequal. Many people see this as neither fair nor unfair. They do not see anything amiss about disparities in inheritance-based assets per se. But I am not morally questioning the unequal character of assets per se, but only noting that in a race-comparative context, they seem morally troubling, and for a different reason than the two kinds of principles mentioned so far—universal minimum and tainted process.²² And that reason has *something to do* with a violation of a reward-for-effort principle.

There are thus (at least) three different types of normative principle that can be applied to group disparities of an identity-related kind—universal minimum, tainted process, and inegalitarian principles that have egalitarian implications in group contexts. Let us now look at racial group disparities in this context, to the end of comparing them with class disparities.

Are All Racial Group Disparities Normatively Equivalent?

The notion of “racial inequality” as a morally significant category is naturally taken to suggest that all disparities of a racial character, that is, disparities between groups understood as “races”—Asian and White, White and Black, Native American and Black, and so on²³—have the same normative weight (that the moral weight depends only on the extent of the disparity, not the particular groups between whom there is a

²² I do think that if one unpacks all of one's intuitions about why the racial wealth gap seems morally problematic, there will be elements of “tainted process” feeding into them. As Oliver and Shapiro demonstrate, and Ira Katznelson in his book *When Affirmative Action was White* plumbs in greater depth, New Deal entitlement programs—for example helping the purchase of homes—were racially discriminatory in their practice and intent (at least on the part of some of its supporters). Some of the current wealth gap is thus a “legacy” of direct discrimination.

²³ I will not here engage the very complex question of what counts as a “race” for the purposes of disparity analysis, but will simply use here the standard, US census-based races of White, Black, Asian, Native American. For certain purposes Hispanic/Latinos are included and for others they are not. (See large literature on this: Alcoff, Oboler, Blum, etc.)

disparity). Yet this assumption does not capture the way we normally look at racial disparities. Consider the approximately \$10,000 Asian/White income gap, the \$30,000 Asian/Black gap, and the \$20,000 White/Black gap from the data cited earlier.²⁴ I think most of us regard the White/Black difference as much more morally troubling than the Asian/White difference and the Asian/Black difference, even though the latter is the largest of the three. If race by itself were doing all the normative work in the idea of “racial inequality,” there would be no normative difference among the three of these disparities, apart from the quantity of the gap.

Why are we inclined to regard the white/black differential as more troubling than the Asian/black one? More generally, why do we not place all racial disparities in the same normative category? I suggest that it is because we think the moral bad of a disparity has something to do with the particular relationship—historical and current—between the two parties to the disparity, and not merely whether the groups are “racial.” Let us provisionally employ the standard division of 5 racial (or ethnoracial) groups in the US—whites, blacks, Asians, Native Americans, Hispanic/Latinos. Although there are many problems with this, especially with regarding Latinos as a racial group, from the point of view of disparities analysis it is a reasonable way to proceed.

Whatever is morally wrong with the Black/White disparities clearly has something to do with the particular history of the relationship between Blacks and Whites in the US that does not apply between Asians and Whites, and Asians and Blacks. In a general way, we can say that there is a much more devastatingly “tainted process” in the relations between Whites and Blacks and Whites and Native Americans, than there is between whites and Latinos and whites and Asians, and among any of the paired non-white groups. I want to focus on one important aspect of how the relation between whites and blacks differs from that of whites and Asians and whites and Latinos that has been given insufficient attention in the context of racial inequality. That aspect is immigration. One noteworthy feature of both Asian Americans and Latino/Hispanics is that immigrants comprise a much higher percentage of their overall numbers than they do of

²⁴ For all whites, it is \$48,554. U.S. Census Bureau, “Income, Poverty, and Health Insurance coverage in the United States: 2005.” Table 1, p. 6.

Whites and Blacks.²⁵ If we also count the children of immigrants, the difference between Asians and Latinos on one side and whites and blacks on the other is very striking.²⁶

Immigration's significance for racial equality

But why should immigration matter in the normative analysis of racial disparities? It is for a combination of two reasons. First, the initial resources of immigrant groups matter to our expectations of equality between those groups and the native population. Second, those initial resources are not themselves a product of a tainted process, or, to be more precise, not of the moral seriousness of the tainted processes governing whites and blacks (and whites and native Americans). Let me consider these two reasons.

First, many immigrant groups arrive with substantially fewer financial and educational resources and other labor market advantages than native populations. Mexican immigrants are a prime example; only 29.7% of them are high school graduates upon immigration (compared to 83.3% of the native population), the lowest of any immigrant group.²⁷ It seems inappropriate, therefore, to regard it as wrong or morally amiss if such populations have lower incomes than native groups.²⁸ In the other direction, Asian immigrants from China, Korea, and Japan are better educated than the native population, and often have greater financial resources as well.²⁹ This fact is partly

²⁵ #s on immigrants. There are 18.9 million Latino immigrants; don't know overall Latino numbers, but it was c. 36 million in the 2000 census. Julia Preston, "Fewer Latinos in the U.S. Sending Money Home," *New York Times*, May 1, 2008.

²⁶ I'm going to confine my discussion to legal immigrants, simply because the inclusion of unauthorized immigrants (estimated at 11.1 million, 3/5 of whom are Mexican [Ueda and Waters]) raises distinct normative issues that go beyond the scope of my discussion. Obviously, if one did count illegals, the percentage of Latinos who are immigrants or the children of immigrants would increase substantially. (figures on this)

²⁷ Suarez-Orozco, "Education" in Ueda and Waters (ed.), *The New Americans*, 246. Dominicans are at 48.1% and Haitians at 62.3%

²⁸ For example, the wages of Mexican male immigrants was 50% of the native born in 1990. Alba and Nee, 188. Of course there might be a moral concern with national disparities, say between Mexico and the United States, that the immigrant difference arises from. But that concern cannot be directly translated into a concern of the same order about the wages of immigrants and of natives.

²⁹ In the 2000 census, 28% of Asian immigrants had bachelor's degrees and 16.9% graduate degrees—compared to 17.2% and 8.4% respectively of the native population (and 18.7% and 14.2% of European immigrants; and 7.7% and 3.5% of Latin American

reflected in the higher current Asian American income median mentioned earlier. Just as there is nothing morally amiss in the lower incomes of some immigrant groups, in comparison to native groups, so there is nothing morally amiss about the higher incomes of (other) immigrant groups. It should be noted here that labor market characteristics such as education are sometimes more important for *familial* income, and especially for the occupational chances of the next generation, than for the immigrants' own labor market position and income. Often because of language and other reasons, educated immigrants are unable to find positions/job consonant with their education, and so have to work at lower-wage occupations; but the prospects for their children are more affected by their educational background than by their current financial position and are thus more favorable than natives of the same income level as these immigrants.

The second relevant point is that these differentials are not a result of mistreatment by whites in the way that differentials between whites and blacks (and whites and Native Americans) are. Of course this point must be somewhat qualified by neo-colonial relationships between the US and sending nations such as Mexico and other Latin American and Caribbean countries. (This is less true for East Asian sending nations.) How to factor this point in normatively poses complex questions. Nevertheless, as long as national boundaries are regarded as having some moral significance, in part contributing to and reflecting the fact that groups within the same nation-state have a different kind of connection to and impact on one another than they do on groups outside that unit, the kind of effect that whites had on blacks through slavery and segregation, and subsequent discriminatory regimes, has no parallel in the impact whites have on specific immigrant groups. So the position of blacks in relation to whites is much more substantially a product of tainted processes than is the position of Latinos or Asian-Americans.

Since Asian-Americans and Latinos, as ethnoracial groups, have such a high % of immigrants or the children of immigrants (for whom the initial resources of their parents

and Caribbean immigrants.) N. Kaushal, C. Reimers, D. Reimers, "Immigrants and the Economy," The New Americans: A Guide to Immigration since 1965, ed. Mary Waters and Reed Ueda (Harvard, 2007), 177. See Frank Wu, Yellow, 50-55 for a nuanced discussion of Asian American advantages related to immigration.

are still an important desideratum in their SES position), this weakens claims to equality based on tainted process explanations of disparities with whites, with blacks, and with each other. Notice, however, that it does *not* weaken claims to equality of a “universal minimum” form. That is, immigrant status does not negatively affect one’s normative standing to expect equal treatment according to appropriate minima—adequate education, health care, income floor. Just because a low-income Mexican immigrant cannot expect to, say, have a higher income or a middle class job, this does not mean it is permissible for his or her children to have an inferior education, as is often the case, or not to have decent health care. “Tainted process” standards are sensitive to historical particularities, but “universal minimum” standards are not and apply equally to all within their purview (e.g. citizens). Also, immigrant status does not detract from norms about non-discrimination and equal treatment—the sorts of norms the violation of which tainted process principles call for rectification. Obviously it is not right if immigrants are discriminated against, either on “racial” grounds, or on grounds of immigrant status.

Thus the racial group comparisons noted earlier in relation to class/identity groups apply as fully to Latinos and Asians as to whites and blacks, in relation to adequate minimum principles. For example, Latinos have a 34% health uninsured rate, compared to 19% for blacks and 10.8% for whites.³⁰ So if possession of health insurance were a minimal standard, Latinos as a group suffer from this injustice to a greater degree than blacks or whites. Where different racial groups stand with respect to one particular principle of justice (e.g. universal minimum) may differ with respect to another (e.g. tainted process). And this difference may partly be accounted for by the role of immigration both in numbers within racial groups and immigration’s impact on the relevance of tainted process standards.

“Culture,” Immigration, and Disparity

Before proceeding further, let me briefly address one other immigration-related issue that bears on a different aspect of racial inequality. This relates to the large and complex issue of whether “cultural” norms within racial groups, or portions of racial groups, are part of the explanation of racial disparities. Some people think that if culture

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explains a disparity then that disparity is the fault of the disadvantaged group and presents no issue of justice. This is a complex matter because (1) it is not clear what “culture” is, (2) it is not clear how to assess whether it plays an explanatory role, and (3) even if it does, it is not clear that, or how, this bears on issues of injustice.

I will bypass these larger questions and focus on one particular setting for this debate about culture. Some people point to the success of many immigrants, including immigrants of color and even including black immigrants to suggest that their success is due to motivational advantages of their cultures; that, by comparison, African Americans who are less successful would be more successful were they to adopt the “cultural” norms of these immigrant groups. And, it is generally implied and often stated, if African Americans do not do so, then their disadvantaged position in society is their own fault rather than a matter of justice that the society as a whole should address.

Aside from the more general issues about culture just noted, the problem with that argument is this: most immigrants are looking for a better life, and are willing to uproot themselves from a familiar way of life to strive to attain this goal in a new homeland.³¹ This means that they will typically be persons who have more motivation to advance themselves, more willingness to brave the unknown, than the average for their nation of origin (or at least of their class and regional peers in that nation). Their psychology thus provides a kind of psychic boost compared to natives (of either the sending or receiving nation).

A second perhaps more significant psychological difference between immigrants and natives concerns the “reference group effect.” Immigrants tend to measure whether their current circumstances in the host nation are acceptable to them against what their circumstances would have been had they not immigrated, or against their peers in their homeland, rather than against various possible reference groups in the receiving nation. As immigration scholars have often noted, this reference point means that lower income immigrants are often willing to work longer hours at less desirable jobs and live in less appealing surroundings than natives; they are more likely to see themselves as successful

³¹ I will omit consideration of refugees in this discussion, as they present distinct issues not shared by the larger number of immigrants.

compared with natives in the same material circumstances. They will be more likely than natives to see their current circumstances which they may well regard as undesirable as a temporary way-station to better things, for their children if not always for themselves, as those circumstances are themselves a change for the better (at least potentially) compared to their home circumstances.³²

John Ogbu, an immigration/education scholar, puts the point this way:

The immigrants appear to interpret the economic, political, and social barriers against them as more or less temporary problems...[T]he immigrants have a positive dual frame of reference which allows them to develop or maintain an optimistic view of their future possibilities...[T]he immigrants think that even if they are allowed only marginal jobs they are better off in their host society than they would be in their homeland.³³

This way of viewing their circumstances gives these immigrants a kind of motivational advantage, produced by their situation, over natives of otherwise similar circumstances. Sometimes native groups are urged to adopt an immigrant mentality and the motivation that comes with it; but this is very unrealistic, as the immigrant mentality arises from very particular circumstances of moving from one country to another that cannot simply be adopted by native groups that do not have that experience. Although the immigrant mentality being discussed here is advantageous for the immigrant and seems admirable, it flows from their circumstances and their earlier choices, and native groups should not be viewed negatively for failing to possess such motivational characteristics. It is not a failure of the latter's "culture" that should be held to count against their claims to justice.

³² Cf. Suarez-Orozco, "In general, the first generation has the advantage of immigrant optimism and the ability to take a dual frame of reference in comparing their current circumstances with those in their homeland." "education" in Waters and Ueda (eds.), The New Americans, p. 245.

³³ John Ogbu, "Immigrant and Involuntary Minorities in Perspective," in Margaret Gibson and John Ogbu (eds.), Minority Status and Schooling: A comparative study of Immigrant and Involuntary Minorities (New York: Garland, 1991): 11. Ogbu is also an early exponent of the "acting white" hypothesis, according to which black students disengage with school success because they see it as "acting white." That theory, which has been much criticized, is not required by the remarks quoted in the text, although it is consistent with it.

These arguments about immigrants have dealt with broad generalizations; obviously there is not one “immigrant mentality” and many immigrants may look at the world the same way natives do. Nevertheless, the sorts of generalizations I have mentioned are well-documented as statistically significant.

Conclusion

Let me sum up, then. I am looking to articulate a normative structure for thinking about racial disparities, one that will allow for comparison with class-based disparities. Our inquiry has suggested that “racial inequality” is not a normatively uniform category; disparities among different groups are normatively sensitive to those group differences, and their relationship to each other. Whatever might be morally wrong with white/black disparities is not exactly the same as what might be wrong with white/Latino or white/Asian disparities, to say nothing of Latino/Asian disparities. One particular aspect of the context-sensitivity of tainted process norms governing racial disparity is immigration; but there are no doubt others bound up with the particular historical and social relationships between the groups in question and thus to tainted processes that account for (some portion of) the current disparity.

I have argued that there are multiple principles of justice that govern and at least partially account for our moral intuitions about why (certain) racial group disparities are wrong. I have mentioned three general categories—universal minimum, tainted process, and inegalitarian norms with group-egalitarian implications.³⁴ This plurality allows us to say what is wrong with the two viewpoints mentioned at the beginning of the paper. The first view is that racial (group) inequality is normatively *sui generis*, with respect to class inequality; the reasons for objecting to racial group inequality do not overlap with reasons for objecting to class-based (identity-group) inequality. The second is that racial inequality (and identity-based inequality more generally) raises no normative issues distinct from class based inequality. This view is often stated as “the anonymity axiom,” that the only matter of normative significance is the extent of inequality, not the identity of the parties to it.

The existence of universal minimum principles show what is wrong with view number one. Part of our objection to racial group disparity is captured by the fact that members of certain racial groups fall below a plausible universal minimum [I realize I have not defended any substantive views on that what minimum is]; but this is equally true of class-defined groups (defined either by current economic position or class

³⁴ These principles are distinct, at least to some extent, from those concerning stigma and alienation discussed by McGary and Loury.

background). With respect to a given universal minimum principle (say, possession of adequate health insurance, or education), members of both racially-defined and class-defined groups are *equally* victims of injustice. (It is also true that those principles allow us to say that from a group perspective, in virtue of having a higher percentage of its members fall below the minimum than some other group, the former group is, as a group, more of a victim of injustice than the latter group. But there is a class analogue to this: Census figures give the percentage of certain income groups who do not have health insurance. The rate among household incomes less than \$25,000 is 24.9%, and above \$75,000 is 8.5%.³⁵ So there can be group-based differences with respect to [identity-defined] class.) In *this* respect racial inequality is not *sui generis*, but shares normative features with other identity-based disparities, including class-based ones.

Tainted process standards, on the other hand, show what is wrong with the anonymity axiom. Because some of the disparity between certain racial groups is due to tainted processes in the history of their interaction, while the same is not true of class-defined groups *within* the same racial group, a certain racial disparity may violate the tainted process principle while the same disparity between class-defined groups will not.

We can put these two points together in a single example. Suppose there is a black child and a white child both of whom attend similarly inadequate schools and thus receive an inadequate education. From the point of view of a universal minimum standard (adequate education), both are in an equally unjust situation. However, the black child has inherited a history of discrimination and oppression that is part of why she is in such a school. She is thus a victim of a tainted process that the white child is not. She suffers two kinds of injustice while the white child suffers only one. (Whether one can aggregate the two together into one judgment that “the black child suffers *more* injustice than the white one” is another story.)

³⁵ *Ibid*, 21.

