Rethinking Racism and Racial Justice Today

How Race Liberalism Shaped the 1954-1968 Civil Rights Legislation and Policies
And the Rise of Contesting Discourse of Critical Race Theories

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submitted by

Anderson Borges

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Erstgutachter / *Doctoral advisor*:
Prof. Stefan Gosepath (Freie Universität Berlin)

Zweitgutachter / *Second doctoral advisor*:
Prof. Robin Celikates (Freie Universität Berlin)

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I hereby declare that this dissertation is my own work, based on my personal research, and that I have acknowledged and cited all sources used in its preparation. I also certify that this dissertation has not been submitted for assessment in any other institution and that I have not plagiarized the work of others.

To Kadialy and all Brothers and Sisters,
for faith and perseverance.

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"Change does not roll in on the wheels of inevitability,
but comes through continuous struggle."
Martin Luther King Jr

"If you want to fight the power
Get the power to fight."
Jurassic 5

Introductory Remarks

This doctoral research examines the complex issue of racial inequality in the United States, focusing on the contrasting perspectives of race liberalism and critical race theory, particularly regarding the experiences of Black Americans. By tracing the historical and conceptual development of these viewpoints, the study aims to understand the injustices and disparities disproportionately affecting racialized groups, in particular Blacks. The introductory remarks establish the foundational theoretical and historical arguments of this dissertation. This section addresses the research question, methodological decisions, and critical aspects of the approaches used to construct a social theory on race and racism discourse. The introduction is structured as follows:

The first section outlines the central inquiry of this doctoral research, presenting the significant ideas in broad terms. The second section defines the study's scope, focusing specifically on the experiences of Black Americans in the United States. The third section delves into the theoretical issues pertinent to the dissertation's conceptual framework. The fourth section discusses this doctoral study's methodological considerations and challenges, highlighting the advantages and limitations of an interdisciplinary approach aimed at discursive reconstruction and social critique of race and racism. Finally, the introduction provides a brief overview of each chapter.

i.   *An Overview of the Main Claims*

Race Liberalism and Its Impact

The Civil Rights era is remembered mainly for its emancipatory impact on the United States' public policies and political imagery. Nevertheless, a hegemonic discourse known as Race liberalism has significantly influenced the design of laws and social policies, particularly those responsive to the demands of the Civil Rights Movement between 1954 and 1968. That ideology shaped public policies that aimed to remedy racial injustice, viewed as a consequence of racial prejudice. Racial prejudice was assumed to be the primary cause of racial inequality through legal and social measures designed to ensure equal opportunity and political participation for all citizens. Kimberlé Crenshaw (2017) terms race liberalism the

hegemonic view of how racial discrimination was understood in the context of civil rights legislation and the implementation of anti-discrimination law. Race liberalism's influence is evident in implementing laws and social programs that promote equity. Affirmative action in higher education comprises a key example.

Affirmative Action in Higher Education

Affirmative action was and remains a controversial matter. The study delves into the moral disagreements surrounding affirmative action, a policy designed to redress racial injustice and inequality by including members of racialized minority groups in education and employment. One way to see the impact of affirmative action underlines how race-conscious college admissions have been a substantive instrument for achieving better equality of opportunity for racially subordinated groups. Contrasting to those favoring affirmative action, conservative views, on the other hand, advocate for other interpretations of equality. Particularly a definition of equality rooted in liberal values of merit and colorblindness.

The research reconstructs the conceptual justifications for affirmative action and the historical evolution of these policies in US Supreme Court deliberations. The 1978 Supreme Court decision in Regents of the University of California v. Bakke reconfigured affirmative action's normative premises, weakening the original equity-driven reasoning. Instead, the reshaped policy emphasizes the compelling interest of a diverse student body. The policy change bears detrimental effects on the redistributive policy blueprint, overshadowing the equity goal of improving racial groups at a disadvantage. The study explains how that shift aligned race-conscious college admission with market-driven goals, reinforcing neoliberal ideals of individual responsibility and meritocracy.

Critical Race Theory and Structural Racism

In contrast to race liberalism, another conceptualization of racial inequality seeks to expose the intricacies of racism with the allocation of power. That perspective, rooted in the works of W. E. B. Du Bois, the Black Power Movement, and later legal scholars and activists associated with the concept of Critical Race Theory posit that racism is a permanent feature of American society and its institutions. Critical race theorists essentially hold that legal

reasoning and court decisions frequently disfavor Blacks and other minorities, let alone reinforce racial subordination, perpetuating disparities between racial and ethnic groups across various spheres.

Critical race theory aims to unravel the mechanisms and systemic functions that produce social harms, socioeconomic disadvantages, and political asymmetries disproportionately affecting racialized groups. Critical race theory contests the race-liberal view of racism primarily as a moral issue. Instead, the ongoing critique offers a chance to reexamine the dominant framework of racism and its interplay with capitalism. Critical race theories disclose how racism is embedded in a far more complex array of mechanisms, institutions, and cultural and behavioral patterns. The conceptual reconstruction explores the hermeneutic and political gains of understanding institutional, structural, and systemic dimensions of racism. These intricacies constitutive of racial hierarchy are conceptualized within a terminology employed by critical race theories in a broad sense.

The Need for a Comprehensive Approach

In the face of the complex nature of the problem at stake, this doctoral research reconstructs two heterogeneous discursive frameworks about racism and the implications of hegemonic views on legal rights and social policies to remedy pervasive racial injustice. The study advocates for a multifaceted approach to social justice that acknowledges how the aims of fostering an equitable and inclusive society reactive to racial injustice must move beyond the understanding of race liberalism. In other words, the interpretation that racial injustice constitutes a mere moral issue rooted in racial prejudice. However, how is it possible to escape the dominant control that is consequent to ideological leverage?

Critical race theories point to another direction to fashion a critical analysis and, thereby, foster a radical vision of a more equitable and inclusive society for racial minorities. This dissertation underlines the epistemic and political advantages of critical race theories to further ideals and policies of racial justice. In the spirit of critical race theories, what follows underscores the importance of moving beyond the discrimination prism established by race liberalism and addressing the more profound, structural aspects of racial inequality. By juxtaposing race liberalism with critical race theories, the study provides a nuanced understanding of racial inequality in the USA. It offers insights for future investigations,

including empirical analysis and the historical understanding of the construction of race. Furthermore, the social theory outlined in the following pages points to social movements and subversive critical discourse striving for true equality and deconstruction of subaltern positions and unfair allocation of resources.

Main Objectives

This research is grounded in historical analysis and interdisciplinary knowledge construction, emphasizing the normative gains of critical race theories. The first objective is to trace the unfolding of historical and conceptual foundations of race liberalism and the establishment of race-liberal discourse as the dominant view of racial inequality and injustice in the United States. The second objective is to explore the discursive and normative effects of the development of critical race theories. By exploring these contrasting perspectives, the research offers valuable insights for future policies and social movements dedicated to achieving true equality and inclusion.

The subsequent sections of these introductory remarks define the scope of the inquiry and outline the methodology for a comprehensive analysis. Moreover, the main concepts aim to set the stage for a detailed examination of the two contrasting perspectives on the roots and problem-solving for racial inequality. Through the inquiry on two contrasting discourses, the study seeks to contribute to a more nuanced and practical approach to racial justice, one that integrates critical analysis and social experimentation to foster a more equitable and inclusive society in which racial and ethnic minorities reach substantive changes in the social, political and economic tapestry.

ii.   *The Scope of this Study: The Big Picture Approach*

This section exposes some reasons for restricting the focus on the historical unfolding of discourses about the specific conditions of Blacks in the case of the United States and their consequences in the political landscape. With these two goals in mind, this doctoral research takes a historical approach. It relies on empirical data to map the two competing discourses about racism and, secondly, reveal how race liberalism has become hegemonic in public opinion formation and policy-making in the United States. In what follows, I tackle the

intertwined questions: Why does my account concentrate exclusively on the USA, and why the meticulous focus on Blacks?

The first caveat explains the choice of focusing on one racial group to avoid misleading reception. The exclusive emphasis on Blacks does not mean that only US-African Americans were subject to the historically developed system of racial domination in which laws, state regulations, and social patterns conditioned segregation, second-class citizenship, and racial discrimination. Nor did other racial and ethnic groups not engage in forms of resistance against racial hierarchy through civil disobedience, civil organization, social movements, and the like.

Undoubtedly, other courses of the Civil Rights Movement would have distinct processes for theoretical analysis and different political ramifications. Scholarly analyses on the complex plurality of racial groups excluded and civil organizations in the struggle for emancipation range from empirical assessment of social reality to historical data and normative investigation. It is not my purpose to extensively sketch a detailed analysis of race and racism. That Homeric task would imply an extensive overview of the state of the art. However, the social theory developed in the following pages takes a big-picture approach, drawing on relevant literature, understanding the systematic issues at stake, and critically engaging with current philosophical debates on race and racism in the USA. Thus, the overall framing assumes an interdisciplinary perspective, including observations on the philosophical and theoretical landscape. Short observations on a few examples in a broad spectrum of disciplines and the vast ongoing knowledge production acknowledge the growing scholarly studies and theories and the fair manner in the ongoing discussion about race as a social construct has an interdisciplinary nature.

Numerous theoretical studies about race frame grosso modo the successful domination of hegemonic white contract with subordinated groups. Philosopher Charles Wade Mills holds this argument in *The Racial Contract*. Mills states that the contradiction of a set of principles elaborated in the enlightening liberalism with colonization and exploitation was reconciliated in the invention of race. In his words,

> (the) proclamations of the equal rights, autonomy, and freedom of all men thus took place simultaneously with the massacre, expropriation, and subjection to hereditary slavery of men, at least human. This contradiction needs to be reconciled; it is reconciled through the Racial Contract, which essentially denies their personhood and restricts the terms of the social contract to whites. Moreover, he argues that the racial bigotry of dominant groups provided grounds for exploitation (C. Wade Mills 1997: 64).

In other words, C. Wade Mills claims that social relations of exploitation and exploration created race as a justificatory ideology to ground the domination between white European colonizers and non-white subordinated groups (1997: 63). Mills reflects upon historically developed state apparatus and social mechanisms that attribute hierarchical social standing and constrain opportunities of non-white racial groups.[1] Coercion and repression of racial and ethnic groups have taken many forms in institutional organization and social practices. For example, legal norms have long served to justify the idea of exclusive entitlements grounded on whiteness and other social markers that imprinted the idea of "white by law" (Haney López 1996, particularly chap. 5).

The argument of *race as a social construct* appears in scholarships across academic fields. Note that construction, in this sense, refers to complex social processes. In this spirit, Legal scholar Ian Haney López investigates in a large body of court decisions how legal rules and actors constructed race as "social systems of meaning" (1996: 113). The court's reasoning for defining racial categories in explicit hostility changed after the 1954 Brown decision. However, post-Brown jurisprudence still characterizes racial differences through distinct mechanisms despite the paramount significance of outlawing racial segregation in public places. The law still involves disciplinary functions in two ways: through behavior control and creating an ideological system to engender common sense as a source of belief in racial matters.

Furthermore, law – Haney López distinguishes from a common philosophical abstraction – "encompasses a set of institutions, actors and ideas that are interdependently and yet only infrequently, if ever, in concert with one another" (1996: 114). In this sense, the underlying organization of the institutional framework of Congress, legislation, and state and federal court system in the judicial apparatus displays an interdependence of various pieces in the coercive system founded on law. Besides written norms, Haney López points to the relevance of historically situated contexts, how specific actors, institutional affiliation, the power of judges, and the role of lawyers and other actors in court reasoning and case resolutions.

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[1] Notice that Mills overtly acknowledges in his philosophical framework the usage of academic resources that concern the social construction of race and the ideological tools to reinforce racial hierarchy and justify coercion, oppression, and domination. As Mills asserts, Omi and Winant's racial formation theory has played a central role. In a rejoinder to Michael Winant's reception of the 2017 published book *Black Rights/White Wrongs*, Mills agrees with the sociologists Omi and Winant's view: "Insofar as The Racial Contract (Mills 1997) is about the creation of race itself as well as racial politics, there is a sense in which Omi and Winant's racial formation theory lends itself very well to this philosophical reframing. I agree completely with Winant that one can think of *the formation of race as a project of dominant groups* that is *successfully realized in the hegemonic white 'contract'*" (2018: 557, stress added).

Acknowledging complex matters and the multifaced nature of discussions about racial hierarchy, one should notice the problem of the color line comprising other minorities besides Blacks. Historian Mark Brilliant (2002) exposes how "color lines" have shaped civil rights struggles' legal and political contours in empirically documented sources. Recurring to reports and documents in the 1945-1975 legal reforms and political efforts in the state of California, Brilliant makes a case against the reductive view of "the problem of the color line" as "the Negro problem." In Brilliant's view, even black scholar and civil rights activist Du Bois seems to have limited the critique of the racial hierarchy to the Black/white focus (2002: 35ff). Contrasting to the limited Black/white view, Brilliant concerns a myriad of other racialized groups who experienced the pernicious effects of the entanglement of discrimination and exploitation that have molded legal and political efforts in the struggle for equity and equality.

Without disregarding the intricacies of "color lines," in this dissertation, I set the scope of analysis to the color line problem that conditioned US African Americans to subalternity. Thus, notwithstanding the social theory developed in the following pages includes historically developed existing system of economic and social institutions that have constrained non-white social groups in a myriad of manners, that is, through foreignness, language, citizenship, skin color, cultural belongingness, and other markers, I restrict the study to US African Americans. The main reason for narrowing the scope lies in closely observing the historically situated unfolding of two lines to deal with the problem of racism and its political corollary in public opinion formation and policy making. In this manner, the dissertation does a careful discursive analysis and ideology critique in scrutinizing two contrary frameworks to understand racism.

The restricted emphasis on Blacks clarifies the pernicious effects of the dominant understanding of racism that has given the contours of legal and political reforms in the civil rights era, whose tenets still strongly affect public opinion. Thereby, the inquiry concerns, first and foremost, de jure and de facto constraints on the color line in the historical development of overtly racist government programs and an array of institutions and public norms. Additionally, and historically relevant to trace the rise of contesting views to the dominant view of racial liberalism, the investigation addresses the unfolding of radical thought traditions that explicitly urge Black emancipation and advocates to frame racism beyond prejudice in racial relations. Critical race theories wrestle with racism without reducing the trap of circumscribing it to interpersonal matters that fail to question

institutional networks' complacency with the perpetuation of inequities and inequalities in the color line.

An additional matter to note about the scope of this study concerns the focus on the USA. The choice is grounded on a historical retracing of discursive unfolding and its effects on public reasoning and opinion formation. The United States illustrates one among many nations where the rise of the racial hierarchy of Blacks and whites has occurred institutionally and ideologically. Roughly speaking, the amalgam of factors underlying the racial divide, that is, social struggles, ideological disputes, public reasoning, and institutional designs delineated to redress the wrongs of the past in the system of exploitation and exploration and the ingrained inequalities in the race line that perpetuated after the colonial period can be found elsewhere around the globe. Indeed, the crystal apparent discrepancy between liberal democratic constitutional promises of equal treatment and opportunities for all citizens and the systematic reproduction of inequality entangled with discrimination of racial and ethnic non-white groups appears in other democracies around the globe. Nevertheless, the historical unfolding of contrasting ideologies that molded public opinion and public policies during the civil rights era constitutes an exact period to study the materialization of two contrary ideologies about racism.

Moreover, a close investigation of the historical development of the dominant view of race liberalism in civil rights enactment and its effects on public opinion constitutes a fundamental instrument to grasp how systemic mechanisms in the interplay of racism and capitalism have been ignored by hegemonic discourses. In addition, the development of contrasting views in the discursive landscape in the US points to the poignant need to unravel crucial aspects at the bottom of the cultural battle to make sense of the complexity of the racial divide. In the discursive landscape, the rise of critical views within the black quest for equality and freedom grasp the complex nature of racism. A glimpse at the present moment and its relation to the constitutive ideological past represents one way to disclose how the growing hostility to critical race theory in public spheres and public reasoning today has been entangled with the hegemonic view of the problem of the color line.

Of course, the United States might not be a unique case to appreciate the contention along the racial divide, nor is the only liberal democracy that has pledged to correct the wrongdoings of a system of racial domination that insistently endured after the fall of the slavery system, that is, despite the legal constraints that undergird racial subjugation. Undoubtedly, the

contradiction of highly praised principles and ideals of equality for all citizens, on the one side, and mechanisms and social practices to subordinate racial and ethnic groups can be seen elsewhere around the globe. So, what makes the USA a particular case of hypocritical translation of the universal guarantee of equal citizenship to cast attention to? In the long run, scrutiny of the unfolding of ideologies, their influence on past and existing policies, and the historical review of different phases offers a fortuitous context to disentangle the constitutive ideologies underlying public opinion, contesting voices striving for changes. The USA depicts a discursive landscape in which one takes notice of the historical development of contrasting frames of the problem of racism and distinct visions of what problem-solving measures should consist of.

In historical and political terms, the tension between the black struggle for emancipation since the slavery abolition and the continuous formulation of laws and policies from state institutions to remedy the problem of racial injustice has been, in several moments, reformulated. An attempt to reassess the ideological disputes can be made through the reassessment of the discursive unfolding and the preponderance of race liberal view as a hegemonic prism in social policies and public opinion whose effects upon policy-making in the development of state efforts towards racial justice are visible up to these days.

The United States constitutes a *sui generis* case to regard different phases of the struggle for the emancipation of Blacks ever since the slavery abolition with the 13th Amendment passed in 1865. The evaluation of how diverse social institutions perpetuated the social domination of US African Americans over generations provides a clue to reevaluate the historical roots of pervasive social stratification and inequality that still hurt Blacks in our time. Even in the wake of the 1954-1968 civil rights advancement in the provision of constitutional entitlements, anti-discrimination law, and a set of policies to improve social equity of formally discriminated racial groups, people of color remain disproportionally affected by criminal justice, low-income employment, and enduring redlining, among other problems.

The contrasting views of racial injustice and ideological inflections hold distinct interpretations of the problem of social stratification and diverse inequalities in the racial line. With this in mind, the social theory outlined in the following pages reflects on the reverberation of contending discourse with liberal tenets in general and the implications of critical race scholarship. In this regard, this study draws attention to discursive controversy amid questioning and reactive altercation. First, the systematic search points to the radical

questioning of the historical and ideological foundations of the social institutions in the United States made by critical race theorization. The contention mobilized by critical race scholarship and public spheres comes with a conservative rebound. In the face of this dispute, the research considers a few effects and impacts following the backlash in recent state legislation maneuvers to constrain the theoretical usage framework of structural racism in schools and workplaces (cf. chapter 7 below).

To summarize this study's scope, three main explanations and their outlook accentuate the epistemic decision to focus on the condition of Blacks in the USA. The following develops an ideology critique of the dominant view of race liberalism and argues for the normative potentials of the ongoing critical reconceptualization of race and racism in three lines.

A) The historically situated path of civil and political articulation of Black communities and civil society and the flawed endeavors of the US American polity in ensuring the set of rights and real opportunities ascribed in the principles of freedom and equality, social practices and institutional spheres, political enfranchisement and social goods. The enduring tension between the race-discrimination prism and radical critique of racial hierarchy has yielded distinct discourses over decades. Social movements, radical discourses, and civil initiatives have fought for racial justice since 1865. The struggle for Slavery abolition gained enormous visibility via civil disobedience, uprisings, and many forms of contestation and resistance. On the other hand, the promises of equality of opportunity in economic chances, civil and political rights, and equal social standing firstly in the 1865-1877 Reconstruction period and, then, in the Second Reconstruction, as historians term the 1954-1968 civil rights legislation (Gates, 2012), fell short in solving the ingrained problems of social inequality and racial discrimination;

B) An overview of the ideological disputes in the wake of the public attempts to redress historically developed injustices of racial subordination reviews not only the background of inflamed discussion in the contemporary political landscape. It also unmasks dimensions of the permanence of inequalities entangled with race and ethnicity. Moreover, the review illuminates a historical consciousness and points out the cutting-edge meaning of critical discourse about race and racism in the making. In the first moment, the investigation dives into history. The civil rights era, frequently associated with the series of anti-discrimination laws and policies between 1954 and 1968, represented a new momentum in the history of racial relations in the USA – in the 1954 landmark decision Brown v. Board of Education

outlawed racial segregation in public schools and the 1968 Civil Rights Act, the Fair Housing Act, prohibited forms of discrimination based on sex, race, color, religion, family status, disability and national origin, in the rental, sale, advertising and financing of housing. The liberal problem-solving, strongly oriented by race liberal tenets - as the dissertation shall expose -launched a new normative climate in the state of affairs of racial matters in the USA, whose repercussions on public opinion perpetuate until today (cf. Bonilla-Silva 2002: 42f). The crux of the question indicates two directions and a myriad of visions in the aftermath of the civil rights era. A first perspective holds that the promise of equal citizenship in all its spheres was finally attained with constitutional amendments and social policies to ensure equality of opportunity. Opposing this standpoint, other lines of understanding interpreted the social demands of Blacks and people of color more radically, raising fundamental questions about the foundation of social institutions and the systemic nature and intricacies of racism;

C) Lastly, in public spheres in the USA, the unfolding of ideological contestation of critical theories of race comprises a new window of opportunity to conceptually and politically reassess the state of affairs today. The ongoing development of critical discourse in its heterogeneity characterizes different nuances of critique and raises numerous questions. Some of these critiques have revamped the radical legacy of Black Power in questioning the institutional perpetuation of racial problems and, to some extent, appeal to other aspects of the Civil Rights Movement's demands. The analytical edge inspired by critical theories of race urges civil society and social institutions to reconceptualize race and racism – a task that revives a critical conception of racism in terms of racial hierarchy perceptible in socioeconomic power, as trenchantly theorized by Du Bois (1935, 2007 [1903], 2010 [1899]), the critical reevaluation of public reasoning and social institutions and along with rethinking rejuvenates emancipatory impulses to reshape and redesign institutional arrangements and social experimentation to address the poignant question of the permanence of racism today.

For all these initial reasons, the United States epitomizes a still noteworthy historical configuration to rethink the limits of the liberal framework in historical, philosophical, and political terms. The following analysis draws on how race liberalism has become the dominant discourse in interpreting inequalities in the racial line and has shaped social policies and public opinion up to the present day. In this spirit, the investigation wrestles with some shortcomings of civil rights amendments and social policies; precisely, the analysis pinpoints how colorblindness and entrenched individualist values have given contours to the policy development of affirmative action in higher education.

iii.   *A Few Conceptual Remarks*

This section sketches basic concepts applied in the analysis proposed in this dissertation. It draws on terminology, concepts, and terms employed in the social theory developed in this dissertation. Notably, the conceptual pair of ideology and hegemony receive attention. What follows begins by explaining a few notions and concepts in the background of the following chapters.

Firstly, I use "Black" in capital letters to refer to a specific cultural group, such as Asians, Europeans, and Latin Americans (often denoted as "Latinxs" to include women and other lifeforms besides men). Capitalized "Black" is used in this research interchangeably with "US African Americans." Furthermore, the word "Black," as I employ in this social theory, explicitly eschews a theoretical framing that wrestles with divisions within black communities resulting from the African diaspora. Roughly speaking, the stakes of the dispute around African Blackness bifurcate into two poles: people of African descent born in the USA and immigrants from the African continent in the United States. In the discussion strongly weighted with resentment, many black immigrants from Africa accuse US-born Blacks of having betrayed African ancestry. That is because most US African Americans have been culturally removed from Africa over generations. Of course, race and ethnic relations involve complexities related to cultural roots, historical heritage, and disputes around definitions.[2] Since I do not aim to risk simplifying the intricacies of these matters, I decided to employ Blacks without specifying distinctions, to a certain extent concerning the deplorable conditions caused by exploitation and racial discrimination and the long-term struggle for emancipation in the legacy of black radical visions (see §6 and §7 below, cf. Dawson 2001: chap. 3, Kelley 2002).

Moreover, I employ "US American" instead of "American" as a linguistic remark to discern the exact positionality in the geopolitical context of the USA; hence, the phrase "US American" distinguishes US citizens culturally, geographically, and geopolitically from other Americans such as "South Americans" or "Central Americans." "US American" avoids, at least in a discursive domain and in what regards knowledge production, the mimetic reproduction of symbolic domination in subsuming other peoples in terms of races, ethnic,

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[2] Sociologist Philip Gay (1989) comments on this subject matter, considering some intricacies in the cultural link of US-born black citizens to African generations after the slave system dragged Blacks into the USA.

and cultural groups with roots or located in the American continent to the category of "Americans," commonly attributed to the United States of America. Of course, the legitimacy of the words might be highly dependent on the context. One can say that "US American" is not commonly used in the USA and many other settings. However, for many who are attentive to postcolonial critique and decolonial accounts of imperialism in language, the general usage of "American" carries a problematic assumption of asymmetry with other inhabitants of the American continent (cf. Martinez-Carter 2013). To disavow controversies in the loaded term "American," for some, I use the prefix in descriptions such as the "US American citizenry."

Another concept that deserves an explanation in the introduction is ideology. Ideology characterizes an oblique term that often prompts interpretative disagreements, let alone misunderstandings. The concept of ideology is applied in many different ways and a broad spectrum. It ranges from everyday language to philosophical usage. In what follows, I am not trying to contemplate a scholarly study on the concept of ideology and recapitulate scholarly detailed debates.

Nevertheless, to avoid any cloudy, misleading reception, I shall allude to three main distinctions of ideology. These differences are indeed helpful in grappling with their meanings in this research. The following definitions, whose quotations are overtly simplified here, rely on Geuss' clear conceptual account, as applied in the long legacy of the Frankfurt Critical Theory.

(1) The first meaning of ideology comprises the *purely descriptive sense.* It bears a twofold connotation. Firstly, and more broadly, (a) the descriptive sense enables elaborating the "typology of human cultures" object of empirical inquiry associated with anthropology. It includes widely shared beliefs among the group members, referred to as "the worldview of a group." Secondly, and more specifically, (b) one might use the term ideology more narrowly to distinguish between different "ideologies" as a "subset of the set of beliefs" in terms of the manifest content of belief. Furthermore, one can discern ideologies regarding their "functional properties," that is, how an ideology influences action (Geuss, 1981, p. 8).

(2) Ideology also carries a second meaning. In the *pejorative sense*, it constitutes a second research program dedicated to criticism of beliefs, attitudes, and behaviors of social agents of a particular society. Ideology, in this sense, means delusion or "false consciousness." Geuss frames the "form of consciousness" as a set of beliefs, dispositions, and attitudes; thereby, he

considers three properties that shape a form of consciousness as ideology in a pejorative sense. In his words,

(a) a form of consciousness is ideologically false in virtue of some *epistemic* properties of the beliefs that are its constituents;

(b) a form of consciousness is ideologically false in virtue of its *functional* properties;

(c) a form of consciousness is ideologically false by some of its *genetic* properties (Geuss, 1981, p. 13).

(3) Ideology in *the positive sense* means the construction of a form of consciousness as the "most likely to enable" members of a given group "to satisfy their wants and needs and further their interests" (Geuss, 1981, p. 22). In this manner, ideology in the positive sense is "something *to be* constructed, created, or invented; it is a *verité à faire*" (Geuss 1981: 23, emphasis in original).

A first caveat to state here encompasses the usage of the term ideology. I refer to ideology initially and primarily in *the descriptive sense*. The first part of the dissertation outlines two contrasting discourses about racism, considering race liberal view and the opposing interpretation of racial hierarchy regarding holding socioeconomic power over racial and ethnic minorities. Ideology then denotes the ideals, conceptual tenets, and social beliefs proposed in race liberalism. I employ ideology in the pejorative sense while examining the effects of framing racism as a moral issue upon legal and political contours and shaping public opinion. The "race relation" model, derived from the race liberal view, predominantly shaped the 1954-1968 civil rights legislation and the integrationist agenda in social policies. Moreover, the legal norms and policy procedures grounded on race-liberal tenets yield public opinion.

The second part of the dissertation reflects the material and discursive effects of the legislation and state policies to cope with the racial problem. In this context, I employ ideology to some extent in *the pejorative sense,* considering two entangled matters. Firstly, I bear in mind how the dominant view of racism as a mere matter of prejudice has characterized the set of norms and programs to amend appalling injustices of the system of racial subordination in the civil rights era. The argument posits that the hegemonic framework of racism as a moral issue and in terms of racial relations overlooks complex dimensions of racial hierarchy. Instead, emphasizing racial relations and moral commitment

to include members of racial groups privileges the integrationist agenda in the inflection of interpretation of which set of policies would successfully enhance equality of opportunity. Framing racism as a moral problem without considering other dimensions of the problem obscures critique and the formulation of more accurate social policies to redress racial justice. The last part of this dissertation resumes further discussion of this matter.

Another critical term that requires theoretical anchoring for this doctoral research is the concept of hegemony. Hegemony constitutes an essential theoretical tool to disentangle aspects in unfolding competing views and the prevalence of one strand over others. The concept of hegemony is commonly associated with the Italian Antonio Gramsci, one of the most influential Marxists of the 20th Century. Gramsci's theory deals with defaults of historical materialism as sketched in Marx's philosophy to understand society regarding economic conditions and relations of social forces and cultural values.

Roughly speaking, Gramsci formulates the concept of hegemony to examine how dominant forces culturally steer the subordinated condition of the proletariat. In this sense, the analysis of hegemonic composition exposes how ruling cultural norms have come to exist and how cultural and moral values have been internalized as the natural order of things. In other words, cultural patterns, norms, and values remain dominant concerning social forces without questioning how hegemonic views often reinforce themselves.

Most significantly, Gramsci's theory reflects how cultural and moral hegemony serves the interest of the dominant social class. Those in power in society can maintain control because of their grip on cultural values and economic conditions. Gramsci states that the state creates public opinion to validate political decisions and forge consent by organizing "certain elements of civil society" that channel opinion formation. In his words, "public opinion" is tightly connected to political hegemony. In other words, it is the point of contact between "civil society" and "political society," between consent and force. (…) Public opinion is the political content of the public's political will that can be dissentient; therefore, there is a struggle for the monopoly of the organs of public opinion – newspapers, political parties, parliament – so that only one force will mold public opinion and hence the political will of the nation while reducing the dissenters to individual and disconnected specks of dust. (Gramsci 2007: 213).

The struggle for political hegemony and control of public opinion comprised in Gramsci's political theory the understanding of the superstructure of power relation between the ruling

and dominated class in terms of cultural, moral, and political norms assimilated as legitimate. Hegemony is a conceptual device to make sense of power relations in society on a broad scale. Considering the research question of this dissertation, a social theory about the formation of distinct discourses of race and racism and the predominance of race liberalism over other interpretations of the problem of the color line throughout the agenda-setting and institutionalization of civil rights amendments and policies, the concept of hegemony plays a central role in my analysis.

Essentially, hegemony conceptually provides a framework to grasp relevant aspects of the political and ideological effects in the discursive terrain and its implications in normative discussions and social policies about racial justice in the wake of the civil rights era. Thus, a second caveat in this section concerns how the concept of hegemony represents a suitable theoretical tool to understand the historical development of the dominant view of racism as a moral issue. Race liberalism has established a cultural and moral framework for social policies addressing injustices and inequalities in the racial line and still today constitutes the dominant theoretical prism to view racism in the United States in the post-civil rights era (see § one below, cf. Bonilla-Silva 2002: 42, Samson & Bobo 2014: 522ff).

The discursive development of race liberal tenets engendering public opinion since the rise of race liberalism in the 1940s, channels of public reasoning such as Supreme Court decisions, civil rights amendments, and social policies grounded on the idea of integration have long served to legitimize the core idea that racism constitutes first and foremost a moral problem. Understanding racism primarily as a moral issue emphasizing individual accountability in racial relations and the regenerated confidence in the liberal institutions in providing equal political and civil rights for Blacks have had relevant repercussions until the post-civil rights era, as I shall refer to in this dissertation. Additionally, the hegemonic assumptions that racial discrimination, the range of social inequalities, and scarce economic opportunities tied up with the race category would be adequately solved by law enforcement, public policing, and social engineering set up by those convinced of race liberal interpretation of the problem of race. The race relation model and the moral imperative of integration constitute two pivotal features of the hegemonic view found in the ideological vision of race liberalism. Most fundamentally, integrationist problem-solving ideals and policies have remained distanced from black communities.

A third caveat in this introduction concerns abstaining from the analysis and use of White Supremacy as a marker in the social critique of racism. I decided to eschew the term and concentrate instead on the moral claims and reason-giving of race liberal creed, whose normative principles and institutional ordeals have been, later on, reinforced by egalitarians such as Elizabeth Anderson (§2). The reason for this decision lies in the purpose of this research, the scrutiny of (race) liberalism in the endeavor to argue how liberal principles and cherished individualist values fall short in two intertwined ways. Race liberalism fails to understand the problem of the color line and sketches a flawed problem-solving program incapable of grasping how Black visions of public institutions have been fundamentally distinct from dominant liberalism.

The focus on the normative discourse of race liberalism aims to lay out how liberal principles undergird public institutions and disdain crucial elements in the intricacies of racism. Furthermore, race liberal ideals fall short of discussing how Blacks, and likely other racialized minorities, have wholly distinct worldviews of the reasons for their plight (cf. (Dawson 2001: 81). That, as many radical black visions would argue, social institutions have been long embedded in racial hierarchy.

Of course, policy-making and political power represent two channels where white supremacy still sets the contours for vital decisions in public reasoning. The recent Supreme Court hearing of Judge Kentanji Brown Jackson illustrates the case theatrically from accusations of misjudged court verdicts to assumptions that she would misuse court reasoning with bias-led interests to promote critical race tenets, Republican Senators such as Josh Hawley and Ted Cruz distrust Judge Jackson's conduct and competence and exhibit racist traits that could be reasonably clearly associated with White supremacy.[3] The social theory elaborated in this doctoral research does not disdain that White supremacy comprises a determinant factor in the course of pervasive injustices that shape the problem of the color line. Indeed, the first chapter alludes to labor force supply in big companies through convict leasing mechanisms engineered by racist actors (see §1.1, cf. Blackmon 2008). However, I opted to single out the entanglement of racism and capitalism in systematically reproducing injustices in the color line. The decision to avoid detailed analysis of White Supremacy as an indicator that still conditions the allocation of power positions in the US public institutions lies merely in the

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[3] US Senate confirmed Judge Kentanji Brown Jackson as the first black woman in the Supreme Court on April 7, 2022.

research purpose interested in the ideology critique of (race) liberalism, whose reasoning has steered the course of legislation and social policy in the 1954-1968 civil rights era.

After exposing how the dominant view neglects how structural and systemic factors overlay the permanence of inequalities and harm to racial minorities, the research draws attention to counter-hegemonic visions of the intricacies of the problem of the color line. These opposite views exhort public opinion and political mobilization to reassess how institutional accountability in the endemic sources of inequality, inequity, exclusion, and historically sedimented structures of power in the perpetuation of racial subordination. The ongoing effort of contesting discourses to grapple with racial injustice aims to wrestle with the complexity of racism on institutional, structural, and systemic terms as radical theorizations in the legacy of Du Bois's oeuvre, the Black Power Movement and the rise of Critical Race Theory purport.

iv. A Note on Methodology and Research Approach of this Dissertation

This item takes notice of a few methodological issues of this investigation. This study consists of an overtly interdisciplinary venture: a historical reconstruction of two strands of thinking I regard as *discursive frames* about the problem of the color line. The argument covers the commonality and implication of these two matrixes in forming public opinion and political mobilization. Despite the heterogeneity in the public landscape, common traits distinguish *race liberalism* and the critique of racial hierarchy. Although the research proposal outlines a big picture of the unfolding of these two strands of thinking about racism and problem-solving pools, it has been submitted to the philosophy department. Hence, the examination takes a normative stance concerning the potential of contesting discourses in practices of critique to reframe race and racism, whose effects encompass the possibility of redesigning social institutions to address the problem of the color line.

This doctoral proposal raises expectations of advantages and challenges in the junction of a historical description and a normative stance of critical practices for consciousness and empowering policy-making regarding responsive measures to social actors' demands. The central difficulty of an interdisciplinary standpoint in philosophy, history, and social sciences concerns the diverse methodologies employed here. This section clarifies a few methodological points and minor issues regarding the approach adopted in this social theory.

The primary subject matter of this research, the reconstruction of two discursive framing to explain racism and how race liberalism constituted the dominant view in the civil rights era, requires, first and foremost, historical reconstruction and careful examination of empirical sources to concern the conceptual framework of these two thought traditions. With this goal in mind, the investigation draws mainly on a historical approach to grasp the unfolding of contrasting discourses and the preponderance of one over the others. It sheds light on the historically situated context in which race liberalism became the hegemonic discourse in legislation and social programs in the civil rights era up to public opinion in the definition of what racism is.

Additionally, the historical approach uncovers historically developed processes and conceptual legacy in unfolding counterhegemonic views in practices of critique in scholarship and social movements. The conceptual disclosure of racial hierarchy in terms of power constitutes a fundamental claim in developing black radical vision and radical movement. I reconstruct the discursive unfolding chronologically in three significant moments to visualize a conceptual genealogy, which initially revisits Du Bois's social study, then resorts to black radicalism in the Civil Rights Movement, whose spin-off, the Black Power and some scholars associated with the Critical Race Theory, reframed core concepts and social demands of the black struggle for emancipation.

After describing the historical unfolding of race liberal discourse about racism, whose prevalence in policy-making in the civil rights era, part 2 addresses one example of policy designed in the course of integration; it concentrates on an in-depth analysis of affirmative action in higher education with two objectives in mind: (a) the Supreme Court reasoning and the weight on individualist principles and values in the reshaping of affirmative college admission program; and, (b) an exam of empirical data on affirmative action in higher education and the drawbacks after the policy reconfiguration.

The first matter regards the reshaping of affirmative action in higher education in the 1978 Bakke lawsuit. The examination regards the specific case of affirmative action in higher education to dismantle the disservice of affirmative college admission in the aftermath of the Bakke decision, whose normative reconfiguration of affirmative action pursuing the diversity goal distorted the original aims of inclusion and social redistribution to improve equality of opportunity for US African Americans and, at time additionally members of other minority groups.

The second goal concerns affirmative action reports and up-to-date empirical studies on the aftermath of affirmative college admission. I review a few quantitative and qualitative studies of policy outcomes in post-Bakke affirmative college admission rationale. The interpretation of policy outcomes not solely describes the consequences of implementing affirmative action in higher education; it also reiterates the underlying features within the liberal framework. More fundamentally, a critical outlook of the epistemic disagreements around affirmative policy outcomes endeavors to uncover flaws within the policy configuration. In other words, the analysis seeks to disclose how meritocratic, colorblind, quality, and efficiency-centered guidelines have grounded the Post-Bakke affirmative college admission without accounting for systemic factors that reinforce inequalities that strongly harm racial and ethnic minorities.

Another remark of less relevance in this research concerns the *citation code* adopted to some extent in this dissertation. It is necessary to clarify this matter to eschew any reason for annoyance or frustration among readers and experts keen on reading detailed commentaries from academic sources. Recurrently, I apply a style notably characteristic in social sciences, where references to sources frequently allude to the gist of an academic contribution or summarize the idea.[4] The quotation code or common approach in the line of social sciences usually summarizes an idea; it alludes to sources in the scholarly debate or even regards a dataset with the aims and goals to grasp the constitution of patterns in economic and social terms. In short, quoting references equips readers with information about primary and secondary sources and indicates existing literature for further reading.

In a nutshell, with the aim of mapping dimensions underlying the hegemonic view in the discursive landscape and drawing a big picture of the two views of racism in the USA, I combine distinct methodologies and approaches. The methodological amalgam reads as follows. Considering the chronologic unfolding of the two discursive lines and the respective effects of the hegemony of race liberalism upon public reasoning in the legislation and design of social policies in the 1954-1968 civil rights era, including segments of the Civil Rights Movement, I apply the *historical approach*. In the particular case of delineating normative grounds for social engineering in the wake of public policies designed to enhance equity and equality of opportunities, I consider the moral disagreements in the liberal framework by drawing attention to the policy outcomes and their aftermath. In so doing, I use empirical data to gauge the policy rationale and program outcomes. Reports, statistical analysis, and social

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[4] A clarification remark to notice here is that when I refer to citation style, I do not mean a formal quotation guide or format applied in this dissertation but the MLA style.

sciences research findings constitute a meaningful step to observe in complementary phases and dimensions how the hegemonic liberal view has set the contours for affirmative college admission programs. In this context, a review of *empirical data* aims to identify competing interpretations at the bottom of contrasting discourses.

The combination of approaches and methodologies indeed holds weaknesses and strengths. Readers with expertise in distinct areas of knowledge might raise questions about the consistency of the reconstruction, which switches from distinct methodological fashions. One might wonder about the purpose of using extensive sources in terms of empirical data. Particularly in the second part, which inquiries about the policy development of affirmative action in higher education and policy outcomes, I employ social sciences case studies to map out empirical constraints and explore distinct explanations for the policy. In this regard, the substantial analysis illustrates the limitations of affirmative action in higher education in fulfilling the initial goal of social redistribution in terms of increasing minority representation in education. This equity-enhancing goal implies social mobility in the long run. A review of empirical literature unravels ambivalences in the policy as designed within liberal and competitive logic.

Essentially, the theoretical approach in the analysis of discursive development embodies elements of a twofold critical program for philosophical reflection: an ideology critique and normative potentials found in the current debate about critical theories of race. I believe no single approach nor methodology encompasses the required tools to reconstruct the discursive unfolding historically and conceptually, nor to gauge the effects of the hegemonic view of race liberalism and its mesmerizing power upon the public opinion of social groups.

Most importantly to concern the hegemony of race liberalism and the present state of affairs in the course of effects of contesting voices in the public arena, this doctoral research sheds light upon the divergent interpretations of the sources for inequality in the color line and the inefficacy of affirmative programs in promoting substantial social change for low-income members of racialized groups, in particular, Blacks as I alluded to in the previous section. The scrutiny of empirical studies opens up another avenue to concern distinct perspectives and, even more significantly, the special place of reconceptualization of race and racism to understand the interplay of economic structures and power relations in sustaining material conditions and ideological perpetuation of injustices and inequalities in the color line.

v. A Brief Outline

Facing the constitution of two matrixes and nuanced views of how racism works, this dissertation identifies race liberalism as the dominant ideology that framed the interpretation of the problem of the color line and the problem-solving in the form of laws and policies in the 1954-1968 civil rights era. The predominance of race-liberal tenets in the discursive landscape and state policies in the civil rights era has affected policy-making and public opinion about racial matters, whose repercussions can be noticed up to the present.

Chapter 1 traces two lines of thinking about racial injustice ascribed in social institutions and attitudinal behavior. It introduces how these two discursive axes had conceptual and political implications in the theoretical and discursive landscape and, later on, in drafting laws and social policies in the 1954-1968 civil rights era. On the one side, the discursive development of race liberalism, the explanation of racism as racial prejudice, and the pledge for rights in the development of articulation of black liberation attracted attention in public spheres, including many leaders and civil rights associations in the struggle for equal citizenship and better conditions – for example, Martin Luther King and the NAACP (National Association for the Advancement of Colored People). Race liberal framing of racial discrimination on moral terms and the language of rights has become vital tactics in the rhetoric and organization to forward the social demands of the Civil Rights Movement. How did race liberalism turn out to be the dominant matrix to think about racial justice and the blueprint for social engineering in the civil rights era? The answer to this question gives a clue of utmost importance to reevaluate the cultural and moral hegemony that, even today, bears far-reaching effects on public opinion and social policies to cope with inequalities in the racial line.

Chapter 2 explores the integration guidelines to redress past wrongs of the racial domination system and the present asymmetries in the distribution of social goods. The inquiry exposes the configuration of integration as a moral ideal and social policy. More fundamentally, the integration goal has swiped off other visions within Black social movements and intelligentsia to cope with inequalities and injustices in the color line. Considering the rise of integration as the moral compass to think and design a toolbox to address injustices and inequalities in the color line, the chapter views how integration operates as ideal and shapes policy framework and agenda-setting up to the civil rights era. In this spirit, the investigation

outlines how integration has become the center of gravity in the additional implementation of social engineering to parcel opportunities in employment and education.

Furthermore, the chapter concentrates on the integration guide with two goals. First, it spells out the normative principles circumscribed within liberal views of citizenship. Second, the study draws attention to the moral and political justification of the integration goal in a liberal egalitarian vision. It states that the racial divide's intricacies can be addressed through integration grounded on moral principles.

Chapter 3 digs into the particular case of affirmative action designed under the integration umbrella. It explores a watershed moment in public reasoning about affirmative policy in higher education. It revisits the paradigmatic meaning of the 1978 Bakke decision in reshaping affirmative college admission programs in the USA. The Bakke decision adjusted the affirmative college admission policy to satisfy the constitutional entitlement of equality. As a result, the legal proceduralism of color blindness in the rule of law ended up favoring dominant dynamics that prolong a system of socioeconomic privileges and injustices. The US Supreme Court dissociated itself from the jurisdiction of affirmative college admission, assigning accountability to educators and school administration. Accordingly, the court's decision in the Bakke dispute argued that affirmative action should be narrowly tailored to serve the compelling state's interest in engendering diversity. Bakke's lawsuit illustrates how the affirmative action controversy is imbued in ideological quarrels whose judiciary interpretation in 1978 and subsequent policy configuration ultimately favored elite interests.

Continuing the analysis of affirmative action, chapter 4 sheds light on the policy expectation in instrumental terms, particularly considering a set of objections at different levels: policy management, the inclusion of beneficiaries, program outcomes, and, essentially, considering the goal of ideology critique here, common traits of discourses about the effects of the affirmative policy. With this in mind, the chapter disentangles core assumptions underlying practical consequences of affirmative action in college admission from staple ideas founded in the conservative assessment of the policy outcomes. Moreover, it identifies individual-centered norms and ideas for accomplishing a hegemonic line of thinking about the instrumental problems, their intricacies, and various obstacles to the expectedly positive effects of race-based programs in higher education. At last, chapter 5 draws attention to three interwoven aspects of the reluctance and stiff opposition to the implementation of affirmative college admission: (a) undesirable consequences in the educational system, i.e., the decline of

the quality level, (b) social animosity and resentment among different social groups triggered by group differentiation and academic disparities between policy beneficiaries and other pairs in the student body, and finally, related to the two first matters, (c) the stigmatization associated with unqualified beneficiaries.

Chapter 5 lays out the grounds for the flaws of affirmative action in higher education. It essentially argues that the social engineering in the social policies institutionalized in the 1954-1968 civil rights legislation and the enforcement mechanisms have carried the seeds for its limited effects within itself. The problem is rooted in principled reasoning within the liberal framework. It can be seen in the historically situated development of limited social repair designed to redress injustices in the color line. The existing policies fail in at least two intertwined manners. Affirmative action, most significantly the post-Bakke rationale, needs to take the perpetuation of power seriously through the competitive logic underlying college admission procedures designed to enhance diversity. The state's compelling interest in fostering a diverse student body accommodates market-oriented goals within affirmative action. The aftermath of post-Bakke affirmative admission policies neglects the peril imprinted in commodifying race and ethnic groups in higher education to produce profits. In the face of these matters, the investigation urges the compelling need to reconceptualize the problem of racism beyond the prejudice prism: to understand how racism works in institutional, structural, and systemic terms.

Chapter 6 turns to the rise of critical race theories in two senses. It broadly explores the discursive unfolding of the critical theory of race, in which a conceptualization of structural racism plays a constitutive role in the unfolding of critical practices. In this sense, the investigation concentrates on developing academic discourse on race and racism in structural terms in the post-civil rights era in the United States. On the other hand, the chapter presents the historical unfolding of a programmatic scholarship dedicated to unraveling race as a social construct and claiming that US American social institutions are deeply interwoven with racism. By this token, the chapter draws attention to a scholarship that takes grip with race liberalism: Critical Race Theory in a narrow sense. Critical Race Theory had its historical origin in the mid-1970s as a takeoff on Critical Legal Studies, a school of thought scrutinizing how law-making, legal discourses, and practices legitimize the status quo and power structures (Hunt, 1986; Kennedy, 2004; Unger, 1996). Bitterly disillusioned with the mainstream assumption that de jure status has set the ball rolling for equal status for excluded groups in the racial order, Critical Race scholarship holds that Blacks and racialized people of

color experience racism and disadvantages in the justice system despite the formally granted equal rights.

Finally, chapter 7 makes a case for the normative impulse in the wake of critical race theories. It concentrates on issues presented by critical race theory, which is broadly defined, thereby comprising the honest scrutiny of social institutions in perpetuating racial injustices. Additionally, the chapter delves into a nuanced dimension in unfolding a prolific debate triggered by critical race theory in public spheres as the growing backlash in recent years has strived to ban the conceptual framework from state agents, particularly in education. Roughly speaking, critical race theory stimulates public spheres to rethink and, eventually, recall radical reframing in the legacy of black radicalism in the struggle for racial justice, reshaping social institutions. In this spirit, the chapter highlights the critical character of current debates sparked by the critical theory of race and the potential of ongoing public spheres to raise awareness of other dimensions of the problem of the color line – aspects of the problem that have been long obscured in the dominant public opinion about the pervasive inequality that still harms members of racialized groups. The development of critical theories of race has normative and political implications for rethinking race and racism and, ultimately, bearing the organic effects in forming critical public spheres. The unfolding of these discursive spheres may urge policy-making and political discourse to reassess the present state of affairs and, hopefully, and eventually, revitalize the spark of radical social critique to redesign and transform strategies to wrestle with the pervasive racial injustice in the United States of America and around the globe.

1. Two Competing Views of the Problem of Color Line: Race Liberalism and Critical Analysis of Racial Hierarchy

Racial segregation and the permanency of inequality in the racial line have been conceptualized in distinct manners. This chapter delineates the discursive meaning of two lines of thinking about racial injustice ascribed in social institutions and attitudinal behavior. It unfolds race liberalism and its definition of racism as racial prejudice. Contrasting this perspective, the following recapitulates accounts of social history that expose how racial subordination was instrumentally essential for economic development. Systematic racial exclusion benefited white elites and established disproportional access to equality of opportunity. Additionally, what follows is how these two lines of thinking significantly impacted the imaginary and political conceptions in understanding the problem of the color line. These discursive axes had conceptual and political implications in the discursive landscape, legislation, agenda-setting, and policies unfolding in the 1954-1968 civil rights era.

Before I dig into the chapter, I shall state a full disclosure. I borrow the concept of race liberalism from Kimberlé W. Crenshaw (2017). In her piece, Crenshaw reviews the historical context of social justice movements and discordant debates on the Left, particularly the conflicts that surfaced in elite spaces like Harvard Law School. She regards the rhetorical and ideological battle between two camps: race liberalism and "critical race" discourse. In Crenshaw's words, race liberalism "ultimately embodies a 'colorblind' model of racial justice that seek to eliminate 'discrimination'" (2017: 2298). Critical race theory, in turn, focused instead on the distribution of racial power, a standpoint that essentially assumed the positionality of race and, thereby, race consciousness, a perspective that "race liberals saw as the evil that reform aimed to transcend" (Crenshaw, 2017, p. 2298).

Crenshaw notices how race liberalism obfuscates the radical contestation of Critical Race Theory and black social movements interested in questioning how the task to pursue racial justice was far more complex than the formal collapse of white supremacy and the goal of transcending race differences through the colorblind argument and race-conscious policies such as affirmative action in college admission. What follows focuses on a similar task to Crenshaw's goal of unfolding the prevalence of race liberalism and setting the contours for thinking about racial justice. However, this chapter shifts the investigation to the historical

development of race liberalism as an ideology and the lineage of critical analysis of racial hierarchy in Du Bois' social critique. I have decided to concentrate on the historical unfolding of these two thought traditions. In the third part of this dissertation, the argumentation unpacks Crenshaw's keywords in the quotation "colorblind" model of racial justice and "discrimination."

Thus, the following turns the attention to the historical context and the conceptualization of race liberalism to scrutinize how race liberal view turned out to be the hegemonic interpretation of racism, whose implication ultimately designed the blueprint of social engineering in the civil rights era. Race liberalism emerged in the post-New Deal era in the 1940s. The conception of the problem of race as a moral issue had a tremendous impact on the discursive landscape. It broadly wielded significant influence upon public opinion and elaboration of the social engineering towards racial justice in the 1954-1968 civil rights legislation.

Another line of thinking regarding the racial divide concerns the problem of racial disparity across diverse contexts, such as in the development of capitalist growth in the USA. Considering the complex economic reality, the analysis of race and racism as power takes account of the enduring racial hierarchy as a fundamental pillar for the historical development of economic structures, whose prosperity depended mainly on the subordination of Blacks. This view strongly resorts to history and empirical data to explain how socioeconomic inequalities and deplorable material conditions that hurt Blacks have been continuously tied up with race. Essentially, social theories concerned with the racial hierarchy as power argue that US African Americans have embodied cheap labor force supply through systematic exclusion in the entanglement of racial discrimination and social institutions.

The following pages examine these two lines of thinking and their implications for framing the quest for equal citizenship in the long US African American struggle. The chapter is divided into three parts. Section one traces the problem of the color line resorting to historically situated conditions of Blacks in the United States. It distinguishes the color-line problem and sketches an interpretation of racial injustice addressing unfair conditions and subordinated social standing determined by racism in terms of power. This conception is rooted in the engaged scholarship and activism of influential names in the Black thought tradition, such as Frederick Douglass, W. E. B. Du Bois, Cedric Robinson, and Richard R.

Wright. The theoretical review here departs primarily from Du Bois's social theory, whose legacy not only spans much of the reflection in other thinkers and social organizations in US African American activism but also sets the ball rolling for the conceptual anchoring of structural racism, as the last part of this research explores later.

Section two outlines the historical background of race liberalism and its implications in the discursive landscape. The section sheds light on the unfolding of race liberalism in historical and conceptual terms. Historically, race liberalism from the 1940s represented a promising outlook to the New Deal liberalism, whose welfare policies entirely ignored Blacks and other racialized groups in subsiding programs. Conceptually, race liberal ideology, in the sense of a set of ideas, constituted a venture point to grasp Black-and-white race relations and racial attitudes from a normative prism that keeps the premises of liberalism and reinvigorate the centrality of the existing public institutions in bringing forth Black liberation and equal citizenship.

Section three lays out two strands of conceptualizations about racial equality: one endorsing the liberal framework in general and another skeptic of its promises to cope with the pervasive racial injustice. The liberal perspective represents a crucial division in conceptual and political terms. Proponents of racial equality argue that the liberal character of democratic institutions in the USA, with normative foundations in reasonably conceived moral principles and cultivated by cherishing the ethical values of liberalism, bears the capacity for broad inclusion. By contrast, critics raise deep concerns that racism is instead a permanent and indestructible facet of the US American society. The conceptual retrospect of the last section helps us observe the centrality of formal and law-binding equal citizen status in the integrationist discourse and the civil rights enactments. Finally, section three introduces the unfolding of a critical analysis of the problem of the color line through W. E. B. Du Bois's social critique, a radical questioning that surfaces again in the unfolding of critical theories of race and political activism across contesting public spheres, challenges the premises of the US-American liberal institutions.

1.1 Contextualizing the Problem of the Color-Line

This section sketches the problem of the color line as empirically and conceptually framed in Du Bois's influential social theory. The reason for the focus primarily on Du Bois's oeuvre roots in the analytical weight of his insightful contribution in empirical study and theoretical terms to disguise the historical unfolding of economic structures rooted in racial discrimination systematically engendered social disadvantage of Blacks in the new industrial development in the reconstruction era. The fruitful resonance of Du Bois's philosophical account in forming radical thinking in the US African American intelligentsia strikes enormous attention in the conceptualization of emancipatory struggle engaged with the problem of racial injustice and the cultural ramification of racism far beyond the predominant treatment of racism as an interpersonal issue. Du Bois's astute and innovative social theory points to dimensions of the racial inequality perpetuated long after slavery's abolition. I begin this section by referring to the empirical and conceptual characterization of the US African Americans' inequality and the result of cheap work supply upon economic growth.

In the opening lines of the second chapter of *The Souls of the Black Folk,* Du Bois writes memorably: "[t]he problem of the twentieth century is the problem of the color-line" (2007 [1903]: 3). The phrase was used first by Fredrick Douglass in an article that appeared in the *North American Review* in 1881 by the name "The Color Line." Douglass referred to legislated inequality invidiously used to justify slavery and, after the abolition, the enduring persistence of racial segregation via Jim Crow laws in formerly Confederate states in the South. The first question concerns the definition of the contours of the problem of the color line and the follow-up interpretation and repercussions in the struggle for emancipation.

Du Bois's oeuvre, in general, unravels what is behind the veil of interpersonal racism visible in the culture of white supremacist practices and cultural norms of discrimination in relationships and social settings, on the one hand, and segregation forms institutionalized by local and federal level, on the other hand. More fundamentally, in the spirit of the critical theoretical undertaking, Du Bois exposes an activist engagement in advocating for responsive policy-making. In this spirit, instigated by reflecting on the pervasive patterns and outlooks of institutionalized racial segregation upon social stratification, Du Bois conceptualizes racism as the power to engender wealth discrepancy and disparity of political participation between whites and Blacks.

In the empirical study *The Philadelphia Negro*, Du Bois defines the inquiry about the material conditions of US African Americans and the pressing social problems of poverty, illiteracy, criminality, wealth inequality, and labor conditions (2010 [1899], chap. 2). Du Bois collects demographic data describing the conditions, environment, and relationships with a small graduate student cadre. Additionally, social studies construct an understanding of the causes behind the conditions and relationships between racial groups and, ultimately, seek to sway public opinion in favor of socially just policies. As Du Bois overtly poses it, "[t]he final design of the work is to lay before the public such a body of information as may be a safe guide for all efforts toward the solution of the many Negro problems of a great American city" (2010 [1899]: 1).

In short, Du Bois's examination describes the urban material conditions, understands the stakes of the problem in structures and relationships, and additionally expresses a call for a responsive solution. His social study provides the means to grapple with two fundamental dimensions of the problem of the color line: the systemic, institutional, and structural meanings of racism and the relationships between groups that they have shaped. These two features in the social study provide ways to cope with social phenomena and historically developed economic structures that construct the racial divide. The understanding of how race and, consequentially, racial relations constrain to a great extent the economic opportunities of Blacks in the great city brings upon complementary facets to disentangle the material conditions for inequality from systemic racial subordination and, thereby, scrutinize the psychological effects of deprivation and disparities upon the African American identity in the US.

Du Bois's investigation of canvas contributes to a reinterpretation of race and racism that illuminates the social stratification shaped by the color line. The painstaking research about the previous history behind the urban materiality of US African Americans in Philadelphia details many mechanisms related to the economy that constrain the real advantages of social mobility. *The Philadelphia Negro* unveils how economic interests impinged in industrial culture kept Blacks entrapped within an efficiency-oriented system on a par with wide-reaching discrimination to ensure cheap labor in the new industrial development (Du Bois 2010 [1899], chap. 9). In this manner, Du Bois's social study deconstructs the myth accounted in the questionable sociology of the time grounding racism on cultural assumptions that

Blacks did not have the moral resolution to embody discipline and protestant work ethic required in industrial employment (Schäfer, 2010, p. 106).

The mapping of an unjust environment and barely existent chances for ameliorating the existing conditions unveils the failure of the reconstruction period with a series of promises to include freed Blacks in society. Accordingly, one aspect that captures the attention in the statistic and demographic report about the conditions of the Philadelphia African Americans concerns the understanding of mechanisms that keep Blacks from developing their abilities to exercise and secure their work according to their talents "as white men" (Du Bois 2010 [1899]: 98). In comparison to other social groups, 74,3% of employed Blacks in Philadelphia in 1896 were located in the domestic and personal service. The insufficient number of US African Americans in industrial employment is rooted in two main factors: lack of opportunities and widespread discrimination (Du Bois 2010 [1899]: 116f). In addition to these two reasons that restrict the economic chances of African-descended people, the interrelation of three other factors play a role in the scarce chances in business establishment and economic activities: the lack of training, skeptic expectation towards inexperienced black merchants, and scarce cooperation of US African Americans with their people (Du Bois 2010 [1899]: 123).

Du Bois distinguishes the economic interest of power elites in keeping Blacks from training to develop into industrial factors, privileging instead foreigners and white workmen (2010 [1899]: 126f). Furthermore, the few Blacks who entered into industrial enterprises were, along with other minorities, excluded from entering labor unions, an enduring pattern that pervaded long until the civil rights enactment (cf. Dawson 2011: 101). To sum up, the problem of the color line is interpreted by Du Bois in *the interplay of racism and capitalism*. Race prejudice was one factor, along with economic efficiency and low wages for the black labor force and the monopole of industrial opportunities carried on by whites (Du Bois 2010 [1899]: 127f). Moreover, occupations in industrial employment and domestic service reinforced social standing.

The historically constituted pattern of maintaining US African Americans economically disadvantaged can be traced from the beginning of industrial development in Philadelphia and systematically reiterated over decades. Although the reconstruction era promised amelioration through constitutional entitlements and participation in civil society and the capitalist

economy, Blacks remained marginalized in diverse ways. Besides the economic reason engendered in the combination of race discrimination and lack of opportunities for training in business-related occupations with a better wage and social prestige, other mechanisms and institutional arrangements enabled a cheap labor supply of Blacks in the United States. In Southern states, where Jim Crow and white supremacy have wielded control over public reasoning, systemic incarceration of US African Americans served the economic interests of white elites.

During the Civil War, wealthy business people in the formerly Confederate states saw an economic opportunity in the re-enslavement of Blacks via white supremacist control of criminal justice. Reports and documentation of the mechanics of the convict leasing to supply unpaid workforce in the economic prosperity of southern states. In *Slavery by Another Name*, Douglas A. Blackmon reviews documents of how formerly enslaved people were kept into a system of re-enslavement that was almost identical to practices "emerging in slavery in the 1850s" (2008: 56). Blackmon exposes how litigation against Blacks and court reasoning have long steered a system that leased out convicts as forced laborers. "[R]evenues from the neo-slavery poured the equivalent of tens of millions of dollars into the treasures of Alabama, Mississippi, Louisiana, Georgia, Florida, Texas, North Carolina, and South Carolina – where more than 75 percent of the black population of the United States then lived," writes Blackmon (2008: 7).

The convict leasing system from the Reconstruction era (1865-1877) until World War II served the interests of wealthy white businesspeople, maximizing profit through forced labor. Blackmon lays over the mechanics of the quasi-slavery system and its significance for political control and the enormous economic development in the industrialization process in the USA. Cotton plantations, coal, iron, and steel production benefited vastly from leased convicts' involuntary work (Blackmon, 2008, pp. 276-281). For example, the subjugation of US African Americans advanced the interests of mining companies such as Tennessee Coal and Iron & Sloss-Sheffield (Blackmon 2008: 287f).

Prominent southern businessmen bridged the era of slavery, building an "industrial sector in the South to fend off the growing influence of northern capitalists," writes Blackmon (2008: 55). "[W]hites," continues Blackmon, "realized that the combination of trumped-up legal charges and forced labor as punishment created both a desirable business proposition and an

incredibly effective tool for intimidating rank-and-file emancipated African Americans and doing away with their most effective leaders" (2008: 55). In economic terms, a local grand jury of Hale County in Alabama stated that the convict leasing practice was "'contributing much to the county's revenues, instead of being an expense.' The money derived from selling convicts was placed in the Fine and Forfeiture Fund, which was used to pay fees to judges, sheriffs, other low officials, and witnesses who helped convict defendants" (Blackmon, 2009, p. 55).

Decades after leasing convict system was gradually outcasted by the time the US entered WWII, and in the wake of the 1960s, civil rights enactments and implementation of government programs to redress economic inequality and disparities in desired social positions affected by racial injustices, social change, and economic transformation for black communities have been attained at a languid pace. Reporting about economic occupations in *The Philadelphia Negro*, confronting the statistical data and the causes for the desperate figures that distinguish economic opportunities of US African Americans, Du Bois writes that the need to stand on their own feet supplying the necessary goods and services expected in life, as in attempts of economic ventures in the black community "would be vastly more successful in another economic age" (2010 [1899]: 123). Today, the longing for better economic opportunity and social standing remains lively present on the horizon. The problem of the color line endures over the twenty-first century, however.

Undoubtedly, many things have changed since Du Bois's 1899 published empirical study on US African Americans in Philadelphia. The downfall of Jim Crow laws in the 1960s indicated blunt progress in formal terms. Job restrictions grounded on racial discrimination in sanctions of the law were first outlawed, and then, government agencies and civil rights enactments invigorated the hope of social change. In the long-range view, the hopeful signs of the civil rights achievement in-laws and social policies have pointed to a present in which inequality in the racial line has divergent interpretations, as I shall indicate below. What remains astonishing in reviewing empirical studies of the remote past considering social conditions in the Black Reconstruction era (1863-1877) concerns the consistency of factors that systematically produce and reproduce disadvantages along the color line until today. I will argue further in chapters 7 and 8 that efforts to unravel racial inequalities shaped on institutional, systematic, and structural terms are of utmost importance to accurately

understand the multidimensions of the problem and rethink agenda-setting that encompasses both a critical standpoint and empowering method towards racial justice.

The historical approach shortly reviewed in this section (Blackmon, 2008; Du Bois, 2010 [1899]) outlined how racial hierarchy has been rooted in the interplay of racism and capitalism. Critical scrutiny of documents exhibits how white supremacy secures privileges and deprives minorities via the misuse of historically established continuity at the bottom of cultural practices of racial discrimination. From the exclusion of economic opportunity in participating in the working market after slavery abolition in 1865 up to the instrumentalization of criminal justice in channeling sentenced Blacks to free labor supply to generate revenue in construction companies, racism has been tied up with economic interests and privilege maintenance via economic patterns and discriminatory social practices. Notwithstanding the formal collapse of slavery, the permanence of racial exclusion gave the contours of pervasive social stratification over generations.

The aftermath of the Reconstruction period and the 1954-1968 civil rights legislation, for some Historians considered the Second Reconstruction (Gates, 2012), brought up high expectations of civil inclusion and socioeconomic mobility. However, the promising legislation to secure access to equal economic opportunity and political participation brought up lethargic social change for Blacks and Browns. Both the perpetuation of an array of disadvantages in consolidated structural patterns in conjunction with the white supremacist agenda of economic and political actors have long undermined substantial changes for US African Americans. In the face of the perpetrated racial subordination in numerous *structures* and resulted from decision-making, the endeavor of dismantling mechanisms and power relations that serve from disparities in the race line remained throughout generations in the Black intelligentsia and subversive public spheres. The critical task and activist, contestation of unmasking racism and capitalism, reappears in the unfolding of the critical theory of race, which I shall focus on later on.

Blacks were long exploited through involuntary servitude institutionalized by the convict leasing system and cheap labor marked by scarce opportunity and racial discrimination. Looking back to how racial hierarchy and systematic exclusion played a significant role in the economic growth of the United States, we might get upset with a question. How has state

problem-solving in the course of legislation and reforms to redress racial injustices in the civil rights era ignored these macro dimensions of the problem of the color line?

To answer this question, what follows illuminates how race liberal perspective about the nature of the problem of the color line has shaped public opinion and undergirded legislation and policy-making to eliminate racial discrimination. The dominant view neglects crucial dimensions of racism in systemic terms. It ignores how racial hierarchy has always been essential to enable the viability of economic growth and material wealth through cheap labor supply. The remainder of this chapter spells out race liberalism, the ideology, in the sense of a set of ideas, that outcasted the role of race as a powerful instrument underlying economic rationality in systemic terms. Race liberalism framed the problem of the color line primarily in moral terms. It characterized a justificatory prism to rescue liberalism from its outsights in government politics, particularly considering the New Deal programs. Moreover, race liberalism has had a massive impact on the rhetoric of many, though not all, civil rights leaders and in framing social demands, particularly during the legislation and policy-making of the civil rights era, as the subsequent chapters will delve into.

1.2 Contextualizing Race Liberalism Historically and Conceptually

Contrasting to the critique of racism that spells out the construction of racial hierarchy in wealth accumulation and systemic mechanisms of social injustices, race liberalism accentuates the moral dimension of racial prejudice. This section summarizes race liberalism historically and conceptually as an underlying strand of ideas of the dominant interpretation of the problem of the color line and, more significantly, shaped the set of policies in the civil rights era, as the remaining chapters of this book will dig into. In so doing, I continue to use historical analysis to discuss race liberalism and how it has turned out to be the normative framework that has become the predominant view of racism. I begin this section by recalling the historical circumstances of the discourse of race liberalism concerned with racial division.

Before digging into the historical context, I shall notice a caveat to make sense of my decision to employ the term race liberalism (Crenshaw, 2017) instead of racial liberalism, often used in the literature (cf. Brilliant 2002, Guinier 2004, C. Wade Mills 2008; Sugrue, 1997). The

concept of race liberalism avoids misleading interpretations attributed to the adjective racial in the expression. Firstly, the phrase *racial liberalism* should not suggest a conception of liberalism associated with a racial group. Instead, *liberal race theory* comprises a set of ideas and tenets, as I shall outline in what follows. Secondly, *racial liberalism* carries a conceptual inflection theorized by Charles W. Mills, who frames it as an ideological feature of moral and political Western thought.

Mills characterizes racial liberalism by exposing discrepancies concerning racial issues in modern moral and political philosophy. In a nutshell, Mills is concerned with the moral and justificatory triumph of liberalism in individual rights, equality, and freedom for every person while depriving Blacks and Indigenous peoples of personhood, equal status, and citizen entitlements. In this sense, C. Wade Mills coins the concept of racial liberalism (2008). He holds that philosophical accounts of social contract focusing on normative abstraction need to be revised concerning excluding certain persons from the equal status of persons entitled to rights and liberties.[1] In Mills' account, a social contract is essentially a racial contract imposed with exploration and domination in colonizing enterprises. With this in mind, he contends that

> Racial liberalism, or white liberalism, is the actual liberalism that has been historically dominant since modernity: a liberal theory whose terms initially restricted full personhood to whites (or, more accurately, white men) and relegated nonwhites to an inferior category so that its schedule of rights and prescriptions for justice were all color-coded (C. et al. 2008: 1382)

For this reason, to eschew any association with Charles W. Mills' philosophical account, I employ the term race liberalism (cf. Crenshaw 2017). Now, I shall turn to the historical contextualization of the rise of race liberalism.

Shortly after the USA entered World War II, James G. Thompson, a 26-year-old US African American, wrote a letter to the *Pittsburgh Courier*, a black-owned newspaper, expressing his feelings about the condition of Blacks in the US American democracy. Engaged in the fight

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[1] The social contract metaphor grounds two insights in its foundation: the justification of a sociopolitical order created by human beings and how social arrangements ideally and, thereby, rationally mirror the equality of every person respecting their individual and property rights (C.W. Mills, 2008, p. 1381). So, philosophical contractualism comprises moral entitlements to individuals in a fair and legitimate state. "The moral equality of people in the state of nature demands equality of treatment (juridical, political, and economic) in the liberal polity they create. The state is not alien or antagonistic to us but the protector of our rights, whether as the constitutionalist Lockean sovereign or the Kantian *Rechtsstaat*. The good polity is the just polity, and the just polity is founded on safeguarding our interests as individuals" (Mills, 2008, p. 1381).

for democracy and equality in opposition to fascist social order, Thompson expressed the profound question of whether it was worth defending the United States of America, putting his own life in sacrifice, for a "democracy" that oppressed his citizens and civil rights. Will the US break the race barrier after the war? Thompson raised the fundamental question, "Should I Sacrifice to Live 'Half-American?'" (J. et al. 1942, para. 3). Considering the status of Blacks in the US, deprived of civil and political rights, he stressed the hypocritical double talk about "a way of life" in a democratic order as justified by the state to assemble US American citizens to fight in WW II.

Thompson's letter's symbolic and political power set the ball rolling for the "Double VV campaign," which stands for victory against the Axis forces and victory against the "ugly prejudices on the home front." In his letter, Thompson argues, "[t]he first V for victory over our enemies from without, the second V for victory over our enemies from within. For surely those who perpetrate these ugly prejudices here are seeking to destroy our democratic form of government as surely the Axis forces" (Thompson 1942, para. 6). Concluding his appeal, Thompson publishes his willingness "to die for America [he knows] will someday become a reality" (Thompson 1942, para. 9). Historian Mark Brilliant ponders about this moment and the significance of the discursive unfolding in the wake of the "Double VV Campaign" and the prominent publications addressing race and inequality. "Though far from the decisive victory that the United States helped deliver to its 'enemies without," the war years had at least offered up an opening salvo against the nation's 'enemies within'" (Brilliant 2002: 18).

Indeed, by the time of the US entry into WW II, growing conflicts and interracial violence that plagued 1943 reassured the US state's compelling need to think of fashioning solutions to address the problem of race and inequality. On the other hand, *institutional efforts* attempted to redress racial injustices. Reporting the events of that time, journalist Carey McWilliams, warning of a "present emergency" in race relations, notes the responsive reaction of public institutions, that is, "an enormous increase in the number of interracial committees, of anti-discrimination committees, of so-called 'good conduct' committees" (McWilliams quoted in Brilliant 2002: 18). By the time of interracial conflicts and violent riots, the *rhetoric of rights* contoured the advocating discourse of racial equality; indeed, "a highly influential, moralistic current of race liberalism (…) took hold during the 1940s" (Sugrue, 1998, p. 886). Race

liberalism accentuated the demands for equality and the capacity within the liberal framework to ensure equal status grounded on constitutional rights to encourage "better race relations."

The appeal for equal opportunity, as framed by pledges and amendments to shape racial justice, gained more and more attention in segments of the civil rights struggle. In particular, efforts to desegregate labor markets were encouraged on the agenda of many civil rights activists.

> The quest for equal opportunity in the workplace became one of the leading areas of civil rights protests. Integrationist civil rights activists in the 1940s and 1950s offered restrained, gradual responses to racial discrimination and Black unemployment and underemployment. The central strategy was to persuade employers to hire Blacks in breakthrough jobs, primarily in white-collar and skilled jobs formerly reserved for whites. Underlying this strategy was the belief that *racism was an individual pathology that must be solved at the individual level through reasoned debate and education* (Sugrue 1998: 888, emphasis added).

To better understand how reasoning and education, implemented in the legislation and the set of programs to promote equality and inclusion in the 1954-1968 civil rights era, represented the endeavor to eradicate racial segregation and discrimination, we must take a step back. So far, I have noted how violent uprisings pushed public institutions to take a stance replying to the race problem in wartime. The language of rights stayed in the foreground. In addition, a range of prominent publications addressing race and inequalities in the USA adds to the emerging ideology of race liberalism. The rise of race-liberal views set forth changes in the discursive landscape.

Considering a line of thinking shaping public opinion at the time, Mark Brilliant comments on the rise of race liberalism: "Examining prominent publications from the 1940s – including Carey McWilliams's *Brothers Under the Skin* (1943), Gunnar Myrdal's *An American Dilemma* (1944), President Truman's Committee on Civil Rights's *To Secure These Rights* (1947), as well as numerous articles in journals like *Common Ground* and *Phylon*, both founded in 1940 – reveals the constituent parts of this emerging ideology" (2002: 19).

In this spirit, Historians underline the centrality of Myrdal's landmark study, *An American Dilemma*, in shaping the ideological guide for the integrationist ideas in the post-war decades (Brilliant 2002: 26, Jackson 1990: 272-301, Sugrue 1998: 888). Invited by the Carnegie Corporation, a New York-based philanthropic fund concerned with education and democracy-related projects, Swedish economist Gunnar Myrdal developed a social study addressing

racial inequality and the Black-white race relations in the United States. Myrdal concentrated on mapping values, attitudes, and beliefs that shape interracial relations and the compelling need to deconstruct race prejudice through rational policy. *An American Dilemma*'s empirical analysis collected in the 1938-1944 period had normative aims of laying out a preliminary basis for policy-making. It asserted how the problem of race in the United States could not be treated isolated.

Myrdal's landmark study underpinned, among other aspects, the moralistic dimension of race prejudice. I want to underscore the significance and political implications of a distinct characteristic for developing race liberalism: framing the race problem in moral terms. In some passages of *An American Dilemma*, the problem of racism is boldly and emphatically stated as *a moral problem* (cf. Myrdal 1966 [1944]: lxxi;). With a close look at the US American *ethos* shaped by cherished values of liberal democracy, the social study seeks to inquire about "the ambivalence in American social morals." In Myrdal's words, the research's "central problem is neither the exploitation of the Negro people nor the various effects of this exploitation on American society, but rather *the moral conflict in the heart of white Americans*" (Myrdal 1962 [1944]: 215, emphasis added).

Myrdal's effort to cope with the contradictions between the US American democracy and discriminatory practices and institutional organizations exposes the problem in the moral contradiction between normative principles and long-standing racial discrimination traced in society and social institutions. The American dilemma is reported in the acknowledgment of a paradoxical reality of foundational ideals of the US American liberal democracy cherished in public reasoning grounded on equality and freedom for all citizens, on the one hand, and social practice of racial discrimination, whose oppression existed in *de jure* justification of sanctions of law and social arrangements as well as a myriad of *de facto* practices.

Indeed, in the preface to the twentieth-anniversary edition, Myrdal refers to how the "Negro problem," in his words (one should remark with an admittedly redundant acknowledgment that the term is contemporaneously outdated), "is intertwined with all other social, economic, political, and cultural problems" (1962 [1944]: xxiii). The inquiry, concentrated on data collection, analysis, and interpretation, focuses primarily on the moral instance of the problem (Myrdal 1966 [1944]: lxxiv). In the first chapter, Myrdal ponders on the meaning of the "American creed" and its implications for the research concerned with the "ever-raging

conflict" between high moral and ethical precepts and, on the other hand, the "valuations on specific planes of individual and group living, where personal and local interests (…) group prejudice against particular persons or types of people; and all sorts of miscellaneous wants, impulses, and habits dominate his outlook" (Myrdal 1966 [1944]: lxxi).

Besides a vast and swelling academic literature and newspapers addressing the stakes of race and inequality in moral terms (cf. Brilliant 2002: 19ff), Myrdal's study strongly impacts the unfolding of racial liberal discourse and the policy development adopted in public reasoning. Accessing research literature by the time regarding how differences in behavior between Blacks and whites can be explained in social and cultural terms, Myrdal lays overt the unjustifiability for "differential treatment in matters of public policy, such as in education, suffrage and entrance to various sections of the labor market" (1962 [1944]: 149).

In addition, *An American Dilemma* ultimately explores the chasm between US American ideals and practices. It concerns the palpable reality of how US African American poverty has been caused by discrimination. Discrimination, concludes Myrdal, is "defined in relation to the norm of equality of opportunity in the American Creed" (1962 [1944]: 214);[2] Thus, it is central to the empirical analysis of inequalities and disparities in the distribution of goods and services. The emphatic conceptualization of the racial problem as a moral issue added to the fleshing moment of the rights language in elaborating public policies and legal practices in litigations and legislations tackling anti-discrimination issues and pleading cases for equal rights and opportunity. The 1954 *Brown v. Board of Education* illustrates a major US Supreme Court decision in which race prejudice as a moral issue played a constitutive role in legal reasoning. The court's reasoning even alluded to Myrdal's study, alongside Kenneth Clark, to support school desegregation (*Brown v. Board of Education*, 1954). Chief Justice Earl Warren cited Myrdal, Clark, and other social scientists to expose the detrimental effects of discrimination and segregation on US African Americans' mental development and learning motivation.[3]

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[2] Myrdal refers to the "American Creed" in the sense of high values, or his terminology "valuation," considering the moral judgment of how reality "ought to be, or ought to have been. (…) Some valuations have general and eternal validity; others have validity only for certain situations. In the Western culture, people assume, as an abstract proposition, that the more general and timeless valuations are morally higher." (Myrdal 1962 [1944]: 1027f).

[3] The court case quotes Myrdal's study in footnote 11, referring to it as one source of scientific data of "modern authority" addressing the damaging effects of racial discrimination in Blacks' psychological and social constitutions. The whole passage contextualizing the reference to Myrdal's *An American Dilemma* reads as

The discursive unfolding of race liberalism constituted a powerful conceptual tool to cope with the problem of race and inequality. The emphasis on the moral aspect of the problem opened up a strand of thinking that views racism in individual terms, underscoring racial prejudice. The practical conclusion urges the public to design problem-solving that encompasses the rational basis for policies encouraging solving the American dilemma. This complicated venture, argues Myrdal, should embody institutional arrangements capable of reshaping social practices through the foundational belief of equality and cherished values of a liberal society to combat the racially oppressing system.

The conceptual gain of race liberalism represented a chance to advocate the potential of the liberal ideal in including racialized groups within the constitution, arguing for non-discrimination and the set of rights, entailing equality of opportunity. Historically speaking, it promoted the rescue of liberalism in the discursive landscape from the fiasco of recent politics of the New Deal for racialized groups. In this manner, the ideology of race liberalism epitomized a distinct discourse within a liberal framework to the existing social policies implemented by the time, which outcasted minority groups racially discriminated against. Although I lay out more extensively the consequences of the perfidious institutional exclusion of Blacks and other racialized people in subsequent chapters, a short remark on the reiterated set of government programs in this context is worth mentioning here.

The previous section recalled social studies and historical reports identifying how Blacks supplied cheap labor. Among the myriad of factors underlying the social reality of African-descended people and other racialized groups, I noted a few aspects of the economic system in the interplay of racism and capitalism. Du Bois's pioneering empirical studies reporting the enduring patterns of economic control identified the entanglement of lack of opportunity and widespread discrimination as central to grasping systemic impediments holding Blacks back from upward social mobility (e.g., 2010 [1899]). On the other hand, courthouses leased US

follows. "The effect of this separation on their educational opportunities was well stated by a finding in the Kansas case by a court which nevertheless felt compelled to rule against the Negro plaintiffs:
'Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, tends to [retard] the educational and mental development of negro children and deprive them of some of the benefits they would receive in a racial[ly] integrated school system. [Footnote 10]'
Whatever the extent of psychological knowledge was at the time of Plessy v. Ferguson, this finding is amply supported by *modern authority*. [Footnote 11] (emphasis added)."

African Americans convicted of petty crimes to cotton plantations, new industries, and companies whose economic prosperity depended mainly on forced labor (Blackmon, 2008).

In addition to the systematically reinforced patterns in the labor market and criminal justice support of debt peonage that kept US African Americans away from economic opportunities and any graspable chance to experience the American dream in social upward, the aftermath of the economic crisis, Blacks were institutionally deprived of the equity in public policies. By the 1940s, the United States was immersed in an economic crisis due to the 1929 stock exchange crash. The disregard of Welfare policies added much to the deplored conditions of US African Americans already entrapped in poverty systematically shaped by cheap labor supply and, through "routine perk" of influence of courthouses, the re-enslavement of Blacks (Blackmon, 2008, p. 286).

The New Deal program, redressing the effects of the Great Depression, overlooked racialized groups in the social distribution, promoting the exacerbation of existing inequalities in the racial line. For example, the Home Owners Loan Corporation (HOLC), a government organ designed to expand home-buying chances and avoid foreclosure, reinforced residential segregation. More significantly, the residential segregation ensured by the HOLC mapping of city districts in terms of residents' economic level created in a long-range view the accumulation of disadvantages for Blacks and other racialized groups that still today perpetuates a range of inequalities (cf. Rose 2013).[4]

Race liberalism marked the shift away from the inattention of New Deal liberalism to racial matters and disregard of the condition of racial minorities (Brilliant 2002: 19). By the same token, race liberalism, in the aspect I have already underscored in recalling Myrdal's study, a vital source for the race-liberal ideology, sought to broaden the horizon of "box of rights" underlining the moral dimension of the problem of race and inequality. The emphasis on the liberal values and compelling duty to acknowledge the moral wrong of racial discrimination aimed at persuading recalcitrant whites to account for "the Negro problem," as Myrdal formulated it, as "an integral part of, or a special phase of, the whole complex of problems in the larger American civilization" (1962 [1944]: lxxvii). Moreover, as the practical conclusion assumes the normative task of rational problem-solving, it revitalizes the belief in state

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[4] Chapter 6 alludes to this issue and conceptualizes racism beyond the prejudiced approach to more adequately understand the intricacies of inequalities and injustices in the racial line.

institutions and the US American promise of securing citizenship in constitutional entitlements.

The prospects of legal and civil rights language and the regeneration of liberalism as a justificatory philosophy to account for excluded racial and ethical groups meant a new chance for the US American public institution. One could even state that race liberalism has addressed a vital realm of the problem of the color line, offering a conceptual and rhetorical toolbox for Blacks and other racialized minorities to couch their social and political demands in the language of rights in an attempt to persuade the government and other segments of society reluctant of supporting Black Civil Rights' demands.[5] However, despite the promises of the power of the law to ensure non-discrimination and equality,[6] Reiterating the potential of living up to the normative principles of the US American democracy in addition to the moral commitment on the individual level in the pursuit of high ideals of equality, democracy, and justice for Blacks and other racialized groups systematically disadvantaged, the conceptualization of race liberalism has problems and shortcomings in its analysis and possibilities. The adoption of race liberalism in policies falls short in at least two regards: understanding the problem predominantly in moral terms and problem-solving strategies focused on the ordeal of integration.

The subsequent chapter explores promises and defaults of the race liberal belief, including the questionable conception and implementation of the integration ideal. Before digging into questions on these matters, the last section of this chapter delves into another aspect in two avenues that concern the hope of full citizenship for Blacks. It concerns the contrasting

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[5] White workers were anxiously apprehensive and feared they could lose their security through anti-discriminatory hiring and training practices in the form of affirmative-action programs (Sugrue, 1998, p. 893). At the same time, racial liberals have latched on the government agency to include nonwhites in constitutional provisions. Furthermore, the persuasive rhetoric of moral equality and the government's crucial role in concretizing racial justice still represents a line of thinking within the liberal framework reinforced in up-to-date literature. Chapters 2 and 3 give a few examples of the liberal trend.

[6] In 1941, Franklin Roosevelt adhered to the 1938 Supreme Court's lead to politically powerless people in the *United States v. Carolene Products*. Considering the court's reasoning of special protection to "those who had been deprived of their fair share of political influence" (Ackerman cited by Brilliant 2002: 22), a scholar summarizes the moment as follows. "With the nation gearing up for war and A. Philip Randolph, head of the all-black Brotherhood of Sleeping Car Porters union, threatening to lead a march of 100,000 African Americans on Washington, Roosevelt could no longer steer clear of stormy civil rights seas as he had in the 1930s. On June 25, 1941, he issued Executive Order 8022 barring discrimination in the employment of workers in federally funded defense industries and establishing a Fair Employment Practices Committee to assure compliance. Though Roosevelt's Executive Order fell far short of Randolph's original demands - which called for additional executive orders to desegregate the armed forces and all departments of the federal government and legislation that would deny the benefits of the National Labor Relations Act to unions that excluded blacks - it nevertheless, marked a significant moment in America's civil rights history" (Brilliant 2002: 22).

matters of these two trains of thought regarding the problem of the color line from a conceptual angle. In doing so, the conclusion of this chapter shifts the attention to a normative discussion of the search for full citizenship for US African Americans.

1.3 The Scholarly Interrogation of the Race Conundrum

So far, this chapter introduced two views of the color line problem in the USA's discursive landscape. The competing interpretations comprise the social analysis of the interplay of racism and capitalism, considering the enduring mechanisms in the racial hierarchy underlying economic growth and wealth accumulation, on the one hand, and race liberalism, with the emphasis on the moral dimension of racial prejudice, on the other. These two accounts underscore distinct facets of racial division and bear epistemic and political implications regarding fundamental questions about race and racism up to the present moment.

In the first line of thinking, I have noted through social theories grounded on historical approach and empirical evidence how power and social institutions have steered the control of the US African-American labor force either through compulsory work of black convicts or via the entanglement of economic structures and cultural conditioning of racism. By contrast, race liberals forged an interpretive template within the framework of liberalism, accentuating the moral domain of discrimination and the civic and political rights in the scope of the question of the racial divide. Roughly speaking, these two strands of thought with spin-off visions reverberated in the struggle of the Civil Rights Movement (cf. (Dawson 2001 chap. 3), particularly concerning the conceptual and political understandings of equal citizenship. This section sheds light on two modes of framing the quest for full inclusion and citizenship during the black struggle for emancipation.

Since I am not interested in detailed distinctions to map out nuances in complex ideologies in the sense of a set of ideas and beliefs, the following lays out an admittedly simplified overview of two conflicting views without digging into any related issues. My goal here is exclusively to concentrate on the liberal framework in normative terms and the interpretation of the legal outcomes of the Civil Rights Movement. Thus, I underscore two distinct

conceptualizations of promises embodied in liberalism. I begin by rephrasing a vital inquiry in the wake of activism and scholarship concerned with the African American struggle for full citizenship in the US.

I shall notice a caveat before laying out the two contrasting conceptual views of conditions for full citizenship. The two lines of thinking contain a range of distinct discourses whose complexities embroiled in history, scholarship, and activism embody difficulties for any social-historical reconstruction or philosophical appreciation. As a consequence of acknowledging the arduous task of an account of the discursive formation, the remarks in this section seek to merely introduce another layer into the historical reconstruction of the two venture points pointed out in previous sections in this chapter. In this sense, the following considers the heterogeneity of visions within the frameworks that still galvanize ongoing scholarship and public spheres either supportive of liberalism or advocating for contestation.

Harvard sociologist Lawrence Bobo shrewdly summarizes the scholarly discourse on race in the US in the ongoing question: "Will African Americans achieve full, true, 'unmarked' citizenship in the United States or will Blacks forever be somehow marginal, lesser, not quite wholly and unequivocally embraced?" (2012: 20). Bobo refers to the condition of African American citizenship once poetically captured by Du Bois in the conceptualization of that peculiar sensation of "double-consciousness," a "sense of always looking at one's self through the eyes of others." In Du Bois's words, "[o]ne ever feels his two-ness, – an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder" (2007 [1903]: 8).

Two main strands of thoughts, with different interpretations, encompass distinct responses to this complicated question. Appreciative views of the liberal core of the US American public institutions contend that a rational set of principles and public reasoning grounded in rational principles and fair procedures (cf. Hampshire 1989; Habermas, 1995; Rawls 1995, see Section 3.2 below) and political culture associated with a version of liberalism carries normative foundations capable of responding to moral claims of racial justice. Critical to proceduralism and institutional-centered accounts, the opposite viewpoint regards the role of race and identity groups in shaping what racial equality embodies and the stakes of the quest for African American citizenship. These two routes across the law-making and implementation of government measures to provide Blacks with civil, social, and political citizenship epitomize

adverse theoretical proposals to think of racial equality within the liberal framework and skeptic of its outcomes and promises.[7]

The first position argues for the foundational principles and practices at the heart of the liberal project. This line of thought enjoys enormous appreciation in many normative theories that accentuate the state's role and public reasoning in determining legislative changes and a set of policies to ensure African Americans with rights and opportunities to achieve full citizenship. Normative theorization within the liberal framework is voluminous. One prominent version of the argument has become canonic in John Rawls' philosophical enterprise. Considering the reception of justice as fairness, many scholars contend that Rawls's conception of fair equality of opportunity for all citizens regardless of identity features could supposedly remove socioeconomic burdens because of historical racial injustices (e.g., Nagel 2003; Foster, 2004; Shelby, 2004, 2013).[8]

Notice that the normative justification of fair political arrangement using a liberal framework grounds the founding principles and values cultivated in constitutional democracy through just procedures that accentuate individual liberties and equality. Many scholars in the liberal tradition, particularly egalitarians, depart from the fundamental question of what justice entails to redress inequalities related to racial injustices, even when the normative theory eschews openly tackling the *problem of the color line*. Tommie Shelby makes the case that although Rawls did not expressly refer to race in his theory of justice, the substantive dimension of justice as fairness "properly understood and applied would arguably rule out most if not all familiar forms of racial injustice" (2004: 1697).[9] That is because the abstraction of the original position grounds an initial situation in which the rational principles underlying the fairness for all participants rely upon the ignorance of race, ethnicity, gender, and any other identity feature (see Section 3.2 below). Since any arbitrary distinction plays a role in whatsoever, Rawls argues that no party in the original position would "put forward the principle that basic rights should depend on the color of one's skin or the texture of one's hair.

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[7] They have also developed different views of normative social analysis and the course of the Civil Rights Movement's development (see Chapter 7 below)

[8] "[J]ustice as fairness," writes Shelby, "if fully realized in a well-ordered society, would sharply reduce the influence of individuals' racist misdeeds and attitudes on the life prospects of other citizens" (2004: 1713).

[9] Shelby dialogues with Charles Wade Mills (1997), suggesting that the fair equality of opportunity principle can remedy socioeconomic disadvantages caused by the legacy of racial oppression (2013). Notice that Rawls defines the least advantaged in society by their place in the distribution of goods in terms of income and wealth, i.e., by their class position, not by their racial identity.

No one can tell whether such principles would be to his advantage" (1999: 129). Thus, Rawls concludes that "[f]rom the standpoint of persons similarly situated in an initial situation which is fair, the principles of explicit racist doctrines are not only unjust. They are irrational" (1999: 129).[10]

The kernel of Rawlsian thought concerns the fundamental question of what a just and fair arrangement might look like (besides Rawls 1999, see Dworkin 1981b). Proponents of the liberal political commitment to public justification contend that legitimate institutions and democratic political culture have broadly expansive and inclusive consequences for previously excluded groups. In Rawls' schema, continuing, the just character of the social system of cooperation is sustained by the legitimate conception of justice whose formal constraints embody generality, universality, publicity, ordering, and finality (Rawls, 1999, p. 126) and public reasoning through which the set of rational principles ensure the acceptability of fair arrangements.

From a contrasting vantage point, many critics of the normative idealism ascribed to the historically situated development of public institutions and political practices call attention to discrepancies between the moral commitments and the actual deeds, as the founding constitutionalists, who hypocritically were apologists of slavery, had racist views, and advocated the resettlement of Blacks in Africa (C. Wade Mills 1997: 21–30, 59–72), paradigmatically, exemplify. Reactive to this account, Shelby defends that the public culture referred to by Rawls should not be interpreted from the standpoint of the "founding fathers" of the US Constitution but rather from the perspective of "here and now" (Rawls, 1996, pp. 22–28). In this sense, Rawls refers to the "reasonable basis of justification" (1996: xxi) that is acceptable for all persons in principles and how public institutions have developed over time "to attain their present, rational form" (2001: 3).[11] Accordingly, the argument considers the history that has shaped the public political culture of a democratic society (Rawls has in mind the USA), from slavery abolition to Civil Rights amendments in the case of struggles for racial justice.

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[10] Hinsch (1997) emphasizes that Rawls seeks to negotiate agreement terms reasonably acceptable to a moral person and rational egoists.

[11] Notice that Rawls understands justification by considering how reasoned agreement among free persons ultimately constitutes a public political culture of a democratic society. In his words, "[s]ince justification is addressed to others, it proceeds from what is, or can be, held in common; and so we begin from shared fundamental ideas implicit in the public political culture in the hope of developing from them a political conception that can gain free and reasoned agreement in judgment" (Rawls 1996: 100f).

From a similar standpoint on political culture and the present stance of public institutions, sociologist Nathan Glazer praises the deeply liberal trajectory of the US. American institutions, values, and culture. In his words, "[t]he [US] American polity has […] been defined by a steady expansion of the definition of those who may be included in it to the point […] that the United States has become the first great nation that defines itself not in terms of ethnic origin but in terms of adherence to common rules of citizenship" (Glazer, 1987, p. 12). Of course, the definition of who belongs and the "common rules of citizenship" in reality can be misused for exclusion and domination. Besides shared rules, full citizenship status comprises entitlements that warrant equality and liberty in the democratic constitutional polity.

It is worth noting that the claim of normative foundations of the liberal democracy in public reasoning stays in the background of the mainstream cultural representation of the 1960s Civil Rights legislation, reiterating the moral commitment of decision-makers (presidents John F. Kennedy and Lyndon B. Johnson) and the crucial role of the national state in determining the outcomes of the civil rights struggle (Lawson & Payne 1998: 40). This view and the narrative related to it have been tied up with Martin Luther King's plea for integration (1986b [1962]), notably with the dominant vision of his activism in the civil rights movement. It emphasizes how King contended that legislation and judicial decrees play a significant role in behavior regulation (1991 [1962]: 124). Moreover, this viewpoint must remember that King's thinking was not far from Malcolm X's radical conceptualization of racial justice (Lawson & Payne 1998: 133).

A wholly opposite perspective, captious that the rational proceduralism backing up liberal views and race-sensitive policies in the civil rights legislation would make the entire membership for US African Americans attainable, suggests, in its turn, there be a permanence of patterns of racial categorization and racist structures underlying public institutions and the US. American society at large. Bobo terms this account "the American tragic flaw thesis" in opposition to the "liberal tradition thesis" (2018: 21ff). Elaborating on the "tragic flaw," Bobo considers the deep pessimism that full citizenship to people of color was allegedly never intended, let alone citizen equality, would be achievable. He quotes various scholars, such as Derrick Bell (1992a) and Charles Wade Mills (1997). One could add many others, such as Neil Gotanda (1991) and Ian Haney-López (1996), concerned with how dominant norms and

mechanisms in the liberal tradition, in reality, have served white supremacist ideology and perpetuated the underlying logic of domination in the interaction of forces of capitalism and racism.

The radical argument of this vision is rooted in the fundamental assumption that the US democratic institutions are deeply intertwined with racial hierarchies from the founding principles to the evolvement of cultural ethos in institutional functioning. Philosopher Charles Wade Mills, as I previously cited, makes the moral claim considering Western expansion since the colonization enterprise to enlightenment that there has been a "global racial contract" between whites and nonwhites. That contractual relation in diverse forms throughout history has deprived nonwhites of their status as fully human. Mills contends that racist ideology underlies the contractual philosophical tradition of Hobbes, Locke, Rousseau, and Kant, in which the bestial state of nature is associated with nonwhite peoples. In Mills' account, the "racial contract underwrites the modern social contract and is continually being rewritten" (1997: 62ff).[12] He holds that historically established power relations of a clear hierarchy of civilized whites and nonwhite savages have employed "the exploitation of their bodies [of nonwhites], land, and resources, and the denial of equal socioeconomic opportunities to them" (C. Wade Mills 1997: 11).[13]

Similarly, many intellectuals associated with the critical race scholarship make far-reaching claims to dismantle the intertwining relationship between law and the perpetuation of white power in matters of racial legislation. Legal scholar Derrick Bell raises doubts about the "we have a dream" mentality of the 1960s with a critical pessimism about the reliance on legal rights that could bring the "cessation of one form of discriminatory conduct" (1992b: 375). That awareness calls for the redefinition of racial equality to which many Blacks have adhered in the civil rights era. Moreover, Bell asserts even more radically than the assumption

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[12] "The white race is *invented*, and one becomes 'white by law.' In this framework, then, the golden age of contract theory (1650 to 1800) overlapped with the growth of European capitalism, whose development was stimulated by the voyages of exploration that increasingly gave the contract a racial subtext. The evolution of the modern version of the contract, characterized by an antipatriarchalist Enlightenment liberalism, with its proclamations of the equal rights, autonomy, and freedom of all men, thus took place simultaneously with the massacre, expropriation, and subjection to hereditary slavery of men at least apparently human. This contradiction needs to be reconciled; it is reconciled through the Racial Contract, which essentially denies their personhood and restricts the terms of the social contract to whites" (C. Wade Mills 1997: 63f, emphasis in original).

[13] Mills refers to postcolonial philosopher Emmanuel Eze, who points out, "Kant taught anthropology and physical geography for forty years, and his philosophical work really has to be read in conjunction with these lectures to understand how racialized his views on the moral character were" (1997: 70).

of the constitutional guarantee of equality for Blacks through efforts of social equity such as affirmative action has been thwarted by court decisions on the premise of the "formalist model of jurisprudence" as the Bakke decision illustrates (Bell 1992b: 376, see chapter 3 below).

A moderate appreciation of the 1954-1968 civil rights legislation could assert that things did not seem all doom and gloom since positive prospects for improving conditions for Blacks were promising. Legal segregation was outlawed, and rights and opportunities expanded with the design of governmental units such as the Equal Employment Opportunity Commission, a channel that empowers advocacy to file charges of employment discrimination on behalf of aggrieved workers, and affirmative action programs. Nevertheless, socioeconomic well-being indicators, such as unemployment, living below the poverty threshold, life expectancy, and house ownership, remain expressively negative. Crime and mass incarceration (The white ratio is over 6:1) continue to be dreadful regarding US African Americans (for statistical data on these matters and an overview of up-to-date literature, see Bobo 2018). Voluminous research shows that burdens of material disadvantage intersect with racial inequality across spheres as the shocking data of the recent COVID-19 pandemic has demonstrated that Blacks and other racialized groups, such as Indigenous people, have been disproportionally burdened by the pandemic, dying twice or more the rate of white citizens in the USA (Cyrus et al. 2020: 478ff).

However, why does inequality in the color line endure despite the legal acknowledgment of equality and a gamut of policies and programs to enhance the equity of US African Americans? Why do poverty, social vulnerability, crime rates, and COVID-19 death toll disproportionally affect Blacks compared to Whites? A growing legacy of black scholarship in the wake of the Civil Rights Movement's radical demands has been working on different conceptions of the role of race to rethink the stakes of racial equality, on the one hand, and the unfolding of black political thought concerned with the quest for US African American citizenship, on the other. These two strands of opinions, admittedly oversimplified in this section, take up different assumptions and, consequentially, distinct interpretations to frame the problem-solving to address the pervasive effects of the color line across spheres. The last part of this dissertation digs into the novel impulse of critical theories of race engaged in

unraveling racial inequality and the emphatic protection and provision of rights in an alternative lane to the dominant road constructed by (race) liberals.

In the remainder of this part, I shall delve into the thrust of the argument attained in the liberal framework and policy designed to redress racial injustice. So far, the analysis has concentrated on two lines of thinking to grasp the problem of the color line, a challenging issue that, despite legal progress, to a great extent, pervades today. It has revisited empirical sources and reports documenting racial inequality that characterized the living conditions of most African Americans after the Civil War. In the face of these matters, I have implied that critical analysis of the historical approach constitutes a vital tool to comprehend how systemic factors have continuously shaped the inequality of Blacks. Critical attention to the historical perpetuation of patterns of inequality in the race line is of utmost importance to unveil dimensions of the problem embedded in historically developed economic structures. These factors and aspects of the color line problem have been disregarded or downplayed in the dominant discourse keen on accentuating the moral character of the question and that civic and legal rights could solve injustices experienced by racialized people.

Furthermore, this chapter has examined the historical backdrop of race liberalism. The discursive development of race liberalism since the 1940s set up the roots for integration and affirmative programs after the civil rights legislation (cf. Sugrue 1998). Racial liberals sought to rescue the philosophical faith in the liberal premises that grounded the US American government after failing state policies to include race in elaborating social programs designed for the Great Depression. Contrasting to the New Deal liberalism, which benefited only white poor and working-class, race liberalism "sought to use government tools to build a bridge connecting Roosevelt's Promised Land to America's not-so chosen people who were increasingly referred to as 'minorities'" (Brilliant 2002: 20).

The emphasis on government as a moral agent capable of inflicting social changes and the accentuation of individual rights as a tangible instrument to gauge the US American society away from racism. More significantly, race liberalism paved the way for meaningful demands of many segments within the Civil Rights Movement's hope in the ideal and the agenda-setting of integration. The bright horizon portrayed in the rhetoric of rights and the belief that racism could be treatable through integrationist legislation and programs has fallen short, in any case. The following chapter introduces a discussion about the integration agenda. It

addresses two matters: the repercussion of race liberalism in the justification of the integration goal and development of integrationist social engineering in addition to the oversights of the conceptualization of racism on moral terms, as the racial liberal ideology proposed.

Unraveling race liberalism is crucial to decode the dominant perspective underlying policy-making in the 1964-1968 civil rights legislation period. Moreover, the scrutiny of race liberalism reveals the hegemonic reasoning that powerfully undergirds public opinion and perception of racism up to the post-civil rights era. In chapters 6 and 7, I will claim later that the understanding of racism in structural terms and the questioning of the binding strength of the US American polity with Blacks are of utmost relevance to dismantling systemic factors and complex dimensions of the problem of the color line. In the subsequent chapters, I suggest that, to some extent, race-liberal ideological tools characterize strategies and rhetoric underlying civil rights legislation and policies.

2. Deciphering the Integration Guideline: A Conceptual Inquiry

Both the rise of moralist rhetoric in the unfolding of some segments of the Civil Rights Movement and the 1954-1968 civil rights enactments and policy-making were constitutive for the integration maxim to cope with the racial divide in the United States of America. In the aftermath of the widespread influence wielded by race liberal understanding of the problem of the color line on moral terms in addition to the language of rights and the belief in the normative foundations of the US American liberal democracy, integration has become, at some point the buzzing word in the discourse and policies in the civil rights era. This chapter seeks to scrutinize the integration guideline in conceptual terms with two goals in mind. Firstly, it outlines the normative principles circumscribed within liberal views of citizenship, as attributed to tenets in normative theories in the liberal framework. Secondly, it sheds light on the moral and political justification of the integration goal in a liberal egalitarian vision that accounts for the racial divide in its intricacies and can be treatable through better interaction grounded on moral principles.

The integrative line of thinking sustains the optimistic vision that integration would yield significant changes in racial division in at least two ways. One, integration would help to improve interracial and inter-ethnical interactions, and two, the set of civic and political rights in including Blacks and persons of color in predominantly white environments would produce better prospects for social mobility of racialized groups formerly subordinated in an overtly racist system.

Indeed, integration has given the contours to the civil rights amendments and design of social policies. Court decisions in the wake of the paradigmatic 1954 *Brown Decision* altered policies from desegregation to active integration (Brilliant 2002: 305). Roughly speaking, integrative social engineering aims to eliminate racial prejudice by removing racial bias and discrimination. Hence, integration initiatives in diverse fields proposed the improvement of intergroup relations and, to some extent, the opportunities for recognition, socioeconomic advancement, and political influence of discriminated and vulnerable groups. How come integration has lured so many? Considering integration as an ideal and policy goal, the

following draws attention to the integration guideline in conceptual and historical terms. The chapter proceeds in four sections.

Section one concentrates on the normative meaning associated with citizenship's legal and political status according to understandings within the liberal framework. It sheds light on normative and theoretical appreciation of individual rights. The theoretical assessment seeks to complement the historical contextualization outlined in the previous chapter. In this way, the section reviews how liberal theories lay out the centrality of civil and legal liberties, equal status, and functioning institutions in the legitimate social order. An overview of the power of sanctions of law could ensure civic and political equality illuminates significant aspects in the race-liberal discourse. In other words, the theoretical review outlines general qualities attributed to individual rights behind enacting laws and policy-making in the 1954-1968 civil rights era.

Section two considers how integration has become the center of gravity in the policy-making of the civil rights era. It draws on the historical context and the background to understand how the integrative ideology has been chosen in public policing and gained significant attention in an array of spheres, including black movements, civil rights associations, and leadership. I enlist the ideological dispute between integrationists and nuanced and non-monolithic views of black radicalism operating crucial critiques in social institutions in the US American society.

Section three delineates the argument for the moral contour of integration. It outlines the moral and conceptual guidelines of the integration agenda in civil rights legislation and social engineering. It focuses mainly on Anderson's *The Imperative of Integration* for two main reasons. Firstly, Anderson shrewdly summarizes the main arguments presented in normative liberal theory built on the pro-integration view, which interprets inequality in the color line as a result of the permanence of racial segregation. In this manner, Anderson argues that the integration ideal and pragmatist intention attained by the integrationist practices enhance *democracy as a way of life*, complementing two other levels attributed to democracy: membership organization and mode of government. Secondly, Anderson's book resonates with liberal race claims, as I shall argue. This ideological resemblance can be traced to two intertwined aspects of the argument. One, through the emphatic insistence on discrimination and segregation as a corollary of racial relations. Two, through the accent on the moral

dimension of integrationist efforts by accentuating *the moral duty of each citizen* in taking up a share in the burden of integration. The section reconstructs Anderson's advocacy of integration, a leading principle to frame moral commitment in matters related to racial justice.

Finally, section four outlines the pitfalls of the integration goal in conceptual and political terms. It carries on a close analysis of Anderson's contribution and exhibits two problems in her claim. It draws on one issue internal to the liberal framework and another encompasses black intellectuals and activists attentive to existing material and ideological constraints. Anderson's account in *The Imperative of Integration* holds integration as a vital factor for the functioning of social institutions in a democracy and the normative potential for improvement of intergroup relations along racial, ethnic, and group-identity lines. In this way, she argues for the moral commitment of every member of the polity to share the burdens of social integration, a vision that stays in conflict with the individual liberty in choosing to integrate – as other liberals criticize. Lastly, the section points out shortcomings in Anderson's account, mainly to which extent her analysis obfuscates the shift in black radical movements, most conspicuous the Black Power and the struggle for black empowerment to challenge systemic and institutional grounds of disadvantages that still constrain members of racialized groups today.

2.1 The Normative Value of Citizen Status in Liberal Thinking

The previous chapter has outlined the historical backdrop of race liberalism, illuminating two grounds in the race liberal ideology. The emphasis given to the moral dimension of the racial divide draws on discrimination impinged in social forces and overtly ascribed in institutional norms. To recollect according to the race-liberal view, discriminatory practices and state-based rules constraining Blacks and people of color to inferior social status could be potentially solved through liberal reasoning and enforcing measures. In this manner, race liberals reiterate the language of rights and the belief in the promising role of public institutions in ensuring equality for formerly powerless racialized groups (see Chap. 1, mainly Section 1.2). This section complements the historical background with a view from conceptual tenets in liberal understandings.

I begin with a short remark on the character of the summary to be outlined in this section, considering the other chapters of this book. It may feel foreign in the argumentation built so far and envisaged in the inquiry of two conflicting discourses of race liberalism and critique of racial hierarchy. I suppose a brief overview of common tenets associated with citizenship helps us settle on the general assumptions underlying the conceptual development of the race liberal ideology, whose repercussion in inclusion in the civil rights legislation and equality in the citizen status, especially giving the reiteration of position and powers attributed to citizenship. That said, what follows digs further into the tenets of liberalism. It explores normative promises of securing full citizenship in the language of rights.

In many political theories, citizenship has been interpreted in different fashions and from diverse angles. Despite distinctions, we notice a practically ubiquitous principle that citizenship bears a central meaning in the social order, distinctly for legitimating a democratic state. A cross-cut canonic understanding in classical literature holds a citizen as someone entitled to rights and duties in a political community,[1] whose scope of legal status comprises civil, political, and social rights. Aside from captivating matters for good discussions, the concept of citizenship in liberal theories encompasses the main category anchored on the legal status, political agency, and membership in a political community conditioned by a legal structure and embedded in political culture (J. Cohen, 1999; Carens, 2000; Kymlicka, 2000).[2]

A complementary understanding of the notion of citizenship in a liberal-democratic order, which includes the welfare in the citizen-state relation, is summed up by Claus Offe (2019 [1987]). Citizens are conceived of as "(1) the ultimate *source of the collective political will*, (…) (2) the '*subjects*' against whom this will can be enforced and whose civil rights and liberties impose (…) limits upon the state's authority, and finally, they are (3) *clients* who depend upon state-provided protection, services, opportunities, and collective goods for securing their material, social, and cultural means of survival and well-being in society" (Offe

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[1] The modern definition has been traced to the entry "*citoyen*" in Diderot's and d'Alembert's *Encyclopédie* (1753). That definition still represents a starting point for contemporary reflections, as Leydet's (2017) rich and updated overview of the term illustrates.

[2] As one scholar rightly recalls, in hegemonic culture, many forms of coercion, such as colonialism, have eliminated other political practice models, such as indigenous governance (cf. Alfred 1999).

[1987] 2019: 89f, emphasis in the original).[3] Notice that Offe emphasizes the meaning of political, civil, and social aspects of citizenship in his summary.

As *sovereign creators* of the political will, the citizenry is entitled to participate in institutional channels and express opinions and differences in public spheres, thereby fostering the ongoing formation of political will. Moreover, open and free communication can allegedly gauge the legitimacy of democratic norms and rules (Habermas 1992: 170, 2013: 72f). The quality of *subjects* refers to constitutional constraints that ideally restrict the actions of citizens and the state.[4] Lastly, citizens are also held as users of public assets and *addressees of welfare policies* in a vast domain, such as health care, education, old-age pension, social insurance, available services in general, and infrastructure, among others.

These theoretical assumptions emphasize the centrality of equality as a normative principle that holds members of the state together. Furthermore, constitutional liberal democracy is rooted in the principle that all citizens are entitled to "a fully adequate scheme of equal basic liberties" (Rawls, 2001: 42). Equality in the spheres of legality, political agency, membership in a political community, and access to welfare benefits constitutes a core idea ultimately in theories and institutional practices of the liberal welfare state model. In this sense, the theoretical framework in liberal understandings emphasizes that legal guarantees of freedom and equality are essential for participation in decision-making and other societal processes. A set of questions follows the understanding of full citizenship intertwined with legal status extended to marginalized social groups, as the civil rights enactments paradigmatically illustrate.

The first matter commonly found across normative accounts of liberalism in social engineering in the wake of the civil rights era concerns *substantive equality* set by laws and policies. To recall the kernel of the 1960s civil rights policy-making, the quest for inclusion and equality pursued by US African Americans (alongside other disadvantaged groups incorporated in successive acts passed by the US American Congress) is that some persons need more support and subsidies than others to enjoy the *status of equality* in civil society,

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[3] Reactive to political liberalism, critical enterprises in political theory have singled out the seriousness of regard for persons not only as a normative source for legitimacy through formal reasoning but, more importantly, in the direct inclusiveness of differences in decision-making (cf. Young 1990, 2000).

[4] Whether and to which extent this conception of a liberal-democratic state recognizes *life forms* and cultural, moral, and ethnic differences whose demands are not covered in the scope of rights remains a valid issue explored in many theories. A discussion of this relevant matter exceeds the scope of this chapter.

and exercise the entitled benefits attached to the recognition as a legal person. This justification constitutes a core objective in the public reasoning of state response to the Civil Rights Movement's demands in the Kennedy-Johnson administration (1961-1969) with the enactment of laws and public policies in the service of social equity in housing, employment, and education.[5]

The fundamental inference of enhancing citizenship through the extension of rights and opportunities implies that citizenship associated with free and equal status, besides constitutional provisions of social equity, would solve, in the long run, most problems related to inequalities entangled with racial discrimination. Many liberals, in particular race liberals, have held that through legal status, in addition to group-based laws and government aid, long-discriminated members of the polity could eventually reach the equal status of citizenship.

The promising prospects of civil and political rights and the promotion of equality of opportunity via race-conscious measures have been strongly accentuated in the line of race liberalism and recurrently reassessed in egalitarian scholarship (see Section 2.3 and Borges 2023a). Recall that race liberalism from the 1940s up to the aftermath of the civil rights era framed the problem of the color line in moral terms (see chap. 1 above, particularly Section 1.2). Notably, the 1944 Myrdal's study of injustices and inequality in the color line, which frames racial hierarchy as a moral dilemma, "has shaped thinking about race and reform for over half a century" (Crenshaw, 2017, p. 2301). In addition to preferential laws and equity-enhancing programs to set the ball rolling for the social mobility of Blacks, integration has become ubiquitous in normative thinking among liberals and historically developed public policing and decision-making concerned with eliminating discrimination. The next section focuses on this matter.

2.2 Integration as the Center of Gravity in Civil Rights Policy-making

This section concentrates on the race-liberal reasoning behind integration. It explores why integration has become the buzzing word in discursive and social policies and outlines the central commitments of the integrationist agenda. Later on, this book outlines the legacy of

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[5] The creation of the Equal Employment Opportunity Commission in 1961(Executive Order 10925), the Civil Rights Act of 1964, and the expansion of job opportunities for minorities in 1965, EO 11246.

critical assessment of race and racism in structures and power relations systematically reiterated in social institutions of the US American society. Chapters 6 and 7 contemplate the formation of the alternative discourse of critical race scholarship, a knowledge production embedded in political activism and contesting cultural practices critical of the dominant way of thinking about race and racism. In the wake of Du Bois, Black visions, in their heterogenous manners, wrestle with dismantling the diverse material and ideological mechanisms underlying racial power. For now, the main goal here is to draw strictly on how integration has become the center of gravity in the 1954-1968 civil rights legislative body and policy-making. What follows shortly lays out the historical background and the conceptual guidelines of the integration agenda.

The previous chapter has spelled out two main views in the discursive landscape in the US: race liberalism and a social-historical interpretation of racial hierarchy embedded in the interplay of racism and capitalism. I have argued how the race-liberal interpretation of the problem of the color line as a moral issue and in terms of racial relations set up a normative framework to think about state responses and problem-solving alternatives to confront the wrongs of the past and present entangled with racial discrimination. In this context, the 1954 landmark lawsuit *Brown v. Board of Education* comprised a watershed landmark decision in school desegregation and further anti-discrimination lawmaking, the paramount verdict that paved the way for civil rights legislation in efforts for equal opportunity. The US Supreme Court reasoning reveals how race-liberal discourse surfaced as the dominant code for public reasoning. At once, the mesmerizing power of integration constituted the normative ideal and blueprint for policies and programs in the wake of the civil rights era. At the same time, the integration reasoning would imperil more radical and community-based agenda-setting for Blacks and Browns.

Historians and legal scholars draw attention to two meaningful features that characterized the roadmap of the ideological landscape after the Brown decision (Brilliant 2002: 313ff, Crenshaw 2017: 2304f, A. Freeman 1978: 1065ff). The first significant benchmark in the aftermath of the *Brown v. Board of Education* was that the US Supreme Court reasoning set parameters to consider the problem of race to rule out racial prejudice with a debate divided into two camps: the elimination of segregation and the call for the integration duty (Brilliant 2002: 313f). The second distinction was the unfolding of radical forms of activism that challenged the terms of the pro-integration ideal and policies, "particularly critiques that

challenged the status quo by foregrounding questions of power – raised the specter of Black Power" (Crenshaw, 2017, p. 2304).[6]

In other words, a conflicting ideological dispute stayed in the foreground in the project of racial reform in the workplace and education. The first discourse comprises tenets of the race liberals who grasped racial injustice and inequalities through the prism of racial prejudice and bias and, thus, insisted on the integration goal as the adequate problem-solving effort and procedures. By contrast, a range of left-leaning activists keen on thinking about race and racism in terms of structures and power relations were rather concerned with how social institutions and cultural practices have been interwoven with racial hierarchy. A twofold compelling question pops up in the face of this ideological conflict. Why has integration become the civil rights era's leading ideal and policy goal? Why do civil rights legislation and policy-making neglect the radical thinking about race and racism?

The answer to these questions lies partially in acknowledging the demonization of the radical thinking of black radicalism through coercion via state agents and the enduring discouragement in cultural and moral hegemony. Of course, there is a blunt causal relation between coercion and hegemony that does not need further analysis, if not a co-dependence. Nevertheless, further elements and mechanisms form the hegemonic view of race liberalism in the discursive landscape. I shall cast light on the state force and the constitution of cultural and moral hegemony to unravel the problem. White, the first one is crystal clear through documents and reports of state oppression; the latter one involves a work of scrutiny and interpretation; thereby, my hypothesis constitutes a matter of contention. Before considering ideological control via state oppression, I briefly describe the meaning of Black Power.

Despite the heterogeneity in ideological tenets and organization tactics, the call for Black Power was often associated with radicalization, separatism, and violence. The Black Power movement and its reverberation in black radical organizations epitomized the black struggle for emancipation with the effusive call for black power in politics, cultural spheres, education, and society in general. Radical black thought and political activism spread in myriad interpretations, and diverse tactics usually framed the problem of racial hierarchy beyond

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[6] To a great extent, the unfolding of critical theories of race sympathetic to Black Power's radical critique of racial power has lured public attention in recent years. Characteristics tenets of the Black Power movement include the demand for political participation on equal terms, the representation of the interests of members of black communities, and praise of black culture. These wishes and requests have been restated and revamped in critical race theorizations, as I shall illuminate in chapters 7 and 8.

racial prejudice. A common trait in the heterogeneous discursive landscape of black ideologies was reframing civil rights struggles and emphasizing that racial hierarchy was deeply embedded in social institutions (cf. Dawson 2001: chapter 3).

The metaphor of Black Power has had electrifying effects in public spheres. Initially advanced by Stokely Carmichael's rousing rhetoric and later furthered by black radical organizations, most notoriously the Black Panther Party, legal liberals, and many public opinion channels framed the Black Power movement simplistically reduced to self-defense and violent confrontation with the state. Recall that the Black Panther Party reacted to constant police harassment of unarmed Blacks. In 1966, California state law, as in other US states, allowed civilians to carry loaded weapons as long as they were not concealed. Black Panthers took advantage of the permissive right of the gun public-carrying patrolling police officers in performing their duties.[7] Huey Newton and the Black Panthers' call for self-defense and trenchant critique of police brutality and racial injustices gained adhesion in black communities nationwide. Furthermore, the Black Panthers took a militant stance for the black poor through a myriad of ways, such as providing community-based health care arrangements. The Black Panthers created a nationwide screening program for combating cell anemia.

Black Panther Party and social movement evoked sharp reactions of opposition. By this time, state institutions diverted attention from black radical movements' practices of critique of the US government's inability to tangibly transform the horizon of racial injustice. Instead, the aversion to black radicalism and the effects in upheavals and tensions, most notoriously the Black Power and the follow-up Black Panther Party, instrumentally accentuated the opposition to gun-holding practices and riots that roiled up streets across the US. In the face of public visibility aroused by Black Panther, segments in government agencies, from the FBI's pledge to maintain order to the instability and dissatisfaction in the course of urban riots, paved the way for the reactionary agenda set by the 1969 newly elected President Nixon's law and order campaign. 1968 FBI director J. Edgar Hoover affirmed that justice was merely incidental to law and order. The setting constituted justificatory reasons to justify the

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[7] Black Panthers referred to California Laws 12020 to 12027, which allowed loaded weapons in public. Federal Gun Control Act of 1968 outlawed the amendments (on possession of weapons in California, see California Penal Code 12020).

Black Panthers as a threat to the nation, producing an ideology – in the pejorative sense of the term – to cover up atrocities of coercive forces and justify state repression to maintain order.

This narrative clarifies how "the American government used its entire repressive coercive power to destroy the left and its connection to any other movement or social force" (Dawson, 2013, p. 71). The full power of the state used to repress the surge of black radicalism in the 1960s and 1970s was grounded on the misrepresented narrative that the Black Panther Party's plight for self-defense would endanger the safety and social order inflicting more fuel to the racial divide, without taking account of how and to which extent civil rights legislation and policies fell short in satisfying the social demands for black equity.

> There were outright police assassinations of leaders, such as the Black Panther Party's Fred Hampton in Chicago in December 1969. Black nationalists, leftists, and others were targeted for killing, imprisonment, or harassment, as were the organizations they belonged to. Numerous trials, including many famous ones involving the Black Panther Party, could have eventually led to death sentences, and many did lead to long prison terms (Dawson, 2013, p. 71).

In short, the violent and coercive force of the state to repress black left political engagement, writes Michal Dawson, "are probably the best-documented cause for the rapid decline of the [black] left" (2013: 171). By recapitulating these events shortly, I do not aim to construct a historical narrative here but, alternatively, simply indicate the historical backdrop (see the second part of the introduction of this book).

Besides state constraint and repression, state apparatus and channels in the public sphere played a strong role in masking the contesting discourse of black radicalism. Integrationist thought, and pro-integration agenda deviated substantially from the public opinion and critical perception of other dimensions of the problem of the color line. While diverse discourses of contestations from grassroots organizations, radical segments and tactics of the Civil Rights Movement, and activist scholarship remain at the margin of institutionalization, integration constituted the hegemonic view of the racial problem, which shaped the rhetoric of an array of civil rights organizations and activists (cf. Crenshaw 2017: 2298f). How state institutions have coped with radical critical practices in their diversity by reducing the violent effects of upheaval and new tactics of civil disobedience beyond the non-violent ideology indicates a venture point to make sense of how radical critiques of left-leaning black movements, civic organizations, and critical scholarship that enforced the call for Black Bower have been

portrayed. In particular, the critique of the integration agenda as the leading force in the civil rights set of social policies has ebbed and given place to the appeal to integration as the chief conception and problem-solving to address the racial divide.

Roughly speaking, an ideological split in the 1960s between diverse visions of black radicalism and integrationists reads as follows. The radical reformulation of the Civil Rights Movement in the development of Black Power and other black organizations adopted demands for power to participate, determinate norms, and reformulate institutions so far responsible for racial exclusion, thus reframing goals of the social movement attuned with practices of critiques that social institutions have been deeply embedded in racism. Conversely, the integration agenda accounted for removing racial bias in distributing social goods, state-based efforts, and moral appeal to include people of color in predominantly white environments such as education, employment, and residential areas (cf. Crenshaw 2017: 2305f).

The preponderance of the integrationist view lies in the visibility of race-liberal theories in an array of public spheres and decision-making about social engineering to redress racial segregation and the related inequality resulting from injustice. I have noticed earlier how integration has become a central feature in the rhetoric of many civil rights social leaders and legal liberals in institution-based efforts to cope with the entanglement of social inequality and racial discrimination. Moreover, in addition to the powerful element in the rhetoric of many civil rights activists and scholarship of black and white scholars, such as Gunnar Myrdal's *An American Dilemma* (1944) and Kenneth Clark's *Dark Ghetto* (1965), integration has turned out to be a leading maxim in the policy-making in the 1954-1968 civil rights legislation.

So far, I have partially addressed how integration has become the leading ideal and policy goal. No doubt, the marginalization and effective elimination of contesting discourse of black radicalism through violent maneuvers employed by state coercion played a central role. The repressive state acts against black radical movements resulted in the demoralization and disintegration of the black Left. Who and what killed the black Left is a hard question that cannot be summarized simply. In addition to state coercion, it involves intricacies inherent to critical practices within social movements and black radical ideologies. My purpose in this

chapter is not to concern the interpretations of the fragmentation of the black Left.[8] Although I addressed this issue to some extent in the last chapter (Section 7.2), my concern was understanding the formation of race liberalism's cultural and moral hegemony and, secondly, its historical context and structure. In this way, the argumentation provides a comprehensive map of the historical and conceptual prevalence of race liberalism in shaping policies and social perceptions.

For this reason, in this section, I focused shortly on state restraint and coercion to eliminate the formation of a radical discourse that not only claimed a more substantial distribution of social goods but also claimed black participation in framing the conditions for social redistribution and within the existing institutional constraints in the US, the outlines an interpretative inflection of equality of opportunity as publicly reasoned in the 1954 Brown decision. Equality of opportunity in court reasoning could mean either integrating blacks in exclusive white schools or allocating material resources in schools constituted predominantly by Blacks and other vulnerable racialized minorities (cf. Bell 1976, see also Section 7.2 below).

The first line of thinking, the integration agenda, was favored in policy-making and by many civil rights actors. Hence, integration has led to social policies and reinvigorated the mainstream narrative of the Civil Rights Movement embodied in expressive moments of Martin Luther King's leadership and Civil Rights Associations. The subsequent section concentrates on how integration constitutes a normative force argued by race liberals and found in legislative principles and policies since at least the paramount Supreme Court decision in 1954, *Brown v. Board of Education*. Thereby, the following still bear in mind the question posited before, that is why integration has become the leading view in the civil rights legislation and policy-making, which obfuscate matters of utmost importance in the radical demands for racial justice, as pointed out in the wake of black radicalism.

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[8] Social scientist Michael Dawson disagrees with the dominant interpretation that the turn to identity politics led to the fragmentation and demoralization of black radicalism in the 1960s and 1970s (2013, chap. 3). Dawson writes that "such a perspective presents a blatantly *false picture of the black movements* of the 1960s and early 1970s. This perspective is false in the sense that, factually, the history is wrong, and it is also false in the sense that the content of black political thought and practice from that period does not fit the critics' description of it. Theoretically, these critics advance a *false universality*; one that, far from being transcendent, is actually based on the interests and standpoint of the historically privileged group" (2013: 128, emphasis added).

2.3 The Moral Appeal for Integration

In the wake of civil rights struggles for racial justice, integration constituted an ideal and policy goal. As an ideal, it represented a chief claim in civil rights groups and the mainstream rhetoric of civil rights leaders. The normative value of integration was also reiterated by many Civil Rights Organizations – NAACP (National Association for the Advancement of Colored People), SCLC (Southern Christian Leadership Conference), SNCC (Student Non-violent Coordinating Committee), and CORE (Congress of Racial Equality). Most notably, the ideal of integration as "intergroup and interpersonal living" was remarkably voiced in Martin Luther King's moral pledge to foster an interracial community (1986e [1957]). At some point, King asserts the endeavors of integration: "Our loyalties must transcend our race, our tribe, our class, and our nation" (King 1986d [1967]: 253).

As a policy goal, integration characterized the underlying reason for government programs in the 1954-1968 civil rights institutionalization (see Section 1.3). Although integration lost its power of persuasion and support after the civil rights era, the ideal has been invigorated in recent theoretical debates in liberal egalitarian circles. This section concentrates on a paradigmatic publication in this context: Elizabeth Anderson's philosophical defense of integration (2010). Anderson's moral claim uses empirical data to complement distributive attempts to bring forth racial equality via state legislation and government mechanisms responsive to the racial struggle towards racial equality. The following draws on Anderson's account because her interpretation is one of the most sophisticated. Anderson employs an unorthodox method in political philosophy by extensively resorting to empirical research. She engages with up-to-date empirical studies to make a case for integration. In this way, she argues for a better way to conceive how "normative thinking works." She is concerned with the "persistency of large, systematic, and seemingly intractable disadvantages that track lines of group identity, along with troubling patterns of intergroup interaction" (Anderson, 2010, p. 3).

Furthermore, Anderson regenerates the moral commitment of integration, as argued by race liberals. Her *The Imperative of Integration* adds to further thinking about the potential of integration ideal by making a poignant claim of interdependence between civic and political equality and social equality. What follows begins by recalling a few damaging consequences

of residential segregation, a major focus in Anderson's book whose claim for integration aims at remedying.

Racial hierarchy, in addition to categorization patterns across spheres, leaves deep marks. The intricacies of discrimination are not solely circumscribed in material deprivation and misrecognition in the legacy of slavery and institutionalized Jim Crow segregation. Social psychologist Kenneth Clark's *Dark Ghetto* (1965), analyzing Harlem youth, describes and interprets what happens to those persons "who are confined to depressed areas and whose access to the normal channels of economic mobility and opportunity is blocked" (xxii).[9] Although Clark's findings are decades old and might be considered outdated, the shreds of evidence have been reiterated in recent studies and reports of mental health burdens caused by residential segregation and racial discrimination (e.g., Thompson-Miller 2011, regarding Asian and Latinx immigrants, see Woo et al. 2020).[10] The painful reality of segregation has endured efforts of legal desegregation and insufficient social policies prompted by race-sensitive politics.[11] Long-term benefits of Clark's contribution (1965) and the extensive literature on *segregation stress syndrome* consist of understanding social-psychological impacts and handling strategies used by those affected to cope with difficulties by strongly resorting to social networks – such as a church, family, and community circles and friends (cf. Thompson-Miller 2011: 261ff) –, but farther more importantly resourceful material to normative theorization and responsive policy-making.

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[9] For two reasons, I resort to Kenneth Clark's account (1965), a canonical example in the literature about the negative effects of racial segregation contextually situated in the 1960s to the civil rights struggle. The first ground for this choice rests on empirical difficulties in defining and measuring segregation. Delimitation of variables to understand racial segregation requires scrutiny of a gamut of factors and intersections among them. A skeptical reader could raise doubt that many cases of residential segregation, for instance, can range from economic determinants such as the price tier of a home to voluntary choices. The second justification for this remark lies in the interest in concerning the pernicious effects of racial segregation associated with discrimination that has prompted scholars and activists to tackle this matter since the civil rights struggle until the present day.

[10] Psychologists have developed a theory of "inner-city post-traumatic stress disorder," proposing that several psychological diseases and social pathologies not necessarily result from the legacy of slavery, nowadays considered "an arcane model" but instead a consequence of the urban environment (Gates, 2012, p. 14). Precarious street life, school drop-outs, high criminality rate, police brutality, and the like are a few reasons for the disastrous effects of "inner-city post-traumatic stress disorder."

[11] Michael Dawson (1994) asserts that the formation of political proxies for articulating Blacks' interests in the partisan system has been held back because of scarce material and nonmaterial resources. Throughout the history of the US, African Americans have possessed few resources such as capital, access to media, and elite support that could be used in attempts to influence the government through other channels (Dawson, 1994, p. 98). Regardless of the relatively weak nature of the US American political parties, strongly steered by lobby control and interest groups, the party system might be the best pressure point to influence public policy for marginalized groups.

Long-standing inequalities associated with severely disadvantaged neighborhoods, often called "ghettos," negatively impact economic participation, civic inclusion, and political empowerment. Such problems require redistribution remedies in housing, education, and employment efforts. Yet scholars seem convinced that public treatments of racial injustices and social inequalities are insufficient, let alone inadequate, measures to combat the pernicious effects of racial segregation that pervade today, thus assuming economic and social benefits associated with integration (Patterson, 1997; Adams, 2006).

Adding to that well-established discussion on integration, Anderson emphasizes integration as "an imperative of justice and an ideal of intergroup relations in a democratic society" (2010: 21). *The Imperative of Integration* departs from the diagnosis of permanence of systemic inequality entangled with the practice of social closure or segregation impeding social groups from access to goods. The relation of domination yields social inequality through control. In Anderson's words,

> A group's dominance over one good then extends to others by emulation, adaptation, leverage, violence, and political control. Group inequality thus arises from the relations or systematic interactions between social groups. The advantaged group may oppress outside groups by reducing them to a marginalized, exploited, powerless, or stigmatized class, vulnerable to group-based violence, or denied cultural freedoms. Or it may impose less extreme disadvantages on them: subjecting them to systematic discrimination, denying them equal political influence, and depriving them of the resources they need to stand as equals with others and of opportunities to develop their talents to qualify for positions of authority (Anderson 2010: 21).

Considering how social relations lead to the unjust distribution of goods, Anderson makes a moral claim against segregation, whose harmful effects cause losses in the social capital development of excluded communities. Furthermore, she advocates for social advantages and benefits of integration to engender social and cultural capital for disadvantaged groups. In the opening lines of *The Imperative of Integration*, Anderson lays out her book aims to "resurrect the ideal of integration from the grave of the Civil Rights Movement" (2010: 1). Despite the initial thrust of policies and ideological reinforcement underlying the ideal of integration and integrationist practices, Anderson holds that integration lost its place in the foreground on two grounds. Firstly, policy enforcement lost public support and state interest in propelling policies such as school busing to transport students from one district to another to attain diversity and racial balance in public education. This fact can be seen in how federal court reasoning in the last decades has allowed the suspension of racial desegregation programs or

rejecting "racial balancing" as an admission goal – Anderson refers respectively to the lawsuits *Board of Education v. Dowell*, 498 US 237 (1991) and *Wessmann v. Gittens*, 160 F.3d 790, 810 (1st Cir. 1998) (cit. in Anderson 2010: 194). Secondly, civil rights activists in the last phase of the Civil Rights Movement abandoned the pro-integration rhetoric.

Indeed, as previous sections mentioned, many visions within black public spheres were critical of integration. I use the term "black public sphere," alluding to Michael Dawson's piece (2012). Dawson maps prevailing ideological discourses in the US African-American cultural landscape, that is, political ideology in the descriptive sense (see introduction Section iii). Political ideology comprises world views, a set of values and ideas that cohere and, basically, "are used to justify political stances and shape or are shaped by society (Dawson, 2001, p. 4). Back to the discussion about integration, various political ideologies within black public spheres were critical of the integration path to remedy injustices and inequalities in the color line. The Black Power movement, for example, endorsed a view of the allocation of goods in black communities and indicated rather separatist ideas to galvanize black autonomy and empowerment.[12]

Anderson makes a case for integration by contrasting these two views objecting to integration, the conservative backlash to pro-integration programs, and segments of black radical tradition inimical to integration as a principle and guideline for social engineering. Advocating a defense of integration as a moral commitment and an imperative for justice and democracy, she contends that efforts towards integration should embody other problem-solving tactics in addition to institution-based remedies to material inequality, such as redistribution policies. In the following pages, I draw attention to four main grounds supporting the integrationist ideology to redress racial discrimination: the (a) transformation of social environments, (b) improvement of social conditions of disadvantaged groups in terms of building social networks, (c) restructuring of intergroup relations and, finally, (d) the realization of the high democratic ideal of equal standing.

These arguments characterize Anderson's account of integration as an imperative for a just and democratic society. I shall remark beforehand that chapters 5 and 6 dig into some of the

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[12] This ideological division highlights numerous moments in institutionalizing civil rights enactment, policies, and government aid. I shall dive into the division in the wake of legislation and the reasoning of the US Supreme Court later. Chapter 6 illuminates the discordancy between pro-integration measures and demands for material redistribution within the black community.

social implications of these matters in addition to an in-depth analysis of the case of affirmative action in higher education to gauge the practical consequences of policy development. For now, it is enough to primarily concentrate on the normative grounding of integrationist vision and policies in the brief outline below. The summary below traces Anderson's encouragement of integration as a moral duty and social engineering. Furthermore, it lays out intentions within the integration ideology and aims and goals of race-conscious integration programs. In doing so, the following interprets how race-liberal tenets tailored social integration to generate racial inclusion and equality.

(a) Roughly speaking, integrative policies issued in the 1954-1968 civil rights era aimed at *transforming social environments* such as housing, education, working places, and the main institutions of society. Integrationist ventures seek to transform spatial and social interactions through legal norms and social policies to redress historically systematic wrongdoings. In analytical terms, integration represents the active "negation of segregation," which tackles the double face character of segregation: structures and norms that prevent contact between members of different social groups as well as the deconstruction of the hierarchical role, which ensures that "where contact occurs, it is on terms of domination and subordination" (Anderson, 2010, p. 112).

Integration efforts envisage enhancing the social conditions of excluded racialized groups with outcomes beyond legal norms. The argument suggests that integrated settings add much to the simple constitutional rights and civil liberties to participate equally in economic ventures and civic society. Recall that race liberals and many groups engaged in the civil rights struggles framed subordination in legal terms and emphatically underlined attitudinal behavior in the system of domination. A first expectancy of many actors associated with the Civil Rights Movement, as I have identified in the introductory remarks in this section, was that the constitutional guarantee of civil and political rights provides formerly excluded racial groups with access to legal citizenship, thereby removing *de jure* barriers to the participation in the social cooperation as equals (Section 2.1). Hence, the assumption of equal status and the enforcement of anti-discrimination laws comprise a second and optimistic expectancy that it would eventually correct the moral wrong of racial prejudice. According to this view, integration is necessary to avoid alienation and stop hostility among racial groups.

Recall that race liberalism constituted the predominant ideology, in the sense of a set of ideas, that characterized the rhetoric of civil rights leaders and groups and shaped the guidance for equality of opportunity. In the context of higher education, considering the US government's efforts to correct the disproportionality of Blacks and people of color hiring policies, curricula, and student body including people of color, legal scholar Kimberlé Crenshaw summarizes the confidence behind the race-liberal goal in the following way. "The foundational belief that had long characterized race liberals was that racial disparities would eventually fade as people of color were shorn of their particularities and absorbed into race-neutral spaces" (Crenshaw, 2017, p. 2315). Indeed, the faith in the new social regime set by integrationists has underscored the potential of adaptation and, as an aftermath of the realization of liberal principles and entrenched values, the benefits of a multicultural environment shaped by equals. The promise of realizing equality through integrative social engineering arouses a second point in the integrationist vision.

(b) This view reasons the *social conditions of disadvantaged groups in terms of building social networks*. Integrated environments forge social relations that arguably play an instrumental role in the socioeconomic improvement of disadvantaged groups. Anderson suggests an entanglement of social networks and economic opportunity for upward mobility. The philosopher insistently asserts that integration helps develop *social capital*, unfolded in relationship networks through which relations of trust and reciprocity are allegedly enforced, and *cultural capital* is understood as norms and practices embodying socioeconomic advantages.

As argued by Elizabeth Anderson (2010), the pro-integration ideology envisions the ethical transformation of the pervasive system of racial domination and embodies an instrumental role in forging the improvement of the material well-being of Blacks through virtual opportunities embedded in social networks. In short, Anderson assumes that Blacks are better off in integrated settings, through which social networks of information can potentially enhance racialized groups' prospects socioeconomically through access to private and public goods and "by enabling them to acquire cultural capital needed to advance in mainstream institutions" (2010: 118).

Anderson emphasizes the necessary role of social values and cultural capital to seize opportunities and forge social cooperation. She refers to the Gautreaux Program as "a court-

ordered housing integration in the Chicago metropolitan area." She supports her argument with qualitative-empirical studies about the case to argue the importance of ethical norms of "orderly conduct and trust, which create safe space and facilitate cooperation." The Gautreaux project improved the lives of Blacks dramatically in terms of educational prospects – 2.5 times more likely to attend college than urban counterparts – and opportunities in the labor market – suburban residents were 50 percent more likely to obtain a job than those who remained in the Chicago city (Rosenbaum cit. by Anderson 2010: 118).[13] At the same time, Anderson acknowledges mechanisms of strict monitoring to shape behavior and constrain social disruption in suburban neighborhoods, such as loud music and late-night partying (2010: 118). After the adjustment to strict social norms, low-income African Americans, Anderson contends, reported a range of benefits such as the absence of criminality, safety, trust in the neighborhood, and social bonding through reciprocity of favor exchanges. All of these factors built up from bridging relations between Blacks and white peers in integrated suburban communities allegedly have forged social and cultural capital for Blacks, necessary instruments for making use of opportunities, in Anderson's view (2010: 119ff). The reasoning of advantages *from spatial integration to social integration* brings me to the third and intertwined feature of the defense of integration ideals and policies.

(c) Integration seeks *the restructuring of intergroup relations*. Besides enhancing the well-being of disadvantaged racialized groups, social integration constitutes a vital factor in the learning process of social cooperation among equals. Here, the plea for social integration advances integrative environments' instrumental and ethical effects on social actors regarding their perception, behavior, conditioning, and inclinations. Hence, this thought reiterates the potential of social learning to transform customs, cultural patterns, values, and social practices. Concerning attitudes towards ethnic and racial minorities, integrative social engineering can potentially lead to the abandonment of prejudiced beliefs and hostility, reducing group bias and creating amicable relations.

Anderson's argument for restructuring intergroup relations departs from Allport's well-known contact hypothesis. In *The Nature of Prejudice*, former Harvard Psychology professor Gordon W. Allport outlines factors that might wildly influence racial prejudice and how prejudice eventually turns into discrimination. Allport formulates the thesis that interracial contact

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[13] Anderson alludes to James Rosenbaum's 1991 piece "Black Pioneers—Do Their Moves to the Suburbs Increase Economic Opportunity for Mothers and Children?" published in the *Housing Policy Debate*.

could reduce prejudice under four conditions: (1) *frequency*, contact should be frequent to lead to a personal acquaintance, that is, "the effect of contact depends upon the kind of association that occurs" (Allport, 1954, p. 262). Thus, Allport concerns many variables of frequency, duration, number of persons involved, and variety; (2) *cooperation*, and peers should be willing to engage in cooperative goals. In Allport's words, the "cooperative striving for the goal that engenders solidarity" can be effective (Allport, 1954, p. 276); (3) *institutional enforcement*, contact must be formally embraced in legislation and protective statutes as well as applied by institutional authorities (Allport 1954: 464ff); (4) "equal status contact in pursuit of common objectives" (Allport, 1954, p. 509), that is, *role equality in an organization* can virtually help break the historically established association of minority groups with a marginal role in the social order and, eventually, lead to favorable conditioning of cultural view (Allport, 1954, p. 314).

Grounding the argument on Allport's contact hypothesis and the presuppositions of group membership, that is, the hostility of in-group members to out-group, Anderson argues for positive effects at the outset of integrative education. "Friendly or collegial relations with out-group members also help defuse antipathy against the out-group, as empathy with an out-group friend or colleague will arouse indignation against practices that treat one's friends unfairly. Amicable relations also tend to defuse anxiety about interacting with out-group members" (Anderson 2010: 123f). In addition to the positive psychological effects of allegedly yielding empathy and diffusing anxiety, face-to-face interactions, in Anderson's view, potentially heightening "people's sense of accountability to the people their action are affecting" (2010: 124).

Anderson concludes that Direct interaction settings and the practice of social integration stimulate respect in intergroup relations. Consequentially, informal relationships among interracial persons, such as friendship and formal social interactions, constitute two other roads to enhance social interaction that allays prejudice and discrimination. In the face of this reflection, a normative question arises about the general meaning of the experience learned in intergroup interactions. "[W]hat induces participants to generalize this lesson [actual social interaction] beyond the integrated setting, and to out-group members with whom they are not cooperating?" (Anderson 2010: 124f). The potential of generalization here leads to the fourth point to sketch in this section in the reconstruction of Anderson's argument.

(d) Another hypothesized effect of integration comprises *the realization of a high democratic ideal of equal standing of citizens of all social groups and the effects on public opinion and democratic processes*. In this line of thinking, integration plays a moral and instrumental role in the legitimation of institutions of the US American democracy. Public deliberation in political terms and criminal justice are two examples alluded to by integrationists to illustrate both *the legitimating outset* of equal participation in social institutions and *the epistemic and democratic benefits* of race integration in social institutions on practical terms.

The first element of this assumption, the legitimating effect of social integration in institutional channels, seems fairly easy to grasp in the normative strength for the accountability of a mode of government and democratic processes grounded on public exchanges resulting from pluralist participation. Racial integration here appears to be associated with diversity. Survey researches point to substantial differences in public opinion in polls composed of integrated racial groups compared to racially segregated contexts (L. Sanders 1999: 270f). Although the fundamental right to participate in democratic processes and public formation constitutes a blatant need for a legitimate democracy, a clear question about the normative value of integration arises here. Does racial integration enhance the quality of deliberative democratic endeavors and democracy?

To make sense of the significance of racial integration in public opinion formation in deliberative processes in the argumentation of many (race) liberals, we might need to take a step back in political theories of deliberative democracy based on empirical findings. The strength of reason-giving lies in the foreground. James Fishkin, among other political scientists who advocate for deliberative democracy, makes a case for diverse deliberation bodies to regard public affairs and enhance democratic public opinion. Empirical research on this issue seeks to emulate a social context by bringing together a random sample of participants to discuss an issue over a short period (e.g., Esterling et al. 2015: 533ff). A normative statement extracted from survey research assembles different social groups to represent or even attempt to mirror a complex and pluralist society and asserts the democratic value of "thinking through the issues together" in public opinion formation (Fishkin 1995: 4).

Of course, public opinion formation and deliberative democracy embody numerous intricacies beyond a blunt assumption of the epistemic value of pluralism in democratic reasoning. Critiques on power asymmetries, preferred languages in deliberative discussions, and how

social privileges, hegemonic ideologies, and communication tropes shape reason-giving abound (Young 2002, chap. 2, Galston 2010: 397). Yet, thinking together constitutes a powerful instrument for grounding the legitimacy of democratic public reasoning and public opinion formation. With this in mind, the epistemic value of racially diverse decision-making comprises a strong idea in favor of integration.

The epistemic strength of a diverse deliberative body appears in defense of integrative settings for court decision-making. For instance, social experiments and survey research in social psychology suggest that racially heterogeneous public reasoning in judicial deliberation embodies superior quality to all-white juries. Sommers (2006) exemplifies how racially diverse mock juries consider a wider range of information before making a final decision. A racially diverse jury body is presumably more amenable to complex dimensions of race-related matters. Evidence suggests that racially heterogeneous juries regard issues of racial profiling and institutional racism in the legal system, for in some cases, jury members are likely "to have personal experience in these issues" (Sommers 2006: 600). Likewise, racially heterogeneous mock juries consider additional aspects of the content of deliberation, discussing "missing" evidence more frequently than all-white juries (Sommers 2006: 605).

Another strand of thought in the defense of integration concerns a view of democracy involving practices and social interaction habits. Anderson's conception of democracy, strongly inspired by Dewey's pragmatist social theory, is grounded on three interrelated aspects: membership organization, mode of governance, and culture.

> As a *membership organization*, democracy involves universal and equal citizenship of all the permanent members of a society who live under a state's jurisdiction. As a *mode of government*, democracy is government by the people, carried out by discussion among equals. As a *culture*, democracy consists of the free, cooperative interaction of citizens from all walks of life in terms of equality in civil society (Anderson 2010: 89, emphasis added).

Social integration constitutes a comprehensive apparatus that materializes a deep interrelation of these three elements in this definition of democracy (membership, mode of government, and political culture). Anderson endorses particularly the instrumental and epistemic, as well as the ethical values embedded in integrative practices so that US American social institutions and civil society can live up to the entrenched ideal of equality. So, integration envisions improving intergroup relations and is vital for functioning the basic social institutions in a democratic society (Anderson 2010: X). In this sense, Anderson addresses the issue of

"whether interaction, over time, enables people to learn better ways of interacting across racial lines" (2010: 183). In short, integrated settings in a residential area, workplace, decision-making bodies, and education comprise epistemic gains in furthering wide information and public opinion formation. With this in mind, Anderson contends that social integration can virtually bring people together in a pragmatist journey of a learning process of acceptance and exchange among differences.

2.4 Shortcomings of the Integration Goal in Conceptual and Political Terms

A vital issue to consider in the advocacy for the conception of integration and set of policies concerns the analysis and the repercussions of integrative programs. This section dives further into the argument proposed in Anderson's account in *The Imperative of Integration*, considering the two central grounds in the argument identified so far: integration as a vital factor for the functioning of social institutions in a democracy and the normative potential for improvement of intergroup relations along racial, ethnic and group-identity lines. It presents two flaws in Anderson's claim. The first one is immanent in the liberal framework. The second weakness regards the systemic effects of the integration aims and goals in the existing social constraints.

I begin this section by exposing methodologically a few components of the approach employed in *The Imperative of Integration*. Remarks from the previous section have already been made about how Anderson aims to construct a normative argument for how, in her view, integration works as a crucial corrective for social relations and in the constitution of a democratic system of social cooperation. In other words, integrative social engineering would allegedly lead to better social conditions for members of disadvantaged groups and a more democratic and just society.

Carrying on the reconstruction of Anderson's argument, what follows contextualizes her work within a broad philosophical debate concerning social justice. It traces how Anderson claims integration, considering the egalitarian theoretical framework, particularly considering the watershed tradition since Rawls' theory of justice. In doing so, Anderson aims to correct and complement the gaps within the theory of justice, mainly focused on the distribution of goods. Thus, she notices how relations, social arrangements, and structures are embedded in power

and how integration can reshape relational dynamics and transform discrepancies entangled with power relations. Methodologically speaking, I assume that noticing the liberal-egalitarian framework will be helpful to assess Anderson's argument and point out a first flaw in her argument, that is, an inherent pitfall within *The Imperative of Integration* considering principles and values in liberal thinking.

The Imperative of Integration pinpoints segregation, voluntarily and involuntarily, as the root of the problem of racial inequalities in the USA. Anderson formulates a normative theory that goes beyond the distributive paradigm and takes on the centrality of democratic habits and practices conscious of the demands of different groups. In Anderson's assessment, redistribution policies, social equity programs, and political inclusion, albeit they all represent relevant channels and mechanisms to enhance racial equality, still fall short in concerning the ideological meaning of the integration agenda in the liberal framework.

A core aspect of the problem of racial disparity, that is, economic subordination and political power, depends highly on social capital furnished not only through formal efforts of integration but also through informal channels and practices of social integration. In this sense, Anderson argues for complementary mechanisms to distributive justice of race-sensitive policies such as affirmative action programs. Thus, she makes the case that an integrative society is contingent on the active participation of interracial and inter-ethnical groups. After resorting to empirical data and the range of possibilities proposed in normative theories, Anderson emphatically argues for individual commitment as a moral duty to bring forth a just social arrangement and embody the civic virtue of republican polity in which all are recognized in their equal moral worth enriches our understanding "of the constitutive commitments of republicanism, and thereby to transform that ideal" (2010: 5).[14]

Moreover, Anderson outlines a substantial social analysis of structural injustices, combining sociologist Charles Tilly's view of durable inequalities tied up with identity features with Iris Marion Young's account of politics of difference (1990) to regard various forms of inequalities that characterize systematic disadvantages to which social groups are subjected. Tilly's framework in his *Durable Inequalities* (1999) concerns how significant and systematic social weaknesses based on race, ethnic groups, gender, cultural belonging, and citizenship

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[14] Notice that Anderson (2010) shares the same normative commitment with Philipp Pettit's neorepublicanism in advocating for a normative framework attentive to the ideal of freedom as a nondomination combined with the equal moral worth of every person (Lovett & Pettit, 2009, p. 17).

become pervasive through dominant mechanisms in institutional regulations and the predominance of customs and habits that cause harm to minorities.

In that manner, Anderson constructs a relational theory of inequality, which borrows from Tilly's account to refer to "categorical inequalities" traceable across social groups (2010: 7f). After an extensive analysis of group inequalities, considering how relations and structures of domination systematically turn sources for inequality and disparity, Anderson emphasizes the moral imperative towards integration. She encourages us all to partake in the project of building a fully democratic society of equals, a republic where each person can ideally, hopefully, enjoy liberties without segregation.

Advocating for a historical moment in overcoming "identity politics," Anderson reiterates Kant by recognizing "obligations of justice to people for whom they have little affection" (2010: 188).[15] In her account, the argument of self-segregation to preserve group identity and cultivate emotional bonds should rather give place to the "integrated us." Anderson opposes the normative reframing of left political movements, such as advocates of the US African American liberation. She cites Stokely Carmichael (who later changed his name to Kwame Ture) and Charles Hamilton's *Black Power* (1967), for whom only Black politics would take the quest for full citizenship to the next level. Although the third part of this book dives further into relevant issues of this discussion, I shall shortly recapitulate the bottom line to follow Anderson's thoughts on demands for recognition, as advocated by the Black Power movement.

Notice that the inflection of the normative view of US African American intellectual and activist mobilizations has had distinct impacts in public spheres and caused misconceptions alongside the moral disagreements that adequate problem-solving for *the race-line problem* would rather be "an effective share in the total power of the society" employing Black politics made by Blacks (Ture (formerly Carmichael) & Hamilton, 1967, p. 47).[16] Black Power sought

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[15] In her words, "[i]dentity politics, in the form of ethnoracial nationalism, was a crucial moment in the struggle for racial equality. In particular, overcoming subordinating role segregation required for a time the development of spatially segregated domains where blacks could attain leadership positions" (Anderson, 2010, p. 188).

[16] The comparison between the Black Power plea and racism constitutes a misconception addressed by the authors in their account. While racism denies power to Blacks and peoples of color and inflicts terror and exclusion through institutions, legal systems, and social practices, Black Power advocates instead for the "positive goal" of articulating a political agenda against oppression and essential for the determination of black interests (Carmichael & Hamilton, 1967, p. 47). Blacks and other minorities have obvious reasons to question why white liberals have not represented black interests. Moreover, the manifesto rejects the moderate rhetoric of

to justify how the sustained efforts to fight socioeconomic disadvantages and pervasive racial subjugation involved more than civil rights legislation but instead required voicing the interests of Blacks on a political platform. Thus, the partisan organization in the Black Panther Party seemed to be a suitable tactic to define and fight for tangible changes in the quest for full citizenship. In their words, "[t]he goal of black self-determination and black self-identity – Black Power – is full participation in the decision-making processes affecting the lives of black people and recognition of the virtues in themselves as black people" (Carmichael & Hamilton, 1967, p. 47). Furthermore, it seems also of utmost importance to regard that Carmichael (later Ture) and Hamilton distinguish "black visibility" in politics from role-model representation. The fundamental distinction rests on how (US) African American politicians do not necessarily reflect black interests in fighting patterns of oppression and institutional racism (cf. Ture & Hamilton 1967: 4f).

Alongside Blacks, other minorities emerged during the struggles of the civil rights movement, demanding recognition of their interests. Civil rights amendments and ongoing trends in public spheres revealed public recognition of some requirements. Normative strands of thinking in political theories and public spheres called for responding to challenges faced by social groups in public institutions. Within this discussion, a range of normative replies to the allure of identity claims assumed the need to recognize differences in the liberal framework under the banner of multiculturalism. Although multicultural recognition in theoretical undertaking and policy-making might be of utmost importance, moral commitment is the first key to remedying racial segregation.

Anderson appeals to a moral duty to promote the "justice of social arrangements" (2010: 148f). From this vantage point, she makes a case for connecting spheres of group relations in constructing a social order committed to democratic and republican ideals. Anderson suggests that since civic and political equality depends on social equality, we should foster racial integration. At this point, I can turn to the first problem implicit in Anderson's argument: the moral duty to partake in the integration goal. In her words, "[s]ince all citizens have a duty to promote the justice of social arrangements, and integration is instrumental to justice, it is just

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conservatives and liberals who argue that "hasty changes" could compromise the well-functioning and stable system. Against this view, Carmichael and Hamilton reiterate the necessity of defining and expressing black demands as Blacks understand them in their language (1967: xvii).

to expect all citizens to bear their fair share of the costs of integration" (Anderson 2010: 148f).

There is a flaw in the claim of personal commitment to integration ideals and practices: a contradiction to the right of individual freedom. The issue at stake here is internal to the liberal line of thinking, the same theoretical legacy with which Anderson, an egalitarian and a pragmatist thinker, can be fairly associated. Tommie Shelby (2014) lodges criticism of Anderson's defense of integration from a liberal standpoint. Anderson's claim of the moral duty of all in adhering to the imperative of integration disregards that, in some cases, Blacks' decision to live apart might reflect the personal choice of avoiding the painful experiences of racism, hostility, stress, discrimination, harassment, and even violence (Shelby, 2014, p. 281). Whereas Anderson acknowledges these costs, she insists that the learning process of inter-racial interactions over time might bring less conflict-ridden exchanges (Anderson 2010: 182f). In the face of this inevitable convolution, Shelby rightly concludes that to require that Blacks take the unreasonable burden of resisting racism to bring forth integration is not responsive to the worry of racial injustice related to segregation (2014: 281).

Anderson envisions overcoming racial segregation and argues for the positive ethical effects of an integrated society in prospect. This view is clear to the extent of how the defense of integration concerns the phases to reach integrated social arrangements consistent with a fully democratic society. After outlining the stages of integration, that is, (1) formal desegregation, (2) spatial integration, (3) formal social integration, and (4) informal social integration (2010: 116ff), *The Imperative of Integration* concerns the positive outcomes in pragmatic learning terms up to ethical standings. These stages, Anderson writes, reflect a temporal order from desegregation laws to full integration where destigmatization is attained in diverse settings such as employment and education with significant democratic effects and informal environments of spontaneous contact if they rise to genuine friendship (2010: 123, 134).[17]

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[17] "Sustained formal social integration under moderately favorable conditions, including institutional support and cooperative interaction, reduces prejudice, stigma, and discrimination and increases intergroup comfort in the long term, but not without initial difficulties. Informal social integration, if it rises to the level of genuine friendship, has similar effects". Furthermore, "formal social integration," continues Anderson, "works through at least two causal routes – *epistemic diversity*, whereby members of disadvantaged groups bring relevant considerations to the attention of agents who would otherwise be ignorant of them, and *accountability*, whereby agents respond to the presence of diverse others by expanding the circle of justification to address them as well as in-group members. This results in a more deliberative, public, and democratic politics" (Anderson 2010: 134, emphasis added).

Facing the positive outcomes of integrative measures in the long run, Anderson urges Blacks and whites to change through benign relationship patterns, attitudinal behavior, and habits. Moreover, that can happen only through racial and social integration, for, in her view, disadvantaged groups can acquire the cultural and social capital required for material and social conditions. After exposing the four stages, *The Imperative of Integration* concludes that the moral duty of all the members of social arrangement is the *conditio sine qua non* to produce change. "For blacks to achieve racial equality," notes Anderson, "blacks need to change, whites need to change, and we need to change. These changes can happen only through racial integration" (2010: 186).

Anderson's call for the individual share to change rightly indicates the minor implications of the restrictive focus on legal means to enforce racial equality. Similarly, other scholars reinforce the call for the moral commitment to acknowledging equal moral worth in the right and, more significantly, in equal social and political standing (Rogers, 2020). Indeed, equal status rests, too, on social relations that recognize the equal moral worth of differences. From this vantage point, the development of social equality depends on the construction of social networks that enable minorities to raise the social and cultural capital necessary to combat racial inequalities. Thus, the transformation of attitudinal behavior and social relations to foster interracial exchanges constitute central vehicles against racial inequality.

Anderson reiterates that the mutual identification in the ideas and practices of the citizenry is not built on the basis of "fellow feelings" and forms of exclusive group identification but rather on the Kantian conceptualization of respect (cf. Young 2000: 222f, quoted by Anderson). The emphasis on social equality via an individual commitment to justice and the inclusion of others as "fellow citizens joined in a common project of living together democratically *constitutes* a form of mutual identification" (Anderson, 2010, p. 188). Once again, Anderson emphatically accentuates integration in lieu of any form of group isolation. Here, she has in mind voluntary choices of rejecting integration and seeking instead self-reliance, as well as an alternative framework that values identity, which is what some term self-segregation.[18]

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[18] In Anderson's words, "[i]t is time for the Left to put behind its preference for racial identities at the expense of national identities, as if racial identities were inherently more authentic and worthy of emotional investment. This neglects the impact on whites of prioritizing ethnoracial self-segregation. It reinforces whites' alienation from disadvantaged groups and their own tendencies to self-segregation. Given that it is impossible and

With this in mind, Anderson refers to multiculturalists and black nationalists – one should add without differentiating the broad spectrum of traditions under the dome of "Black Nationalism" (for a critical review of ideological tendencies, see Dawson 2001: 85-134) – for whom ethnocentric identification and group values stay in the foreground in the development of mutual support in the face of forms of discrimination or to protect their traditions and organize their interests as groups. Acknowledging the historically situated meaning of identity politics in political and emotional terms, Anderson calls decidedly in favor of the "racially inclusive 'us'" (2010: 189).

Recall that Anderson argues that social networks attained via interracial integration allegedly have instrumental and ethical effects for everyone involved. Instrumentally speaking, spatial integration (in opposition to residential segregation) and group interrelations potentially enhance social and cultural capital, for example, through increasing chances to access a good job, better environmental quality, and better professional services often found disproportionally in predominantly white neighborhoods (Anderson 2010, Sections 6.3 and 6.4 below). Additionally, *The Imperative of Integration* underlines ethical outcomes in the wake of integration efforts. The reason for this claim lies in the idea that integrative spaces constitute more adequate settings for whites to eliminate prejudices founded on stigmatizing assumptions. "What most urgently needs to change," asserts Anderson, "are people's unconscious habits of interracial interaction and perception. Such *practical* learning can take place only in integrated settings" (Anderson 2010: 186, emphasis in original).

Before diving into other flaws in Anderson's defense of integration, I shall praise her contribution to the state of the art and how it stimulates further discussion. *The Imperative of Integration* makes insightful assessments of how racial inequalities in the USA root substantially in racial segregation and pervasive discrimination. Anderson's extensive use of social science in the inquiry of structural inequalities to support a normative theory attentive to civic, political, and social equality merits deep appreciation for thinking about racial equality beyond the distributive justice paradigm. Nonetheless, normative recommendations of comportment changes and moral claims of personal commitment to recognizing equal moral status remain contentious. In this section, I mentioned the first shortcomings in *The*

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undesirable to abolish informal routes to human and social capital development, and that whites control most of these routes, such a stance is self-defeating. (…) Excessive promotion of black self-segregation cannot help but entail white clubbishness, and thereby defeat the cause of racial justice" (Anderson, 2010, p. 188).

Imperative of Integration internal to the liberal framework. To recall, the moral prescriptions of personal duty stay at odds with Blacks' primary freedom of choice to avoid hostility and interracial conflict (Shelby, 2014, p. 272).

A remark of minor significance in the argument made by Anderson concerns the misinterpretation of black radicalism under the umbrella of recognition of differences and a misconception of racial inequality resulting from segregation. Many academics and former activists have read about the fragmentation and, eventually, the decrease of black leftism as a consequence of the identity claims (Gitlin 1995: 100f). In general terms, a range of critiques interprets the fragmentation of left political movements associated with, or even as a result of, the political and ideological turn generally known as identity politics. Anderson reiterates this standard interpretation that universal claims of redistribution have given place to group-specific requests of recognition (Anderson 2010:1f).

The second matter deserves further attention. The issue at stake concerns the misconception of segregation as the principal cause of inequality in the color line. In Anderson's words,

> Segregation of social groups is a principal cause of group inequality. It isolates disadvantaged groups from access to public and private resources, human and cultural capital sources, and the social networks that govern access to jobs, business connections, and political influence. It depresses their ability to accumulate wealth and gain access to credit. It reinforces stigmatizing stereotypes about the disadvantaged and thus causes discrimination (Anderson 2010: 2).

This diagnosis is undoubtedly correct, yet incomplete. It falls short of critically scrutinizing other factors that have long engendered power asymmetry in the interplay of racism and capitalism. Aside from long white supremacist control of state apparatus in an overt system of racial domination, intersecting forces of structures and power relations cause and perpetuate poverty and forms of disadvantages in the color line (cf. Rose 2013). In fact, Anderson underscores the ethical commitment to integrative ideals and practices in her account. She appeals to integration as instrumental to enhancing economic prospects and democracy.

To recall, the integrationist reshaping of the leading institutions of society aims at enabling equality in the array of spheres through which dignity, socioeconomic opportunity and full inclusion and participation in democratic society take place. Anderson's appeal to bring forth integration through institutional efforts and interpersonal conviction of *integrative intergroup interaction* as a vital factor of a fair and democratic society takes a stance against the peril of

assimilation, a charge reiterated by many critics often voiced in radical movements affiliated with Black Nationalism.[19]

Although Anderson regards critical issues associated with the skeptical apprehension of minority groups in assimilation into integration projects, the argument fails to frame the need evoked by black radical tradition since Frederick Douglas and reinforced in many intellectuals and movements such as the Black Power movement. Essentially, the call for self-determination and black pride was not only reactive to cultural demonization and marginalization of the African roots and African-descended people. It proposed rethinking the cultural meaning embedded in race, reevaluating the principles and content of institutions in the eyes of systemically discriminated racial groups, and reassessing the conditions underlying racial inequality.

Many black intellectuals noticed that the strive for equality and the fixation on the ideals of integration affected how Blacks thought about themselves. Du Bois pondered the consequences of the quest for legal and political equality in the US African Americans' perception of their African ancestry and their future after achieving civil and political rights. Du Bois refers not only to the memory and history of Africa and its cultural tie to the present life but also to the "aims and ideals." "Are we to assume that we would simply adopt the ideals of Americans and become what they are or want to be? Will we have in this process no ideals of our own?" (Du Bois, 1975, p. 46). With these doubts, Du Bois urges Blacks to bear in mind the consciousness of the past in slavery and the utmost importance of framing demands and thinking about ideals without ignoring their social conditions embedded in racism and black culture. Curiously, the significance of these questions endures until today. Notably, the cultural war prompted by contemporary disputes in public spheres about how to frame the understanding of racism shows the need to tackle these matters and their implications for critique and policies considering racial justice. Chapters 6 and 7 below address these issues, considering the visibility of critical theories of race and the current backlash in state legislation in the USA.

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[19] Social critic Harold Wright Cruse notes that black political history was essentially shaped by the ideological rivalry between integrationists and nationalists (1967: 564). In particular, Black Power and other radical movements associated with versions of Black Nationalism reacted skeptically towards the integrationist agenda. In general, black nationalists saw the flaws in the integration ideal and policies in producing the desired dignity and recognition of Blacks critically.

Of course, many normative philosophical theories inspired by the universal standpoint, whose tradition goes back to Kant's categoric imperative, argue for coherent justification of institutions that account for reciprocity and universality as foundational principles and compass to gauge legitimate institutional practices. This line of thinking has paved the route many (racial) liberals take. Similarly, Elisabeth Anderson advocates for the "shared identity as citizens" as an essential component of the "we" in a democratic society. She rests on the claim that integration constitutes the feasible means to advance racial equality. However, the elaboration of universal properties through pure reason has been written from a historically privileged position. That universal parameter within the "shared identity as citizens" has been often criticized by academics and activists following Du Bois' radical legacy (cf. Curry 2012: 37f). Michael Dawson, for example, questions the transcendental character of the universality claim. Dawson holds that the alleged universality is somewhat entangled with the "interests and standpoint of the historically privileged group" (2013: 128).

This view suggests that the process of thinking cannot be separated from social actors' interests. As a result, social reality provides the epistemic basis for a critical reflection. Thus, in analytical terms, for realist thinkers engaged with the inquiry of race and racism, such as Derrick Bell paradigmatically illustrates, interest-based positionality stays in the foreground of social critique and normative thinking about the envisioned black self-realization (cf. Bell 1992a). Reverberating Du Bois's acute understanding of the need to take seriously how economic growth in the United States of America was deeply intertwined with racism (see Section 1.1 above), Bell's critical realism distinguishes the interpretation of facts without obscuring the social conditions and the dependence of court reasoning to dominant interests and hegemonic views (cf. 1976). Furthermore, the critical insights of Bell's racial realism urge Blacks to concentrate their efforts on legal and social mechanisms that voice a conscious assessment of the social landscape and the historically situated context. This judgment involves, among other things, acknowledging and understanding how court decisions often lead to harm (Bell, 1992b, p. 364).[20]

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[20] Bell recalls the paradigmatic Bakke landmark decision, in which the reliance on formal law reshaped affirmative action to the detriment of virtual beneficiaries. "Relying heavily on the formalistic language of the Fourteenth Amendment, and utterly ignoring social questions about which race, in fact, has power and advantages and which race has been denied entry for centuries into academia," the Court held that an affirmative action policy may not unseat white candidates based on their race. The Court effectively ignored historical patterns, current statistics, and flexible reasoning by introducing an artificial and inappropriate parity in its

Another problem in the claim for integration concerns the ideological misuses and the implications of integrative policy development in the capitalist economy. The appeal to an integration made by many liberals, an ideal chiefly reiterated in the rise of race liberalism, as I argued before (Section 1.2), often obscures the historical unfolding of the policy set in motion within parameters developed by hegemonic forces and how racial and ethnic integration holds a pervasive meaning for market-led purposes. Education constitutes a noticeable domain in which racial and ethnic integration has often been misused, where integrationist programs and efforts for diversifying classes are embedded in profit-oriented interests. The phenomenon concerns the commodification of racial diversity in higher education. The next part of the social theory developed here outlines this matter in the wake of affirmative action in college admission.

The conclusive lines of *The Imperative of Integration* reflect on the political significance and the promising outlook towards change with the election of the first black president in the USA. Anderson is cautiously aware that Obama's presidency does not "portend an era of new policy initiatives to overcome race-based categorical inequality" (2010: 191). Obama avoided tackling racial inequality in his political agenda and did not make an issue of race in his eight-year office. Nevertheless, although there was no suggestion of a race-sensitive political agenda, Anderson, among others, appreciates the promising horizon of the historical meaning of the first black president of the United States of America. With optimistic confidence of a better future, the 2009 election represents, she writes, "a moment of self-overcoming for democracy in America" (Anderson, 2010, p. 191).

What strikes my curiosity in this remark concerns the immediate assumption that the first elected African American might have indicated positive prospects of overcoming disastrous issues of racism and racial equality. It is far-fetched, if not impossible, to predict a foreseen improvement of racial relations in the present, especially in the face of the recent backlash of right-wing waves around the globe. Any cautious optimism of post-racialism, a narrative often reiterated linked to Obama's election as president, should be tempered by a lucid realism that bears in mind the centrality of race in perpetuating the existing social order. One might wonder if Elizabeth Anderson thinks the same way today. Confronted by our present, we could assume probably not. Recent events have shed new colors on the old racial divide in

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reasoning (Bell, 1992a, p. 369). Chapters 4 and 5 revisit the 1978 Bakke decision and its implications for affirmative college admission programs in the US.

the United States of America and elsewhere. Donald Trump's office, the turmoil in public spheres prompted by police violence against Blacks, and the visibility of the Black Lives Matter movement constitute a few.

Beyond these speculations, there is the urgency to understand the system of racial inequality rooted in the interplay of capitalism and race in diagnosing the persistence of the color-line problem through systemic intricacies that persistently reproduce racial inequalities. In any way, our present and the discursive landscape constitutes a window of opportunity to rethink the old questions of racial integration and the dimensions of racism.

Conclusion of Part 1

The discursive reconstruction traced in these first two chapters draws attention to two leading conceptions of the problem of the color line in the US American discursive landscape. This problem, which is of paramount importance in our understanding of racial dynamics, has been primarily accentuated as a moral issue by race liberalism, the dominant interpretation of the problem of the color line. It delineates the public reasoning behind the 1954-1968 civil rights enactments and social programs to cope with race-related pervasive injustices and inequalities.

Integration, a complex and multifaceted concept, constitutes a pivotal point in the state response to the US African American struggle for equality and citizenship. It is a nuanced aspect of the Black Civil Rights Movement, encompassing both legal and political aspects and social and economic dimensions.[1] Integration as an ideal and blueprint for social programs can be seen across distinct public spheres, including black ones. Martin Luther King constitutes a paradigmatic example of how integration was purported within Black Civil Rights Movement segments. Furthermore, integration shaped, to a great extent, the social engineering issued in laws and policies in the 1954-1968 civil rights legislation.

On the other hand, black radical movements and academic views raise doubts about how integration affects US African Americans' perception of their past and social reality. In any case, the integration ordeal constitutes a reference point regarding the problem of racial justice until today. It has been in the discursive landscape amid disputes and visions about racial justice, a point of departure for reinforcing or refusing.

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[1] Recall that social and moral demands sought to fight racism, outlaw Jim Crow, and combat economic deprivation. From this vantage point, civil rights activists who advocated for integration defined integration in two complementary strands. One concerned the demands of citizenship rights to African Americans and the benefits of liberal democratic practices. The other one comprised a refined vision that real opportunity to civically and politically participate as an equal ideally entails economic readjustment to convey an adequate transformation for citizen inclusion responsive to the legacy of slavery and legal segregation. Notice that the inflection of integration in institutions and the demands for the extension of rights comprise similarities. In that sense, although this line of thought is commonly associated with the influential Martin Luther King, Jr., and the black ideology known as *integrationists*, contrasting views of *black nationalists*, epitomized by the iconic Malcolm X, also made the same claims (Dawson 2001: 86f).

With this in mind, chapter 2 aimed to shed light on the conceptual plea for integration in a recent philosophical account that encourages the moral commitment to integration. It focused on Elizabeth Anderson's account of integration for two main reasons. Firstly, her sophisticated interpretation and advocacy for integration give an overview of the state of the art, roughly considering the pros and cons on moral and political terms. Secondly, Anderson presents an up-to-date review of empirical studies on many issues at stake.

Anderson takes fair account of systemic factors in the reproduction of inequalities and cultural conditioning of racism. I have suggested that *The Imperative of Integration* seems to rejuvenate the promise of (race) liberalism with the call for the moral imperative of social integration. Indeed, her concerns with the consequences of practices of integrative policies grounding the analysis on empirical data suggest a realist view of *what can be done in the actual state of affairs*.

Anderson's justification of a non-ideal theoretical standpoint operates side-by-side with the moral duty of engaging in integrationist ventures to realize integration as a justice imperative. In the face of the discrepant gap between normative principles and actual practices, she identifies two sources to grasp the discussion about integration as a response to the racial divide in the USA. The moral duty of integration as a justice principle to redress the permanence of racial injustice and the turning moment in the Civil Rights Movement, as the Black Power Movement reframed the conceptualization and tactics to address US African Americans' social demands.

Integration goals and moral commitment may captivate our conceptual and moral sympathy at first glimpse. However, both expose limitations and political pitfalls in institutionalization and social practices. Although there is a considerable appreciation of how power structures, economic inequality, and social networks constitute pervasive disadvantages, the overemphasis on the moral commitment to take up the integration imperative, as Anderson reiterates, falls short in at least three points of utmost relevance: (i) the understanding of intersecting dimensions of racism and capitalism underlying the racial order; (ii) a deficit of a critical evaluation of the cultural reflections about race and racism, as reflected by radical movements and scholarship in the legacy of the critique of racial hierarchy as power (argued in the first chapter, mainly Section 1.1); and, lastly, (iii) integration ideology's discursive implications.

While the argumentation tackled these two first issues, subsequent chapters delve into aspects of the integration ideology. The integration goal constitutes a powerful plank to undergird the liberal project of inclusion, at least a given view of the capacity of continuous inclusion within the frame of acceptable reasons in a legitimate political arrangement to which rational persons would supposedly abide. However, without addressing the economic subordination to which Blacks and other disempowered groups, the social policies implemented in the civil rights legislation gave birth to a twofold problem in conceptual terms, whose problem-solving has practical implications in the social landscape: the entangled nature of the problem of racial discrimination and economic inequality systemically reproduced in the complex relations of channels for disadvantages, on the one hand, and the self-reinforcing aspect in the affirmative-action rationale, which after rehappening within the liberal scope ended up accommodating market-led interests and distorting the initial stake of including racial minorities for the sake of redistribution.

Furthermore, the moral call for integration disregards how integrative programs have been instrumentally misused to serve the dominant ideology and market-led interests. The next part of this dissertation explores these two sets of problems by illuminating affirmative action as a case study of inclusion and integration college admission. The reshaping of affirmative action programs in the course of time and the observation of the policy development characterized ambivalent outcomes for beneficiaries whose oversight, as I shall argue below, ignored the intertwined nature of the racial and capitalist system of domination; on the contrary, the post-Bakke affirmative policy has paved the way for the commodification of interracial student body (see Chap. 5 and 6 below).

In addition to these matters, the next part of this dissertation exposes ambivalence in the discussion about affirmative action in higher education and the flawed problem-solving, particularly after affirmative programs' direction after the paradigmatic Bakke decision in 1979 (see Chap. 3 below). It rehashes the implications of affirmative action's integration goal and social engineering in higher education. The reexamination ultimately concentrates on comprehensive normative justification and the policy development of affirmative action in higher education.

In this sense, the in-depth analysis of the public reasoning behind affirmative programs in college admission and policy development exposes the flawed character of liberal problem-

solving in the wake of the civil rights era. The disclosure of some consequences in practices urges us to evaluate the problem of the permanence of racial inequality critically. Notably, critique and social movements in the legacy of radical analysis of racial hierarchy expose how the hegemonic view of race liberalism grounds policy-making and existing enforcing institutional mechanisms to ensure affirmative practices. Moreover, the rise of critical theories of race points out how, without including the substantial participation of US African Americans and radical reforms to produce structural changes, integration as an ideal and set of policies constitutes ultimately a mirage for racial justice, whose ideological implications can be seen in the aftermath of further integration policies. The next part takes up the task of revisiting the effects of the hegemonic discourse about the problem of the color line in shaping social engineering to remedy the harms of racial subordination. It begins by revising the discussion of affirmative action's moral and political justification.

3. Back to Bakke: From the Individualist View
To the Downside of Diversity Argument

The 1954-1968 civil rights legislation constituted a monumental time frame embedded in the hegemony of race liberalism. Not all was doom and gloom, however. Black struggle for emancipation was finally heard in many institutional and state instances. The state implementation of racial justice gave hope for real possibilities to flourish. However, the collapse of formal segregation and the institutional response to the Black Civil Rights Movement's demands were insufficient to produce meaningful social change and eventually reach complete, accurate, and unmarked citizenship in the United States. Over half a century after the 1963 speech "I have a dream" and the state reply, the evident question speaks for itself: What went wrong with the state translation of the quest for civil rights?

Addressing the complex issue of the institutionalization of racial justice involves an amalgam of factors and conflictual frames of the problem of the color line and distinct views of how to address the problem. Some of those factors entangled in this question will appear in later chapters of this book. The last part spells out particularly the unfolding of critical race theories, carrying out Du Bois' legacy of a radical critique of racial hierarchy and advancing the social mobilization of political movements such as the Black Power. Roughly speaking, radical segments of black civil rights movements were discontent about the state proposition of how racial justice would look from the very beginning.

Black radicalism in heterogenous ways did not buy the civil rights acts, and government problem-solving would help them break free from racial domination and its deep-seated consequences. For black radicals, mere inclusion through civil and political rights, in addition to integrative programs and government efforts to provide equality of opportunities, would not suffice to meaningfully disrupt the pervasive economic subordination in systemic terms since slavery. Self-determination in terms of advocacy of more political and economic autonomy given to black communities through redistribution of state revenues appears in several appeals across black public spheres (see Dawson 2001, chap. 3). Contrasting to revolutionary visions, more diplomatic political actors involved in the negotiation between Blacks and state imagined the potential of a fundamental change via constitutional rights,

anti-discrimination law, and social policies. A paradigmatic example illustrates the sit-down between members of the Black Civil Rights Movement and representatives of the US American polity to conceive the 1964 Civil Rights Acts. The negotiation included particularly those related to nonviolent action, such as Martin Luther King, Roy Wilkins and the NAACP, and John Lewis (the chairman of the Student Nonviolent Coordinating Committee), among other civil rights leaders and proxies of the Black Civil Rights Movement.

There is much to speculate about and revise the intricacies of the civil rights assembly, including the manifold views and ideological inflections within and beyond the political actors directly involved. One should remark on the complicated nature of political visions in the Black Civil Rights Movement. Take Martin Luther King, for instance. Although King's perspective of racial justice was far more rebellious and towards radical redistribution, as his late writings and speeches sustain, his cooperative leadership and nonviolent political subdivision leaned toward reaching a compromise in the hope that civil rights acts and legal amendments were significant steps towards equality and full citizenship.

Affirmative action came into being as a social redistribution strategy in that context. Race-conscious programs were designed to remedy racial oppression constitutionally and work as a vehicle for Blacks and racial minorities' social and economic uplifting. In other words, anti-discrimination laws and affirmative action policies were crafted to enhance equity and tangible means to eliminate discrimination in distributing social goods. The idea was that race-conscious programs would interrupt the allocation of resources such as highly desired employment and education opportunities embedded in racial bias distribution.

Of course, there are distinct takes on the meanings and possibilities within race-sensitive programs. While some critics contend that affirmative action has its birth in the Civil Rights Movement's demands for racial justice, others were not convinced that mere legal amendments without disrupting the existing system would not solve the problem of the color line. Critical race theorists Charles Lawrence III and Mari Matsuda (1997) argue that affirmative remedies aim to enhance equality of opportunity for Blacks and other minorities and, consequentially, question the innocuous categories of merit and colorblindness. Lawrence and Matsuda hold that affirmative action dismantles the perpetuation of injustices within the existing system that mask privileges with empty formal concepts that obscure the

permanence of injustices and inequalities. Only affirmative efforts can combat "the overwhelming forces of privilege and prejudice" (Lawrence & Matsuda, 1997, p. 101) and tear down the obstacles built by centuries of white supremacy.

Contrasting the optimist reaction, realist segments of Critical Race Theory wedge criticism on the low impact of race-conscious measures in purporting substantial change and undergirding core ideas of the radical critique of racial hierarchy. Derrick Bell suggests that affirmative remedies prompt court reasoning and legal controversies clouded by moral philosophical discussions that avoid paying attention to history, where one finds the answers to the problem of the color line (Bell, 1979, p. 9). Reading Bell's pessimist realism, one could infer that preferential policy ceases the fear of revolts and dodges organizing and negotiating with radical voices within the black community. Those radical visions preferred investing in black schools instead of integrating Blacks in white schools. The choice of self-determination in political and economic terms could, to some extent, imply the empowerment of the black community.

Similarly, that course of events would have long-term economic effects. I shall return to some aspects of this discussion in chapters 6 and 7. What follows concentrates on affirmative remedies, particularly race-sensitive college admission. Anti-discrimination laws and affirmative remedies constitute curious measures in the social engineering designed in the 1964-1968 civil rights legislation for at least two reasons. Firstly, the historical development of affirmative action legislation and policy design in college admission exhibit shifts with meaningful consequences in political and economic terms. A close analysis of the ideological force in reshaping race-sensitive college admission and its entangled dynamics can unmask issues internal to dominant discourse in public reasoning and the shortcomings in conveying equity-enhancing tools for racial and ethnic minorities. Secondly, despite limitations and moral disagreement around affirmative action, race-conscious programs incite discussion related to racial division and bear the potential to forward social mobility, even if their virtual beneficiaries are predominantly affluent and middle-class (US) African Americans.

This chapter takes a close look at race-sensitive affirmative action. It spells out the reasoning and decision-making of the US Supreme Court regarding the contours of affirmative action in higher education in the US. In doing so, the investigation revisits how the famous 1978 Bakke

decision of reshaping affirmative action in higher education forsook the initial aims and goals of equity and inclusion. Most importantly, what follows concerns the consequences of the normative shift of race-conscious admission procedures in terms of to which extent the diversity goal steered affirmative policies. The analysis of what I will generically call the *individualist view in legal reasoning and decision-making* concentrates on reconfiguring the affirmative action rationale after the Bakke decision with two goals in mind. (i) The reassessment of *the juridical and discursive legitimation* of race preferences in college admission in compliance with the orthodox interpretation of constitutional equality and consistent procedural justice. (ii) Then, the scrutiny of how the diversity argument now molds the policy rationale betrayed the initial goal of social equity.

This chapter alludes to how affirmative action has been reformulated to attend to contrasting interests of race-conscious programs and the procedural equal protection clause of the Fourteenth Amendment of the US Constitution. The Bakke decision illustrates how legal reasoning accommodated the dominant interests within the policy rationale's reformulation with the diversity goal. The following pages present a few contrasting opinions about implementing affirmative action with the goal of diversity. Despite normative justification and empirical findings of diversity's benefits, affirmative policy reform based on group membership constitutes ambivalent outcomes that usually reinforce the meritocratic race to higher education.

The analysis begins by reconstructing the grounds of the Bakke lawsuit and the court judgment to discuss the implications of the court decision for the affirmative policy rationale.[1] Over forty years since the Supreme Court deliberation, Bakke's case still represents a window of opportunity to discern how the individualist ideology persists as the hegemonic discourse in public reasoning and policy-making. With that in mind, the following reassess the legal reasoning and the court decision, showing how the process around affirmative action, initially designed to prompt racial justice, entangles interests and ultimately benefits the status quo. The discussion proceeds in three sections.

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[1] Other US Supreme Court landmarks, such as *Regents of the University of California v. Bakke* (1978), exemplify interest conflicts around affirmative remedies in college admission procedures. *Grutter v. Bollinger* (2003) and *Fisher v. University of Texas* (2013) are two legal disputes that have become considerable visibility in their appeal to formal constitutionalism to forbid outright quotas.

Section one spells out the Bakke decision as a turning point in affirmative programs in college acceptance procedures. It casts an eye over the Supreme Court as one channel for the ideology of individualism. The contextualization of decision-makers and the economic processes in the background of public institutions' configuration, when Bakke's lawsuit was filed, helps us understand how court decisions and policy-making are embedded in the dominant ideology's interests. The solution found in the fractured Court to settle the different opinions about the legitimacy of race preferences in tertiary education was to uphold race-conscious procedures under the banner of diversity. The redefinition of affirmative action away from the equity goal ultimately reframes the race-conscious policy to avoid contradicting the Fourteenth Amendment that guarantees equality to all US citizens. Concurrently, the shift from affirmative action from inclusion and integration to remedy past and present discrimination, segregation, and disadvantages to the *compelling national interest* in promoting diversity legitimates the status quo associated with meritocratic practices.

Section two concerns the conflicting views of equality in the backdrop of affirmative action, whose core claims of just procedures or just outcomes of procedures characterize philosophical debates about justice in political contexts. The section concentrates on conceptualizing *substantive equality* in promoting social equity through affirmative policies in contrast with the *formal equality* associated with proceduralism. As the Bakke decision illustrates, the tension between these two views of equality impacts normative discussions, legal foundation, and policy-making.

Section three pinpoints the Bakke decision's pitfalls in rearranging the race preference program with the diversity goal. The redesign of affirmative procedural rationale in college admission represents one among other criteria in the fierce competition to become a higher education seat. However, diversity bears ambivalent meanings that can be traced in normative theories and social analysis of affirmative policies. On the one side, a diverse learning environment undoubtedly outlines many benefits in the wake of cultural and epistemic varieties. However, the diversity shift in the affirmative policy rationale entangles problems and challenges in its justification and implementation.

The reformulation of affirmative college admission overweighs individual agency in the competition to get into college and leaves aside the amalgam of complexities entangled in

race and poverty. Moreover, the diversity goal has been misused by market-driven institutions. When conditioned by economic interests, implementing diversity can conveniently commodity race as a maximizing profit factor. Considering the effects of drawbacks, this chapter introduces the ambivalences and the discursive landscape regarding the diversity argument in implementing affirmative admission programs. Chapter 4 wedges further criticism in the face of empirical findings and discusses policy outcomes.

3.1 The Bakke's Litigation and its Ramifications for Race-Sensitive College Admission

This section revisits Bakke's case and draws on its paramount meaning to conciliate contrasting interests in the affirmative action controversy. It proceeds in two steps. First, it distinguishes the grounds of public reasoning in Bakke's claim judgment. Thereby, it concerns the aftermath of the resolution in conceptual discussions about the affirmative action debate and the repercussions of the reshaped policy implementation.

I begin by contextualizing the litigation before diving into a detailed analysis. In 1974, Allan Bakke sued the University of California Davis Medical School to challenge affirmative action's constitutionality.[2] After being rejected twice by the University of California in 1973 and 1974, Bakke sued the university's governing board. He claimed the college admission program violated the rights of white applicants. By then, the UC at Davis Medical School had set aside 16 seats from the 100 for African Americans (*Regents of the Univ. of Cal. v. Bakke*, 438 US 265, at 277; hereafter Bakke).[3] Bakke argued that he had higher academic scores than several minority students favored by the quota system.

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[2] In 1973, Bakke applied to medicine at twelve universities. He was born in 1940 and was considered too old for enrollment (Dreyfuss 1979: 13-16, cf. Schwartz 1988). Apart from the division prompted by racial preference, age discrimination constituted the background for the long rejections until appealing to legal action. Statistical data suggests that medical schools practiced age discrimination (Thernstrom & Thernstrom, 1997). Besides age, the main reason for the rejection lies in the opinion about affirmative policies. Dr. George H. Lowrey, the chairman of the admissions committee at the U.C. Davis Medical School, stated in his report that Bakke "had very definite opinions which were based more on his viewpoints than on a study of the whole problem … He was very unsympathetic to the concept of recruiting minority students" (Schwartz, 1988, pp. 7-8). For this reason, Bakke received a low evaluation from Dr. Lowrey, the only part of his application in which he did not score well.

[3] Notice that only one black student and six Latinos were given entry under the regular admissions program between 1971 and 1974, *Regents of the Univ. of Cal. v. Bakke*, 438 US 265 (1978) 275-276.

In 1977, the case reached the Supreme Court. Bakke's case divided opinions in the Court with six different points of view from the nine justices. Although the court body responsible for the case was slightly liberal, the conservative fraction swayed more influence in the court decision favoring legal formalism, particularly for race-sensitive college admission, which contradicted the Fourteenth Amendment.[4] In the end, Bakke won the case. He was finally admitted to the UC at Davis Medical School. Affirmative action in higher education was upheld, but only under specific circumstances. The deliberation steered affirmative college admission to a different route. Affirmative action in the admission program did not aim to combat fair equality of opportunity failures for Black students. Instead, the race-conscious policy should serve the compelling state interest of creating a diverse student body. From then on, diversity gained paramount significance in the contour of affirmative action policies in tertiary education.

Bakke's case stimulated wide-ranging debates and further thinking about admission procedures in higher education in the USA. Until today, the controversy resonates and still provokes intense conflict of opinions beyond its historically and geographically situated configuration. After the court deliberation, assessments of the decisions' repercussions vary in what constitutes a long division in ideological disputes. While some endorse the legal reshaping of affirmative action following the right of *equal treatment* and procedural fairness constitutionally ensured to each citizen (Black, 1974; Gross, 1975; Pojman, 1992; Swain, 1993), other perspectives question the aftermath of the court decision as a distortion of remedies to forms of injustice (Ball 2000; Dworkin, 1978; Nagel, 2003).[5]

Critics suggested that the aftermath of Bakke's case may have invited a backlash in contrast with reform favoring the inclusion of disadvantaged minorities in higher education (Bell, 1979; Tribe, 1979). In the Supreme Court decision, equal protection and procedural fairness weighed much over policy compensation to undo the harms of past and present structural injustice in the form of affirmative admission of US African American applicants in college

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[4] The court membership was the following in alphabetic order: Harry Blackmun, William J. Brennan Jr., Warren E. Burger (chief justice), Thurgood Marshall (the first Court's African American Justice and the only in the court membership), Lewis F. Powell Jr., William Rehnquist, John P. Stevens, Potter Stewart, and Byron White.

[5] Additionally, the discussion on equality before the constitution and the distinction between *equal treatment* and the right to *treatment as an equal* proposed by Dworkin help understand further aspects of affirmative action (1977a: 227).

admission. The Supreme Court deliberation conditioned the admission guidelines for inclusion via racial preferences to the compelling state interest in diversifying the campus. In this way, the official decision curbed the initial aim of including racial minorities deprived of economic resources.

Until the landmark decision was reached, a glimpse at the legal proceedings helps appreciate relevant aspects of the problem at stake. The grounds of affirmative policy, as presented in Bakke's process, served the purpose of:

> (i) reducing the historic deficit of traditionally disfavored minorities in medical schools and the medical profession; (ii) countering the effects of societal discrimination; (iii) increasing the number of physicians who will practice in communities currently underserved; and (iv) obtaining the educational benefits that flow from an ethnically diverse student body. (*Bakke*, 307)

The Court's judgment added that "it is necessary to decide which, if any, of these purposes is substantial enough to support the use of a suspect classification." Furthermore, the Supreme Court contended that

> [n]ever [having] approved a classification that aids persons perceived as members of relatively victimized groups at the expense of other innocent individuals without judicial, legislative, or administrative findings of constitutional or statutory violations. *See, e.g., Teamsters v. the United States,* 431 U. S. 324, 431 U. S. 367-376 (1977); *United Jewish Organizations,* 430 US at 430 U. S. 155-156; *South Carolina v. Katzenbach,* 383 U. S. 301, 383 U. S. 308 (1966). (*Bakke*, 308)

Bakke's process outlined splitting standpoints between proponents and opponents of preferential classifications in favorable discrimination policies. "Petitioner," so it reads in the official notes, "urges us to adopt for the first time a more restrictive view of the Equal Protection Clause and hold that discrimination against members of the white 'majority' cannot be suspect if its purpose can be characterized as 'benign'" (*Bakke*, 1978, 294). Others find legal truth in the other direction. Proceeding in the footnote, Justice Powell writes:

> All state-imposed classifications that rearrange burdens and benefits based on race are likely to be viewed with deep resentment by the individuals burdened. Denying innocent persons equal rights and opportunities may outrage those so deprived and might be perceived as invidious. These individuals are likely to find little comfort in the notion that the deprivation they are asked to endure is merely *the price of membership in the dominant majority* and that its imposition is inspired by the supposedly benign purpose of aiding others. One should not

lightly dismiss *the inherent unfairness of and the perception of mistreatment that accompanies a system of allocating benefits and privileges based on skin color and ethnic origin*. (Bakke, fn 34, italics added)

This quotation, especially the stressed fragment, makes the problem at stake evident. The adequate interpretation of the equal protection clause stays in the foreground. The Bakke litigation outlines how the policy goal of enhancing social equity in tertiary education through racial preferences remains at odds with the legal-formal picture of equality in the liberal order. According to the court decision's official statement, as Justice Powell writes in the cited footnote, race-based differentiation as a criterion for allocating *benefits and privileges* comprises inherent *mistreatment* of the dominant majority members. The lawsuit fractured the Court membership with different opinions about affirmative action and the equal protection clause. The conflict can be put in substantive and formal equality lines, respectively. The following section recalls these competing interpretations of equality in the normative vindication for affirmative action.

3.2 A Tug of War around Equality and Bakke's Conciliatory Court Decision

What follows concentrates on the leading tenets behind the legal reasoning of the Bakke decision (1978). It distinguishes two accounts of equality responsive to affirmative action enactment: formal and substantive equality, respectively, associated with procedural and substantive justice accounts. This section seeks to understand the meaning of equal moral status and procedural justice in the dominant view of formal equality in court reasoning. The analysis of the Bakke decision's predominant justification shows how the verdict reframed the affirmative admission procedure in an amenable form to the moral requirement of color blindness. In other words, the court resolution upheld the race-conscious program in compliance with the foundational principle of equality, underscoring that admission programs should deprive no student of the ability to participate in a school system (cf. *Lau v. Nichols*, 1974).

I set up the discussion by briefly recalling the normative justification behind affirmative action programs and the main grounds for the opposition. The legitimacy of preferential policies directed to differentiated groups was initially founded on the necessity to redress the

staggering failure of equality of opportunity that minority groups systemically face. The claim underlines that high rates of underrepresentation and social inequalities rooted in structural harms resulted from past and present discrimination and myriad forms of disparities that characterize injustices. In short, public policies aimed to correct failures of equality of opportunities for groups historically excluded based on race, gender, socioeconomic conditions, forms of disability, and systemic forms of disadvantage.

Firstly, affirmative remedies were conceived in the USA as institutional responses to social demands in the wake of the Civil Rights Movement (interestingly, affirmative policy legislation carries resemblances in other countries, as the following chapters will show). Affirmative remedies represented at first state institutional attempts responsive to harms caused in remote and recent history whose echoes are pervasive until today. The legislation of affirmative action and the establishment of the Equal Employment Opportunity Commission (EEOC), Title VII of the Civil Rights Act of 1964, embodied efforts to nudge institutions to equity and social justice via a special treatment of neglected social groups.

The problem at hand, easy to grasp and challenging to tackle, is that some people need more support and subsidies than others to enjoy *equality* in civil society and exercise full citizenship through equality of opportunity, recognition, and political participation. Merely the formal guarantee of equality in the set of rights does not affect the existing imbalance and poor conditions of racial minorities. The normative justification of the substantive account of equality argues that public policies to promote social equity would equip excluded groups with better chances of high education and qualified occupations.

The stake behind state provision of social equity via group differentiation indicates a poignant issue for conceptual and ideological disputes in theories of justice and legal reasoning practices. The controversy around the race-based preferential legislation and its normative status can be rephrased in a crusade between the constitutional preservation of formal equality for all citizens and the promotion of social equity to remedy pervasive inequalities, a difference commonly referred to as formal and substantive equality, or *equality of treatment* and *equality of results* (cf. Roberts 1982: 153). Most prominently, the contrasting views appear in theories of justice in the division between the layout of *just procedures* of equality of opportunity and *just outcomes of procedures*. I shall distinguish these considerations in

affirmative action's discursive objection or approval. I begin with the idea of *substantive equality*.

The legal foundation of affirmative action initially rested on the ideal of restoration of justice. In *Regents of the University of California v. Bakke,* Justice Blackmun argues that "to treat some persons equally, we must treat them differently" (Bakke, 438 U. S. 407). Speculating upon positive prospects of affirmative action programs in reversing racial underrepresentation in educational and occupational positions, Justice Blackmun envisaged a time when "persons will be regarded as persons, and discrimination of the type we address today will be an *ugly feature of history* that is instructive, but that is behind us" (Bakke, 438 US 403, stress added). Until the day comes when equality is achieved, the affirmative policy is justified as an *ugly but allegedly necessary remedy* to redress injustices.

Proponents of affirmative action are concerned about the constitutionality of the "ugly but necessary remedy to redress injustices" in distinct manners. Many liberal understandings contend that the morally problematic affirmative policies may be, in certain circumstances, permissible to the extent that they engender a more just society (Dworkin, 1985; Goldman, 1976; Meshelski, 2015; Nagel, 1973, 2003; Wasserstrom, 1976), albeit some forms of affirmative action like quota policies are too far beyond the moral justification within liberal understandings (Glazer, 1975; Meshelski, 2015).

A common pro-group differentiation claim concentrates on the significant necessity of social equity. Given that minorities often have fewer material resources and still face profound consequences of past and ongoing discrimination, affirmative remedies play a crucial role in promoting *substantive equality*. Considering the conditions that impede equal opportunities, many proponents of affirmative action appeal to the need to engendering social equity to bring about a more just society. To recall, the law enactment is rooted in a normative argument grounded, on the one hand, on the reparation for past discrimination and, thereby, the necessary remedy of redressing the disparity in skilled occupations resulting from racial discrimination.

Conversely, affirmative action was initially justified by the "forward-looking" claim (Dworkin, 2000).[6] In short, two aspects remain in the foreground of the normative justification of affirmative remedies: the exercise of equality of opportunity conditioned to the social equity of excluded minority groups and the temporal character until problems of underrepresentation and disparities in high-education and highly qualified occupations appear in the social landscape.

Governmental preferential programs set numerous outboard objections. The primary objection rests on the contradiction to the constitutional entitlement of equal moral worth, whose foundation lies in *formal equality* and the associated procedures. With the norm of equal treatment in mind and its meaning as a regulatory rule of collective life in a liberal democratic state, critics of racial preferential policies contend that the distinction of preferential groups is inconsistent. The institutionalization of group differentiation to promote justice undermines the ideal of equality. In disapproval of affirmative action, which has become canonic in the conservative line of thought, Lisa Newton (1973) affirms that affirmative action, in her terms "reverse discrimination," comprises "a contradiction in terms." Newton departs from the Aristotelian interpretation of justice in the political sense, which is equal treatment for all citizens under the rule of law. She argues in favor of legal formalism by implicitly comparing affirmative action to the racial segregation enacted in the Southern United States in the 19th and early 20th Centuries. In her words, "[j]ust as the previous discrimination [the Jim Crow laws] did," affirmative action transgresses "public equality, which defines citizenship" (310). Further on, Newton accentuates the paradoxical character of affirmative programs to the extent that it allegedly erodes "the ideal of equality" and "justifies the violation of justice; it is as if one should argue, with William Buckley, that an ideal of humanity can justify the destruction of the human race."[7]

Although Newton's paper was published decades ago, its content nevertheless resonates in more recent theoretical contentions about affirmative action in particular (Nagel, 2003; Pojman, 1992) and the academic disputes between procedural justice and justice of outcomes

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[6] For a comment on how empirical findings have been incorporated in Dworkin's account of affirmative action (1985 and 2000), see Yu & Cheung (2017).

[7] She refers to the conservative public intellectual William Buckley Jr., whose traditional conservatism and appraisal of classical liberalism were very prominent in the second half of the 20th Century. Buckley defended this idea on many occasions, such as in the famous 1965 Cambridge Union Debate against James Baldwin. For an exciting comment on emerging issues in this intellectual contention, see Vaught's essay (2014).

in general (cf. Hampshire 1989; Meshelski, 2015; see also the Rawlsian distinction between formal equality of opportunity and fair equality of opportunity, Rawls 1971, 1999 §14). To recall, a central contrast between formal and substantive equality, i.e., moral equality guaranteed to all citizens in legal provisions and substantive equality through affirmative action to remedy failures of equality of opportunity, lies overtly in understanding what one is entitled in the realm of rights. This distinction has led to disagreements in the controversy of affirmative action in different contexts, as illustrated in Bakke's litigation against the UC at Davis Medical School. The claim encompasses the idea of equal moral worth in the core premise that *people are equal* (in constitutional provisions of liberal democracies, such as the Equal Protection Clause of the Fourteenth Amendment of the United States)[8] Moreover, thus, *should be treated equally*.

In contrast to the defense of substantive equality on the grounds of restoration of past and present discrimination and imbalances in education and the qualified labor market, the individualist interpretation of constitutional equal moral worth triumphs in legal reasoning and shapes normative standards for ethics. The trace of this tenet leads back to the Aristotelian formulation with an allusion to Plato: "treat like-cases as like" (Aristotle, *Nicomachean Ethics*, V.3. 1131a10-b15).[9] Although the stiff belief in equal status related to a *kind* of equality persons are entitled to might represent a rational consensus for reasonable subjects, its logic constitutes controversies among theorists of equality and legal reasoning regarding existing unequal conditions and asymmetric relations in various spheres of power. Economic position, gender disparity, social capital, literacy, environmental circumstances, living and labor conditions, objective possibilities, and individual capacities are just a few factors and capabilities that make least likely, or in some cases even impossible, the exercise of the inalienable right of equality (cf. Nussbaum 1992; Sen 1992).

Of course, articulating the constitutional meaning of equality in legal reasoning in contemporary political disputes over affirmative action has complexities not captured by the

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[8] The lawyer at Bakke's service, Reynold Colvin, argued that the special admission program violated his client's rights under the Fourteenth Amendment to equal protection of the laws (Ball 2000: 69f). Justice Lewis Powell concluded that affirmative action was permissible under specific circumstances and released the decision in favor of Bakke's admission to the University of California (Schwartz, 1988, pp. 81-85).

[9] Gosepath (2011) provides a clear overview of the philosophical definition of equality and an appreciation of the egalitarian literature on this subject.

procedural understanding of equality of opportunity constitutionally guaranteed to every citizen. Nevertheless, the conventional interpretation of the equal protection clause stays in the foreground of the legal foundation for legitimate affirmative action in the Bakke decision and beyond.

Apart from the discussion about the right to be treated equally, recent comments about the stakes of the theoretical division around the legislation of public policies designated to group membership draw attention to the relation between group-differentiation law and procedure. The assumption reads as follows. There seems to be a lurking issue in affirmative remedies' background: "Our understanding of *the fairness of affirmative action* is reliant on some implicit understanding of what counts as a fair or just procedure" (Meshelski, 2015, p. 432). This intuition resembles the related and more general ideal of fair equality of opportunity in theories of justice, that is, the assumption that achieving equality of opportunity necessarily involves achieving just procedures (Dworkin, 1985; Rawls 1999 [1971]).

Notice that prominent conceptions of procedural justice acknowledge that any existing implementation of fair and just procedures embodies imperfections in practices; a theoretically "perfect" justice system can occasionally yield unfair outcomes. So, although constitutional principles formally and reasonably comprise the legitimacy of justice and suppose that a body of legislators and judges are ideally sincere and conscientious, they might "make mistakes about what justice requires in particular situations" (S. Freeman, 2003, p. 39; cf. Rawls 1999 [1971]: 74f). To some extent, even accounts of ideal theories observe consequences of context-related complications and human inaccuracies on justice outcomes.[10] Nevertheless, the remarks about the impracticability of a "perfect" procedural justice, the legal reasoning, and the court decisions remain founded on reason-driven principles in the liberal framework. The preservation of procedural justice in the Bakke judicial scrutiny views affirmative action from a colorblind standpoint. Accordingly, legal reasoning and decision-making in that court resolution emphasized the just procedures instead of the procedure's outcomes.

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[10] In short, as nonideal theories argue, an amalgam of issues, including conditions, just procedures, and the moral judgment of reason-driven legal professionals, disclose the contrasting nuances of how court decisions tend to favor interest groups and political agendas (Baum, 2017).

The significant meaning of the equal protection clause in the legal reasoning and the determinant aspect of the Bakke decision stimulates the reexamination and further scrutiny of public reasoning in disputes over preferential treatment. Public reason is paramount in a conceptual division between procedural and substantive justice in the liberal framework. Prominent philosophical exchanges on the contrasting views of the justice of procedure and the justice of outcomes of procedures cast sight of the proper interpretation of the moral point of view. Although accounts of the normative link between democratic practice and the principle of equality abound, I believe the exchange between Rawls (1995) and Habermas (1995), with the rich follow-up literature, can be taken as a touchstone in the liberal framework of public reasoning.

The Rawls-Habermas debate and the two normative conceptions of justice and democracy strike the link between democratic practice and the principle of equality in a defining relation to liberal public reasoning. Recall that for Rawls, the moral point of view is created by the constraints associated with the original position wherein, in the hypothetical situation, every person would reasonably agree on the terms of the fair ideal of justice.[11] Critics of Rawls's conception of fair equality of opportunity contend that in pluralist societies, procedures should have priority over outcomes (Hampshire, 1989). In other words, procedures of public reason should be preferred over its contents (Habermas, 1995). For Habermas, instead of a reasonable definition of justice, philosophy should be concerned with the ideal deliberation procedure in the public sphere. As a result, any outcome of a legitimate deliberative process would supposedly be. In reply to Habermas, Rawls draws on Joshua Cohen's claim that any agreement on procedures would presuppose agreement on substantive matters to a certain extent (1995: 170f; cf. J. Cohen 1994).

Despite the normative significance in the philosophical division about the priority of procedure or substance in theories of justice, rational approaches such as Rawls's and Habermas's accounts often lose grasp of how the battle for hegemonic discourse and the dominant ideology outlines the content of laws and policies in the service of interests, let alone the radical question of how laws, legal procedures, and decision-making frequently

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[11] McMahon (2002) argues that Rawls's and Habermas's accounts of the requirements of justice in political contexts are not significantly different. He sees similarities in the procedures of moral thinking. Concerning the original position, Hinsch (1997) comments on Rawls's strategy to bring together agreement terms that are allegedly reasonably acceptable in the conception of a moral person and rational egoists.

maintain power structures. Critical Legal studies in the 1970s (cf. Kennedy 2004 [1983], Matsuda 1987; Unger, 1996) and, more radically, critical race scholarship challenge "the vexed bond between law and racial power" (Crenshaw et al. 1996: xvii, cf. Chap. 6 below).[12]

The Bakke decision's revisit prompts several questions in this direction. A matter that has been curiously under-theorized (with the exceptions of scholars of the Critical Race Theory)[13] concerns how hegemonic discourses instrumentalized the allegedly just procedures of public reason and laid down legislation and policies' content in ways that preserved and advanced their agenda. As I want to suggest in my reinterpretation here and in subsequent chapters, that is precisely what happened in the Bakke litigation resolution.

The US Supreme Court's solution in the Bakke process for the moral disagreement was to uphold affirmative action in the college admission process because creating diversity is a "compelling state interest under the Fourteenth Amendment" (Bakke, Primary Holding). In this sense, the acceptable justification of the *ugly but allegedly necessary remedy* to redress injustices was drafted instead to engender a diverse student body. This reconfiguration represented a radical alteration in the original normative goal of affirmative policies. The last section of this chapter concerns the interpretations of the normative impact and some implications of the remodeling of race-conscious policies, as conceived in the Bakke decision and reiterated in other Supreme Court decisions in the USA (*Grutter v. Bollinger*, 2003; *Fisher v. University of Texas at Austin*, 2016). In particular, it concentrates on the ambivalent meaning and the pitfall of the diversity argument.[14]

3.3 The Downside of the Diversity Argument

So far, it should be clear how the Bakke decision represents a paradigmatic court resolution to the opposing interests of the equal protection clause and the further existence of affirmative

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[12] Critical Legal Studies and Critical Race Theory address this fundamental question. Chapter four of this dissertation further addresses this issue.

[13] See Bell 1973, 1980, 1992, 2000; Crenshaw 1988; Crenshaw et al. 1995; Delgado 1995; Lawrence 1995; Lawrence & Matsuda 1997; William, P. 1991. Chapters 6 and 7 of this dissertation dig into this matter further.

[14] Notice that the policy constraint in the diversity goal did not eliminate other models of affirmative action in education and employment: compensatory, discrimination-blocking, and integrative. Elisabeth Anderson provides a comparative analysis and normative scrutiny of these affirmative models in *The Imperative of Integration* (Chap. 7, 2011).

action. Delivered by an overweighed conservative-wing court membership, it ultimately valued procedural justice in the "fairness to the individual," which would be imperiled by preferred racial groups in the selection. Justice Lewis F. Powell Jr., who wrote the Court's judgment, stated that "'societal discrimination' does not justify a classification that imposes disadvantages upon persons like respondent, who bear no responsibility for whatever harm the beneficiaries of the special admission program are thought to have suffered."

The Supreme Court members reached a putative accord that rectified the "claims that law must be 'colorblind' or that the datum of race is no longer relevant to public policy must be seen as aspiration, rather than as a description of reality" (Bakke 438 US 265).[15] Diversity became the buzzword in the race-conscious admission procedure to eschew applicants' selection based on racial differentiation. Furthermore, the Court asserted that educators have specialized competence for adequately administering and managing the affirmative policy. The result led university administrations to tailor new policies to diversify the campus. From that point on, public reasoning in the judicative domain regarding college admission in the US took on color blindness as a legal requirement for the fairness of equality of treatment for all individuals. Consequently, the policy reform was separate from underrepresentation in university environments.

I will not dig into a detailed discussion about the meaning and outcomes of this shift in the policy rationale because it extends my purpose in this chapter, namely the scrutiny of how the individualist ideology undermined the inclusion goal initially conceived in the law enactment of affirmative action (on the consequence of the Court decision for the affirmative policy rationale see: Bell 2003; Dworkin, 1975; Eastland, 1996; Lawrence, 2001; Nagel, 2003). With this aim in mind, I shall underscore two intertwined ramifications of the court judgment. Firstly, from a normative standpoint, the novel-fashioned character of affirmative action under the banner of diversity misses the twin goals of redistribution and recognition of marginalized social groups, demands embedded in the aspiration of racial justice for which civil rights activists and social movements continue to strive. Instead, the diversity goal sets out grounds for ambivalence. Diversity represents the possibility of cultural and epistemic advantages of a

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[15] Justice Brennan, Justice White, Justice Marshall, and Justice Blackmun held the opinion, which partly dissented from Justice Burger (chief justice), Justice Powell, Justice Rehnquist, Justice Stevens, and Justice Stewart. Ultimately, the liberal and more progressive fraction of the Court committee concurred with the necessity of upholding affirmative action in admission procedures.

plural learning environment. Nevertheless, the diversity goal includes an opportune situation to serve market-driven interests.

Secondly, from an ideology-critique standpoint, the preservation of affirmative action now in the form of a "liberal defense" of diversity in compliance with a specific view of procedural fairness and the individual right to equality conveniently corroborates the continuing existence of societal and economic inequalities without promoting the "disestablishment of ideologies and systems of […] subordination" (Lawrence, 1995, p. 824). I shall delve into these points in turn.

3.3.1 Diversity and its Ambivalences

Today, we can unquestionably affirm that diversity can benefit education in many ways (Blum 2012, 2015; *Grutter v. Bollinger* 2003).[16] A considerable empirically-based literature reports and supports positive outcomes of a diverse educational environment in general terms (Ayscue et al., 2017; Benner & Crosnoe, 2011; Brown-Jeffy, 2006; Mickelson, 2008; Wells et al., 2016). Exposing different ways of thinking and diverse cultural values can enhance critical thinking, incentivize civic participation, and encourage better problem-solving (cf. Ayscue et al., 2017; Wells et al., 2016). Elizabeth Anderson's pragmatist account of the diversity model suggests racial preferences as "a means to increase the cultural and epistemic diversity of the institution practicing it" (2010: 135).

Diversity represents undeniable advantages and promising outcomes for citizens and, to some extent, on an institutional level, advancing the ideals of plural democracy in schools and working environments. However, a normative question that arises in the wake of the Bakke decision considering the shift of the initial goals of affirmative action, a policy tool to redress the flaws of equality of opportunity and remedy the effects of racial discrimination, is whether the updated character of affirmative action now designed with the diversity-goal would further on benefit underrepresented, neglected, and excluded groups. The straight answer to this question is no, at least not necessarily.

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[16] Chapter 4 returns to the diversity argument and normative assumptions to reassess problems in theories that allegedly assume a nonideal stance.

Notice that the Supreme Court allocated management and adequate administration responsibility to educators and educational institutions to tailor affirmative policy (Bakke, 438 U. S. 404). Designs of affirmative action in admission programs were, thereby, decentralized. After the Bakke decision, many affirmative admission processes were shaped with concrete goals to diversify the campus and link it to extracurricular activities. There were no reserved seats for racial groups, neither bonuses nor quotas on the grounds of reparations for wrongs of the past. Instead, the selection of applicants through affirmative policies has often been connected with a set of *merits for engagement*.[17] That is, applicants with extracurricular activities such as leadership ability, athletics, music, and community service gain an edge in the selection process—albeit considerably less weight is placed on extracurricular activities than is typical at more selective schools.

In the new guideline for creating diversity, a black student who happened to be the president of a black student union, for instance, can add points to the academic credentials in selecting some universities. As a result, in many universities' selection processes, scores in the competition race for a place are counted in categories where structural disadvantages are equivalent to other extracurricular activities such as sports and music. An applicant may, for example, receive "20 points for no more of the following: socioeconomic disadvantage, membership in an underrepresented racial or ethnic group, being educated at a school with predominantly poor or minority students, being a scholarship athlete" (Anderson, 2000, p. 287).

The bottom line of affirmative action's reconfiguration with the diversity goal is that race-conscious programs were now linked to the characteristic competitiveness in the race to elite universities. Thus, affirmative action's liberal redefinition keeps the long-established rationale of merit-based value and competition patterns without questioning the same structure that subordinates social groups neglected in social arrangements and historically constituted structures. That liberal defense of affirmative action grounded on diversity fails to challenge merit standards perpetuating race and class privileges (Lawrence, 2001). Furthermore, the new policy's effect reflects the minimal rate of students of color in low-income households.

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[17] The academic analysis rates "personal score" for selecting applicants, a subjective metric regarding leadership, kindness, and courage. These factors constitute a controversy for Asian applicants who score less than others. Since this represents a disadvantage, many Asian Americans have sued universities like Harvard in the last few years.

Critical race scholars see the reshaping with skeptical eyes for these reasons. Put in a radical way, the post-Bakke affirmative action to remedy racial injustices merely constitutes "a modest mechanism for increasing the number of minority professionals, adopted as much to further the self-interest of the white majority as to aid the designated beneficiaries" (Bell, 1979, p. 17). The reform of affirmative action policies selects applicants based on their scores to diversify the campus and ends up endorsing the individualist assumption of self-responsibility for one's accomplishment. Without questioning the validity of standard admission criteria and selective colleges' mechanisms, racial integration through diversity claims serves privileged classes, reinforcing elites' reproduction (Lawrence, 2001, p. 941).

In some cases, pro-affirmative action arguments engaged with the diversity claim can ultimately reproduce the structural power related to whiteness, as in *Fisher v. University of Texas* (2013). The appeal to individualism and market-driven rationales in the rhetoric favoring affirmative action may foster the reproduction of domination structures, since the reshaped affirmative college admission maintains competition criteria predominantly constituted by *culturally embedded discursive practices*. That is the claim made by Goldstein Hode and Meisenbach (2017), whose analysis suggests that supporting race-conscious admissions on the grounds of individualism and pro-market rhetoric may inadvertently reinforce problematic racial hierarchies. In their words, "diversity rationale," ever since the Bakke decision, "was engaged as a discursive resource in the most recent Supreme Court case" (Goldstein Hode & Meisenbach, 2017, p. 165). More specifically, Hode and Meisenbach hold that a dominant discourse, which essentially detaches equality of opportunity from historical discrimination and power, operates within "the pro-affirmative action *amicus briefs* produced in the *Fisher* case" (Goldstein Hode & Meisenbach, 2017, p. 167).[18]

Following Goldstein Hode and Meisenbach (2017), the meaning of dominant discourse requires theoretical anchoring that should help to understand the claim. The authors reinforce critical race discourse analysis that wrestles with court reasoning and rhetoric of landmark cases precedent to *Fisher v. University of Texas in Austin* (2013). Considering nuances in

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[18] A note to the terminology *amicus brief* might be necessary to grasp the meaning here. An *Amicus brief* consists of legal documents from a third party not involved in the case presented to a court of law containing information to rectify a view in a lawsuit.

terms of challenges and language compared to the prior case, *University of California v. Bakke* (1978), critical studies focused on rhetoric and court reasoning of *Grutter v. Bollinger* (2003) underscore the maintenance of the argument of the *compelling national interest* in fostering diversity. To recall the Bakke verdict, Justice Powell underlines two arguments favoring diversity: (a) diversity represents benefits for a pluralist education and, consequentially, is virtually tied with democratic values, and (b) race and ethnicity comprise two features to foster a diverse student body. The cornerstone of pro-affirmative college admission based on diversity concerns the disservice of affirmative programs in disrupting the status quo. Quite the opposite, state critics (Bell, 2003; Lawrence, 2001; Sandalow, 1999) believe that the policy rationale, grounded in diversity, ultimately complies with the status quo. In their accounts, affirmative action with the diversity goal interacts with and preserves the existing racial hierarchy.

From a normative angle, the diversity goal omits the initial concerns in the historical lineage of affirmative action, whose moral claim and social demands are rooted in the Civil Rights Movement (cf. Lawrence & Matsuda 1997). Although the law enactment of race preference in the Kennedy-Johnson office to remedy discrimination and disparities was indeed not enough to bring forth substantial changes toward the ideal of racial justice, affirmative action programs initially constituted a legal step molded by redistribution. Its "original" aim of creating fairness and enabling a progressive transformation of the admission arrangements unquestionably changed. Ironically, the novel configuration of affirmative policies to enroll racial and ethnic minorities with the "compelling state interest" of diversifying the campus frequently engenders further problems related to contemporary capitalism.

Diversity brings about cultural and educational benefits, which sets out grounds for perfidious misuse in policy implementation. Nonetheless, the advantages of a diverse learning environment are essential regarding the business value derived from a diverse student body. Colleges and universities characterized by vital market-driven interests advertise the benefits of diversity to captivate investments and enrollments. By assigning economic profit to a diverse educational environment, the diversity goal in the capitalist structure commodifies racial identities. Leong (2012) refers to this logic as "racial capitalism" – a term that might engender misunderstandings due to Cedric Robinson's concept of racial capitalism as the

development, rationality, and expansion pursued racial directions in the labor organization and exploitation (see 1983, chap. 1). In that sense, the concern of race only for the sake of diversity allows the economic benefits of nonminorities (G. R. López 2003).

I shall now turn to the discursive-legislative meaning of the Bakke decision within the conservative-liberal wing, particularly how the solution proposed by the joint interest of the fractured opinions of justices legitimates the societal and economic structures of a liberal capitalist order.

3.3.2 A Sad Meaning of the New Configuration of Affirmative Policy: Diversity as Distraction

The Bakke litigation stakes still bear a meaningful value to making sense of the dominant ideology in the contours of public decisions and policy-making in affirmative action in higher education in the US. Dworkin once wrote "the press received decision of the Supreme Court in *Bakke* and much of the public with great relief, as an act of judicial statesmanship that gave to each party in the national debate what it seemed to want most" (1978: XXV). The Supreme Court deliberation aimed to conciliate two distinct interests in the judicial dispute. It warranted the right of equal protection (ensured in the Fourteenth Amendment), guaranteeing Bakke's enrollment and redesigning affirmative action in college admission criteria. Nevertheless, the concern around diversity in affirmative action policy constitutes a distraction from racial justice. Critical race theorist Derrick Bell gives four reasons to believe so.

> 1) Diversity enables courts and policymakers to eschew addressing directly the barriers of race and class that adversely affect many applicants; 2) Diversity invites further litigation by offering a distinction without a fundamental difference between those uses of race approved in college admissions programs and those in other far more crucial affirmative action policies that the Court has rejected; 3) Diversity serves to give undeserved legitimacy to the heavy reliance on grades and test scores that privilege well-to-do, mainly white applicants; and 4) The tremendous attention directed at diversity programs diverts concern and resources from the severe poverty barriers that exclude far more students from entering college than are likely to gain admission under an affirmative action program (Bell 2003: 1622f).

The reconfiguration of affirmative rationale in college admission in the diversity argument legitimizes the existing societal and economic reality in preserving individual rights, whose value is philosophically justified in the individualist version of liberal theory in minority preferences. The diversity goal nudges many affirmative action opponents into accepting the policy rationale. With the Critical Race scholarship, one can even question whether the conservative line on the race question pervades the legal consideration of racial discrimination (A. Freeman, 1978; Lawrence, 1995; Pyle, 1999; P. Williams, 1991).

In a nutshell, the discussion of racial justice constrained in the conceptual framework and legal reasoning of procedural fairness and individual harm loses grasp of group-level injustices in the wake of long consolidated societal conditions and economic structures visible in the entanglement of racial discrimination with other injustices. Predominant understandings of problems in this line reiterate either the accountability ascribed to a person, as conservatives defend (cf. Mead 1992; Sowell 1984, 1990, 2004; and Thernstrom & Thernstrom 1997) or in the reasoning of fairness to cope with injustice, it takes on the goal of equal opportunity within the scope of public reason, as egalitarians would tend to argue.

The scrutiny of dominant views on race-based inequalities and poverty ever since the Bakke controversy until today shows the weakness of many conceptualizations and public reasoning in the liberal framework, flaws of taking individual rights without regarding how material conditions and cultural assumptions shape disparities and asymmetries that hinder the flourishing of long discriminated social groups. The tendency identified across a broad spectrum in the dominant legal reasoning, decision-making bodies, and public spheres in the USA and elsewhere remains rooted in reason-driven ideals of colorblindness.

To recollect the imprints of liberal tenets in the ideological configuration of the prevailing view in the public decision and public spheres, in the Bakke process, the emphatic protection of the individual right to be considered as an equal under the Fourteenth Amendment of the US Constitution, reshaped racial preference in the admission procedure of the UC at Davis Medical School. The appreciation of equality isolated from context-relevant factors in the constitution of the existing conditions and structures of power fails to respond to the question of justice initially sketched by affirmative-action programs*, at least partially attuned* to demands of the Civil Rights Movement (cf. Lawrence & Matsuda 1997). Likewise, it falls

short of serving a convergence of interests of those in power (directly or indirectly benefited in the dominant order) and those dominated (cf. Bell 1980; Crenshaw, 1988; P. Williams, 1991). Instead, in the Bakke process, the vehement significance of the equal protection clause in the dominant interpretation of equality associated with colorblindness grounded the court reasoning of affirmative action detached from the centrality of racial injustice in the policy design.

After the Bakke decision, the murky constitutionality of affirmative remedies relatively constrained race preference to serve the imperative state interest in forging diversity. The individualist assumption reiterated in the diversity argument ignores features that sway and influence someone's actions, such as the support network, health care, housing, economic conditions, social environment among other components within the social reality. The characteristic individualization in legal reasoning and decision-making constitutes a hallmark in the dominant ideology shared by conservative and liberal trends concerned with the legal guarantee of equal treatment and supportive of the alleged fairness of a free-market economy that can select the best-qualified labor force at a convenient wage.

The delineation of affirmative action, first enacted in the Kennedy-Johnson office in the USA in 1961 and 1965, can be considered an attempt to reach a consensus between the demands of Civil Rights activists and the constitutional validation of programs to provide members of discriminated groups with education, housing, and employment opportunities.[19] Although the affirmative remedies represented advances in the social agenda associated with racial justice, they neither solved problems entangled in racial discrimination nor substantially changed the prospects of minority groups. This chapter identified and aimed to rethink matters of significance within race-conscious policy meaning and the shift in the policy rationale outlined in the Bakke decision. Even when allegedly oriented by just procedures in the colorblind framework and the preservation of the equal protection clause, the Bakke decision redesigned affirmative action in reasonably acceptable terms in compliance with legal proceduralism.

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[19] For a thorough comment on the enactment of affirmative action in the USA, see footnote 1 in this dissertation's introduction.

One could state that reframing affirmative action under the dome of diversity undoubtedly represents the possibility of bringing forth normative values and epistemic advantages in the long-term development of admirable ideals of democracy, citizenship, and political and opinion formation. However, the other side of the diversity goal is insidious. It represents a suitable tool for market-driven interests. Moreover, it can foster the dangerous illusion that affirmative action shaped by diversity still holds the initial goal of redressing injustices. Instead, admission policies often tend to include the diversity goal as one among many factors for student selection, disregarding the range of issues that condition inequalities. The new race-conscious policy is usually amenable to the dominant ideology of meritocracy. The policy alteration's normative aim and empirical outcome in the compelling interest of diversity reveal many problems. The normative deficit in disregarding class-based inequalities and group segregation problems can be seen in social reports years after the court decision.

Whether affirmative remedies embody the most suitable tool in social engineering to address pervasive injustices and inequalities in the color line remains controversial. Skeptical views of race-sensitive measures could raise the point that the dominant power tailored affirmative programs without including US African Americans and other racialized minorities in the design and policy development (Bell 1979, p. 3ff).

On the other hand, one could make the case in good faith that race-conscious affirmative action first represented a problem-solving tactic to wrestle with racial injustice. In this spirit, affirmative remedies outlined with the purpose of inclusion meant new chances for excluded minority groups from the very beginning, assert scholars (e.g., Lawrence & Matsuda 1997). Most significantly, affirmative action initially epitomized a promise for change. In some cases where inclusion remains the buzzword in the policy configuration, affirmative policies comprise substantial opportunities to improve the educational and working conditions of underrepresented minorities.

Of course, the utopian prospects of fundamental changes are conditioned by an array of factors, such as power dynamics and structural challenges endogenous and exogenous to the policy rationale. Bakke's court reasoning prompted policy reconfiguration that conciliated the compelling interest of engendering diversity, thereby assuming a disservice to virtual beneficiaries. In other words, the reshaped policy distanced from the initial aims and goals of

inclusion, accommodating market-oriented interests. The next chapter spells out empirical evidence to reassess the leading claims and policy outcomes in rationalizing affirmative remedies in college admission.

4. Race-Sensitive Rationale in College Admission
And the Dispute on Affirmative Policy Outcomes

What happened to affirmative action's policy rationale after the 1978 Bakke decision? The answer to this question exhibits, first and foremost, how policy assessment of preferential treatment college admissions constitutes another terrain of disagreement. This chapter disentangles core assumptions underlying the practical consequences of affirmative action in college admission in the wake of Bakke's Supreme Court verdict. It borrows extensively from empirical reports on policy outcomes to distinguish affirmative action rationale and its outcomes. The investigation identifies how individual-centered norms and ideas for accomplishment have become the hegemonic thinking line in race-conscious college admission. Affirmative policy in higher education includes a platform to endorse the dominant discourse of personal responsibility in the existing social order. The scrutiny of the post-Bakke race-conscious policy rationale illuminates instrumental problems, their intricacies, and various obstacles to the expected positive effects of race-based programs in higher education.

The policy evaluation embodies another strand of the debate besides legal reasoning. While court decisions in lawsuits against affirmative action argue for *the fair procedure of equal right*s, the emphasis on the practical consequence concerns the *substantial outcomes for the student body*. Race-conscious admission programs allegedly adversely affect the school performance, and the student body, including the policy beneficiaries, assert critics. Research reasoning that relies purely on quantifiable facts to gauge efficiency measurement and academic accomplishment loses grasp of deeper factors of systemic discrimination and institutionalized racism at the heart of the achievement gap. In the face of this, what follows holds that the methodological constraint leaning toward rigid statistics reinforces distinct elements in the affirmative action college admission's constraints: the overemphasis on personal accountability while downplaying structural factors that curb the conditions for college application.

Affirmative programs for higher education face objection for many reasons. Three interwoven aspects of the reluctance and stiff opposition to implementing affirmative action receive close attention here. Firstly, alteration in the meritocratic economic rationale of educational

institutions caused by any particular admission procedure leads to undesirable consequences in the educational system, such as a decline in the qualification level. Secondly, group differentiation and academic disparities allegedly stir up social animosity and resentment among different social groups. Last but not least, enrolling beneficiaries in studies beyond their capacities might incite identity stigma associated with unqualified beneficiaries. In short, criticism against the impact of race-sensitive college admission underlines efficiency and academic achievement as measurement criteria to gauge the policy outcomes. The analysis proceeds in four parts.

Section one lays out the moral and economic reasoning for the preferential treatment of racial minorities. Affirmative action is often associated with *social engineering* on twofold grounds: to avoid the concentration of social goods in terms of prestigious educational and occupational positions that line up with dominant groups and, likewise, to include members of historically neglected groups. In terms of school organization and policy goals, affirmative policy outcomes have been interpreted differently. Initially designed as a redistribution tool to relocate social goods and advantages, critics are concerned with the aftereffect of preferential programs on school quality and human capital.[1]

Section two sheds light on material and logistic problems within affirmative remedies. Affirmative action has been charged with side effects that reinforce social ostracism. Critics hold that some shortcomings characterize inherent aspects of realizing race-conscious inclusion practices. Victimization, stigmatization, and the mismatch thesis are some reasons for the policy rejection. With these issues in mind, the section examines adversities of instrumental nature in policy management, such as the inclusion of beneficiaries in the educational environment.

Section three scrutinizes the alleged entanglement of stigmatization with affirmative programs. Critics argue that special treatment in college admissions harms members of racial minorities, who are intended to benefit from affirmative policies. The gamut of disparities between affirmative program addressees and their student peers often brings forth particular

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[1] Race-conscious preference to remedy social stratification across racial groups faces several objections in an ample scope (for an overview on legal grounds, see Section 3.1 above). For a review of disagreements in the liberal framework, see Borges (2024a).

expressions of antagonism and resentment. In addition, the section grapples with the persistency of early criticism of the mismatch theory as a criticism of affirmative action.

Lastly, section four outlines a lurking suspicion that disapproval of the policy has been massively associated with the racial achievement gap and that the lack of effectiveness might engender the policy beneficiary's belief of responsibility for her success. An inflection within the liberal viewpoint over the policy assessment averts a radical reflection upon structural matters at the bottom of pervasive inequalities to which marginalized groups are subordinated. Instead, the questions lean towards individual accountability after receiving the opportunity of access in addition to the legitimating character of economic hegemony of market-led goals. Research trends on affirmative policy development often miss a critical self-reflection about how affirmative policy incorporated the competitive pattern in its rationale, appeasing economic asymmetries and social hierarchy that engenders inequality. The chapter concludes that serious consideration of the affirmative policy limitations has meaningful implications for theory and public policies worried with injustice that still hurts racial minorities.

4.1 Social Engineering through Affirmative College Admission

This section shows affirmative action's rational and optimistic redistribution aims in higher education. It delves into core arguments related to focusing on policy outcomes expected in race-sensitive admissions. What follows presents facets within the claim that rearranging social distribution in colleges and universities implies moral reasoning of relocating the opportunity to access members of marginalized groups. Although the following underlines foundational grounds for the affirmative policy goals, that is, why members of disadvantaged racial groups are entitled to receive leg-up benefits, the remarks eschew a detailed discussion of social distribution.

The *forward-looking claim* is central in the advocacy for the alternative social distribution of goods aware of pervasive inequalities. This philosophical underpinning of affirmative action has been proposed in diverse corpus within a liberal-egalitarian framework that stresses permissible preferential treatment to the extent that it brings about a more just society (Goldman 1976, Nagel 1973, 2003; Wasserstrom 1976, Dworkin 1985, 2000, Meshelski

2015). This conception of doing substantial good openly underlines the principle grounding of the normative pattern to design a fair arrangement for social distribution. In addition, this normative view conveys the impression of consequentialist reasons as another strand of defense associated with affirmative policy. Recent accounts backed up by empirical presumptions contend that "affirmative action is fair if it does substantial good" (Dworkin 2000: 389), engendering a distributive effect upon a system of disadvantages that affects racial minorities (Wasserstrom 1996).

Proponents of preferential politics to promote equality of opportunity via redistribution of social goods arguably contemplate rational principles and consequentialist reasons. A common trait in the priority of moral justification of grounds for the redistribution recurs to ideal theory abstracted from the set of circumstances that contains reality.[2] The consequentialist view, in turn, incorporates empirical data to the moral and political debate aroused by affirmative action to point out social engineering through race-sensitive equity programs in higher education to avoid the aggregation of power, wealth, and resources in ethnic, racial, and gender lines. Proponents are concerned with a threshold for allocating social goods (cf. Beckwith 1995: 55f).

Either the normative deontology in the foundation of affirmative remedy or consequential grounds the focus on affirmative policy's instrumental purpose of doing substantial good to minority groups still contemplates normative principles (cf. Wasserstrom 1996, Dworkin 2000). On one side, one finds egalitarian theories supportive of certain forms of affirmative action, most notably the Rawlsian legacy (i.e., the interpretation of the constitutionality of preferential treatment in conformity with Rawls' justice as fairness, see footnote two in this chapter), ground the normative principles of redistributive policies to remedy unequal allocation of resources and, thus, reduce inequality of opportunity.[3] Socioeconomic inequality constrains opportunity and, thereby, slashes intergenerational mobility chances, particularly considering how family earnings determine any young generation's school training. Considering ingrained inequalities in social stratification, other perspectives take social

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[2] To illustrate a traditional strand of thinking in the contractual inference of fair arrangement, rational agents in the original position would allegedly accept the principles of justice without knowing their identity features (cf. the Freeman 1997: 90-1, Nagel 2003: 82-4, Pogge 1989: 164-5).
[3] The review of Rawls' framework indicated the foundational premises of liberty and equality principles to justify the allegedly fair political arrangement to which free and rational persons under ideal conditions would agree (cf. Borges 2023a).

engineering in equity-enhancing programs on other grounds. The *overlapping generational model,* for instance, provides a framework for understanding the interdependency of capital and college admissions forms in economic theories. So, the dynamics of parents' earnings condition the training resources among the offspring (Becker & Tomes 1979, Loury 1981, Durlauf 2008).

Analyzing the persistence of inequalities, economist Frances Stewart (2016) draws attention to the complementary aspect of types of capital in the constitution of wealth. In her words,

> Different types of capital are complementary, so the productivity of one type of capital is significantly greater the more a person has of another type of capital. For example, financial capital is likely to be more productive for a more educated person, and the returns to education may be greater if a person also has some financial capital to enable her to start a business (Stewart 2016: 4).

Welfare programs and special leg-ups in the admission process for neglected social groups virtually provide support to escape the fatal determinism of lack of capital conditioned by past generations. Such mechanisms of correction to failures of equality of opportunity that willfully bring benefits for the intended recipients, members of underrepresented groups, and ideally, set up a mechanism of distribution of social goods, a threshold, so to speak, to fulfill society's interest in avoiding the allocation of wealth, positions of advantage, resources in a few social groups, say white male partisan of a dominant political and social ideology. Hence, alternative procedures of favoring marginalized groups seek to improve equality of opportunity via access to higher education and hinder the further allocation of social goods through a hierarchy of merit.

Notice that the threshold argument to avoid concentrating social resources in divisions lined up with gender, race, class, and other determinants might suggest a proportional distribution of social goods across social groups. That involves other problems and intricacies such as questions about entitlement, what kind of equality persons are owed, and others (cf. Nagel 1979, Sen 1992: 13ff, Gosepath 2007: §2.2). I will not dig into this matter, for it entangles further issues, such as determining patterns for a coherent policy.

The relation between the assumption of a fair pattern of social distribution in the liberal framework that concerns moral issues and *the threshold argument* can be put in this way: Fair principles to distribute social goods can potentially bring up instrumental outcomes in the form of human development combating social stratification visible in racial minority groups

and advancing the compelling interest of diversity. Moreover, the threshold claim might encompass the potential of systemic benefits in macroeconomic terms: potential upward mobility for Blacks and other members of racial minority groups in addition to welfare social expenditure reduction.

In short, cheerful optimism characterizes the reasoning that supports affirmative remedies in at least three ways. Firstly, the hope placed in racial-conscious programs indicates the likelihood of social mobility. Secondly, those favoring the post-Bakke affirmative policy underscore prospects of the diversity target. One should notice that the encouragement of race-sensitive programs often neglects appropriate investigation of how market-driven interests take advantage of that policy goal (Section 3.3). Thirdly, the confident belief of raising collective consciousness is not rooted in the accountability for the wrongs of the past, as the *backward-looking argument* of reparation suggests, but rather entails an attempt to foment solidarity towards disadvantaged social groups. In other words, this argument underlines the active humanitarian responsibility towards people affected by past injustices related to the racist system and present racial inequality instead of the burden of white innocents who are not individually accountable for the wrongdoing of slavery or Jim Crow.

This summary distinguishes a few moral claims and instrumental benefits underpinning affirmative action within the scope of expectation to policy outcomes. Additionally, the potential effects of affirmative action for the economic improvement of minority households include the positive consequences of higher education graduation. Academic qualification improves the likelihood of achieving well-paid jobs and, consequentially, enhances prospects in market competition. Indeed, empirical evidence holds that affirmative action works to benefit program addressees and members of minority groups; in addition to affirmative action regulation in the labor market augmenting women, ethnic, and racial minorities' employment rate, research reports outlining positive results of race-sensitive college admission enhancing high-skilled occupations among minorities (Bowen & Bok 1998, Kurtulus 2012).

Nevertheless, many datasets exhibit positive results after affirmative college admission; policy outcomes constitute a terrain for disagreements. The conceptualization and institutionalization of racial justice via programs of social equity, such as affirmative action, encompass various contentions. Considering the claim of the upturn of the level and distribution of human capital in universities' output embedded in students who are members

of minority groups, a source for reluctance shows its face in the questions. To what extent does social engineering promoted by race-sensitive equity programs in higher education work? Does affirmative action do more harm than good because it includes students with incompatible academic backgrounds?

Predominant views on affirmative action reply to these questions negatively. Before addressing these issues extensively, it is crucial to remember that economic management and policymaking rest on the efficiency principle. Two points here deserve attention. One, the dominant tenet in the rationality of a liberal economy characterized by free agents in competition, contends that meritocratic admissions rule high human capital into highly standard colleges. Two, efficiency discussion in governmental public policies often implies the maximization of human capital level in the present and among the next generation of adult citizens as one policy goal.

Affirmative action has strategic advantages beyond reparation normativity. That includes state interest in addressing wage gaps between social groups. Similarly, high educational opportunity encourages individual effort and reward highly desired social positions. These interwoven advantages for program recipients individually related to social mobility virtually benefit the whole economy to the extent that affirmative action outcomes can (a) balance the socioeconomic scale and (b) improve human capital indicators across diverse social groups marginalized in the social and economic scale.[4]

4.2. Does Affirmative Action Produce a Downward Cascading Effect?

Race-sensitive college admission has been a contentious issue since the first institutional experiments. In moral terms, legal disputes concentrate on equal moral status and

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[4] This relation of affirmative action in higher education with human capital requires a short remark, for the conceptualization of human capital in social sciences is relatively diffuse and frequently carries intricacies in its correlation to other forms of capital. Economists and sociologists usually conceptualize human capital as skills, knowledge, and intangible assets associated with literacy and education. In this way, human capital is an indicator applied in the development measurement and assessment of economic value, as illustrated in organizations such as the World Bank, International Labor Organization, Economic Commission for Latin America and the Caribbean (ECLAC). For typical examples of human capital as a measurement indicator in research reports, see Jenson (2010).

contradictions to liberal principles and values (see Chap. 3 above). In instrumental terms, race category in admission procedures represents a dilemma of either upholding university quality or adapting selection to accommodate a racially diverse student body. Lawful judgment on the *quality-fit* trade-off has no problem disguising the college's interest in preserving quality. The argument for preserving school standards through score-based and, thereby, race-neutral academic selectivity often reiterates the interest in maintaining the institution's cachet and elite status, as Justice Thomas stated about the University of Michigan in the *Grutter v. Bollinger* (2003, page 356).

By framing the interest in preserving quality, conservative views make no effort to inquire how neutral practices may have a discriminatory impact on school administration (cf. Lawrence 2001). After all, legal considerations and public reasoning with a strict focus on pedigree without concerning the social texture underlying decision-making in university bodies ignore to which extent the preservation of prestige and school quality may be embedded in racial bias reproducing segregation. The next chapter tackles the relevance of taking race seriously, particularly how the conceptualization of race matters to adequately concern the complex entanglement of racism and the permanence of inequalities in the color line.

The straightforward solution to the race dilemma in college admission consists of preserving institutional excellence and its associated attributes or siding with social equity for racial minorities. Critics of the *quality-fit trade-off* strive to convince how affirmative action impacts negatively. According to adversaries of race-sensitive programs, the negative repercussions of preferential admissions can be felt in two interrelated ways: (i) the restriction of the systemic functioning of top-rated universities compromises the university quality and the high level of human capital; (ii) the guideline of including applicants with low academic background in highly demanding environment allegedly hurt those whom affirmative action was intended to benefit in the first place. What follows concentrates on the first part of the problem. The latter one appears in the subsequent section.

Opponents of race-based admission rule direct trenchant criticism in many ways. The previous chapter elaborated on the wedged criticism in moral and political terms while reviewing the *Bakke* court decision. In instrumental terms, critics argue that a student body composition shaped by affirmative policies has negative ramifications for efficiency and

institutional quality (W. Williams 1982, Sowell 2004, Thernstrom & Thernstrom 1997 chaps. 13 and 14, Sander & Stuart 2012). Indeed, the discontent with race-conscious preferences on economic grounds involves multiple arguments and has been repeatedly reiterated in many ways.[5] I want to draw on a core tenet of free-market rationale that constantly reappears in objections to affirmative action: Favorable treatment in selection procedures inhibits the free and competitive environment in which awards are given to the most qualified applicants. This line contends that a competitive market's economic rationality compels colleges and universities to choose the most competent, efficient, and academically well-prepared students.

The most-competent-efficiency notion accounts for the inherent quality of the free-market capitalist economy. Proponents of this view even suggest that the internal regulation of competitive races for social advantages allegedly has an antiracist and antisexist nature (Sowell 1984: 111f), as efficient productivity urges economically rational employers to choose the most productive employees at the cheapest wage. Without concerns about race or any other identity categories, rational principles rule the market. That same logic operates in higher education environments that are interested in highly qualified output (say in graduation rate), argues a supporter economist, Thomas Sowell (2004).

The belief in the market's self-regulatory principles can be genealogically traced back to a strand of thinking grounded on the laissez-faire doctrine advocated by economic liberals, such as Hayek (1960).[6] Notice that on many occasions, Sowell, among many others after him, insists on the constitutive differences between market processes and government rationality (1980, cf. W. Williams 1999). The core of the argument maintains that market forces supposedly work better than government regulation on moral, epistemic, and instrumental grounds.[7] Justifying an educational system free from external control allegedly implies social acceptance of more productivity and merit-principled selection.

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[5] Critics of affirmative action claim that affirmative programs should provide a challenging curriculum and committed teachers who wrestle with race matters (Thernstrom & Thernstrom 1997).

[6] The intellectual sources of the self-regulation of the free market led to Adam Smith's classic liberalism. According to Smith's famous metaphor, an "invisible hand" ruling the market is distinct from the self-interests of economic agents who benefit from market processes. "By preferring the support of domestic to that of foreign industry, [an individual] intends only his own security; and by directing that industry in such a manner as its produce may be of the greatest value, he intends only his own gain, and *he is in this, as in many other cases, led by an invisible hand to promote an end which was no part of his intention*" (Smith 1982: 184f, stress added).

[7] Economic liberal assumption suggests that decentralized market organization suits the idea of free agents who can act with dispersed and complicated information at stake. This epistemic limitation suggests that a decentralized market structure and, thereby, no government regulation best fits individuals' needs by allowing

Defenders of the meritocratic claim account for social institutions justified based on awards entirely dependent on a person's talent and effort (Miller 1996). In this sense, the most qualified person for a job should deserve it. Besides the idea that *achievement as an outcome of excellence and merit* is seemingly tied up with just outcome, merit constitutes a value founded on cultural acceptance. The first view finds a strong justification in desert-sensitive accounts in moral philosophy (Messina, 2016; Miller, 1996; Pojman, 1999; Pojman & McLeod, 1998).[8]

A further pro-merit argument holds that reward is not given a strictly moral sense or an intrinsic worth. It carries an economic value in the expected productivity attached to the most qualified worker. In that sense, an employee who will be most productive in employment deserves the slot as she or he maximizes corporate profits. An analogous argument to Miller's might apply to education to the extent that a highly qualified student maximizes a college's human capital (cf. Durlauf 2008: 138f). The inference that higher-quality schools set higher admission standards ensures that a student body of meritocratic admissions rules fits the conventional belief that "better students attend better schools."

Hence, competitive market pressures compel universities to select the most productive students in the entanglement of merit and quality. Notice that the meaning of merit shifts from reward for one's effort and achievement to the effectiveness to be reflected in the academic output. Besides the merit value in ethical life and binding principle in social arrangements recurrently drawn upon to justify liberal understandings of fair allocation of equality of opportunity, students selected from the merit-based competition are presumably associated with a strong belief in enhanced productivity and achievement – an analogy with capitalism's efficiency (cf. Kett 2013: 251ff).

In other words, there is a seemingly intertwined relation between the justification of college selection procedures on a meritocratic basis – the moral desert, argue pro-desert critics, since the outcome for agent results from moral quality displayed in action (Miller 1996: 281) – and the expected efficiency attached to the position. In this strand of thought, it has been

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and incentivizing them to act on the partial information they possess. That includes information about their local circumstances, their productive abilities, and the trade-offs that those might present (Hayek 1960, von Mises 1949).

[8] Rawls (1999 [1971]) paradigmatically wedges criticism on the desert account. I review this discussion, considering affirmative action elsewhere (see Borges 2023).

suspected that special recruitment programs result in the deterioration of quality standards with negative repercussions on the academic productivity of excellence concerning the special treatment in hiring procedures and intellectual production in university (Pojman 1992, Sowell 2004) and college admission (Sander & Stuart 2012).

Contextualizing inimical arguments for affirmative action on instrumental terms makes it easier to understand why economic liberals and conservative trends ground the apprehension over preferential treatment consequences on the associated downturn of educational quality (Sowell 1982, 2004; W. Williams 1982). Different grades are assigned based on groups instead of performance. Substandard courses designed for students with low academic backgrounds and the increase of racial stereotypes are a few side-effects of the inclusion of underprepared students in highly ranked universities.

Furthermore, opponents of affirmative action in higher education affirm that, in the long run, race-based admissions impose burdens on the whole system, setting out reasons to doubt the competency of racial minorities in the labor market.[9] The output of colleges with low standards (to accommodate included students with weak academic backgrounds) supposedly curtail the quality level in diverse ways, assert critics (Sowell 1982, 2004; W. Williams 1982, Pojman 1992, Thernstrom & Thernstrom 1997, chap. 12). Rearrangement in the higher standards to accommodate students with weak academic background allegedly lowers the market value of competent peers from that group (W. Williams 1982: 93). Moreover, the set of circumstances of academic readjustments to grade underprepared might even permit incompetent professionals of racial groups to practice (Sowell 2004, W. Williams 1982).

Finally, critics assert that beneficiaries will pull themselves up by their bootstraps once affirmative programs vanish. In their critique of preferential treatment, Thernstroms (1997) argues that race-sensitive programs have supposedly added to persisting racial gaps in academic performance. They also contend that policy beneficiaries do not work as hard as they might get admitted on the assumption that they can get a seat in a top-ranked school even without high grades and test scores. The elimination of racial preferences would, in their

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[9] Walter Williams (1982) argues that the set of circumstances of academic readjustments to grade underprepared might even permit incompetent professionals of racial groups to practice. Moreover, rearrangement in the higher standards to accommodate students with weak academic backgrounds allegedly lowers the market value of competent peers from that group (W. Williams 1982: 93). This view ignores racial prejudice or racism as a factor in explaining wage differences. Instead, the misfortunes and setbacks of policies to address underrepresentation in highly ranked institutions serve as a reason for racial stereotypes.

opinion, push black students to work harder to reduce the racial gap in academic accomplishment (Thernstrom & Thernstrom 1997: 422). The Thernstroms were neither the first nor the last to lodge this criticism of affirmative action (Pojman 1992: 199f, Sowell 1990, 2004; W. Williams 1982: 92ff).

In short, the brief glimpse at the open hostility to affirmative college admission on instrumental terms is based on moral reasons in the foundation of liberal constitutionalism and internal to the liberal economic capitalist system of free and equal agents. For critics, preferential college admission constitutes a burden to the qualified student body and an impediment to overcoming the condition of inequalities to which racial groups are subjected. In this framework, the colorblind and meritocratic logic within selective structure constitutes *leading reasons within the existing moral framework to advocate against* affirmative action. In addition to colorblind and merit categories, instrumental objections to race-sensitive affirmative action in high education and disparities in the labor market turn to internal reasons allegedly found in a competitive system characterized by fair principles and equality of opportunity.

The concern that race-sensitive admission programs depreciate college degrees is misleading. I shall comment on two points in turn: the disregard of the underlying network that pervades educational inequality on a socioeconomic basis and the negligence of the implications of affirmative action reforms after the Bakke decision, whose rationale accommodates the competitive race for a seat in tertiary education.

4.2.1 Academic Achievement and Resource Imbalance

The Thernstroms, among others convinced of meritocratic values, put too much weight on the power of social agents in changing their fate. They overemphasize a personal quest for social position and ignore structural matters and power relations underlying racial inequalities. Of course, admission to a college does not depend solely on academic and merit-based criteria. However, an array of factors come into play in how selection proceeds.

There are many ways to decipher how admission college selection is often embedded in injustices and inequalities. Social institutions such as class-based ideologies often shape

selection processes. Another marker that frequently conditions the fate of applicants in the run for a university seat can be traced through the power and interests of political and economic elites. Aside from decisions influenced by gender and race bias, power relations and their control swayed in decision-making constitute determinant factors.

Sociologist C. Wright Mills' analysis of power elites may help us understand how college selection processes are molded through power relations and increasing convergence of interests. In *The Power Elite*, Mills explains how power configuration embodies other social groups in subordinate roles. Although Mills' analysis (1956) contemplates a particular historical context contemplating changes in the US American political economy by the 1930s, the study of power dynamics and how economic concessions suppress dissent to keep labor unions vulnerable remains a valid conceptualization to distinguish power relations. In short, the state of affairs studied by sociologist C. Wright Mills, macrolevels of power in the USA in the 1930s in the entanglement of military industry, economic and political elite, distinguish severely from college selection, similar mechanisms to ensure that no severe challenge confronts elite interests can be identified. The alliance of economic, political, and prestigious power still holds the key to power in Ivy League universities.

Besides anecdotal cases where family legacies, wealth, and prestige hold sway in college admissions, an array of statistical and qualitative datasets shows how social biases and prejudices permeate selection committees. That involves networks and connections that provide information and influence that give students an edge in the competitive race for a college seat. Megan M. Holland (2019) provides an up-to-date case study concerning how US high schools reproduce inequalities and determine different paths to college. For instance, exchanges between college admission officers and school counselors constitute advantages that frequently establish the lead in fierce competitions in Ivy League colleges (Holland 2019: 107ff).

Furthermore, and more relevant to identify a systemic problem in college admissions, the belief in personal drive associated with meritocratic ideal neglects the entanglement of academic outcomes of disadvantaged racial groups with the glaring disparity of resources in various spheres. Educational background since primary school constitutes a palpable domain that has been extensively studied in the last decades to consider the imbalances between social groups.

The findings of what was, later on, termed the "academic achievement gap" between racial and socioeconomic groups at a disadvantage and their socioeconomically better-off white peers (Hodgson 1975: 26, Kett 2013: 241, Marsden 2005: 2f) appeared first in the eponymous 1966 report *Equality of Educational Opportunity*. James Coleman and colleagues documented the implications of US schools' racial and socioeconomic composition on Black and white students' academic outcomes. One central takeaway of the Coleman report and subsequent studies about the entanglement of race-related aspects and inequality in education concerns how the burning issue of the racial academic achievement gap and the various factors associated with the educational outcome were intersectional to socioeconomic family status.

The focus on the scholarly output as an *academic achievement* rather than the input (funding, curricular activities, teacher quality, school facilities) ever since the 1966 Coleman report represents a window of opportunity to rethink public policies to address inequalities across minority groups. Coleman and his colleagues investigated a gigantic data set of primary and secondary schools, pointing out that schools have not overcome the racial gaps engendered by the amalgam of nonschool factors such as poverty, parental educational level, and community attitudes (1979 [1966]: 21).[10]

Academic achievement patterns involve myriad determinants that directly or indirectly condition disadvantaged minorities to pervasive inequality. For example, primary education can cause and perpetuate disparities. Although federal and state governments provide some funding to the school system in the US, most of the money comes from local property taxes. Since school funding is determined at the local level, there is an enormous discrepancy between the school quality in higher-income neighborhoods and poor districts. Consequentially, the unbalance reflects the disparity of expectations of tertiary education, ultimately disadvantaging some people while advantaging others. Pupils who graduated from secondary education with better resources are likelier to enter first-class higher education.

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[10] Despite its undoubtedly sociological value regarding the racial gap in academic achievement, the Coleman report has been criticized for its ambiguous position concerning how institutionalized racism in school contributed to the achievement gap. Another criticism rests on Coleman's reliance on a narrow view of academic success and failure to acknowledge "how white-led institutions could damage African American self-esteem" (Gordon 2017, cf. Clark 1965, D. Hamilton 1969). The report has been recurrently reanalyzed and reassessed (e.g., Borman & Dowling 2010, Rivkin 2016). Recent contributions that added Hispanics and Asians as minorities suggest a set of material and nonmaterial resources ranging from instructional focus and quality, including facilities and curricula, parental social and economic capital, neighborhood, social norms, and peer effects reflect the academic outcomes of different racial and ethnic groups (cf. Reardon & Owens 2014).

More dramatically, the inequality of school quality often conditions members of racial minorities' chances of higher education (cf. Section 3.3).

Ultimately, the discrepancies in school quality deeply associated with the class gap reproduce inequality in many patterns where academic outcomes eventually reveal unequal wages in the labor market. Kirabo Jackson, Rucker Johnson, and Claudia Persico (2016) recently showed how school spending bears far-reaching effects on adult income (those exposed to school finance reform). Increasing school funding by 10% was linked with students earning 7% higher revenues.

4.2.2 Race as a "Plus Factor"?

The second flaw in the claim that affirmative action depreciates college quality concerns the systemic interpretation of race-sensitive admission policy. Recall that Thernstroms (1997), among others, opposed affirmative action because US African Americans were enrolled on "lower academic standards" (1997, p. 394). Race becomes a qualification for admission, replacing talent and grades. Contrastingly, the Thernstroms advocate for rehabilitating meritocratic principles in admission procedures to push policy recipients to work harder and solve the racial academic gap. The claim grounds that the convergence of competitive selection and work ethic would benefit applicants and college quality.

Thernstroms' view, reiterated by many others (e.g., W. Walter 1982, Pojman 1992, Sowell 2004), neglects a vital aspect of the post-Bakke designs of affirmative admission programs crafted in the diversity prism. To recall the previous chapter, the US Supreme Court reformed affirmative programs' constitutionality in admission procedures after racial preference and merit came into conflict. Diversity became the new rationale for race-sensitive college admission. Affirmative action designed by the equal protection clause constituted barely one element for the acceptance.

After the Bakke decision, race-based preferential policies in many college admissions have been tailored as *one among other components* in the selection criteria. As a result, race counted as a "plus factor," preserving the competition logic and maintaining incentives to

work hard because the advantage in admission chances is marginal (Bowen & Bok 1999: 260f). In that sense, it hardly guarantees the likelihood of admission to top-rated schools.

After the Bakke decision, in many cases, the race factor has been used to break a tie between candidates without lowering selection standards, albeit the assumption that racial minorities admitted to highly prestigious and selective colleges were allegedly equally qualified as their white pairs have been held as a myth by critics (cf. S. Thernstrom 1998: 36f). Bear in mind that the legal reasoning in the Bakke decision (1978) explicitly abdicated the responsibility of setting academic or administrative grounds in admission proceedings.[11] Thernstroms makes the case that affirmative college recruiting often results in unfortunate academic performance, as shown by the University of Illinois (1997, p. 395ff). However, whether the enrollment rate of racial minorities has resulted from different standards constitutes a knotty question to answer uniformly on a national basis because the decentralized character of college admissions in the US makes it hard to track down consistent patterns of procedures that might privilege members of racial and ethnic minorities.[12]

Notice that different affirmative policy rationales have enormous implications for discussing the policy outcomes and evaluating possible reasons for their failures. While narrowly tailored affirmative policies to foster diversity still fit in the competitive logic of liberal understandings (Section 3.2), the quota model of race-conscious remedial programs interferes with the meritocratic selection criteria. In contrast to affirmative action designs that take race as one among other components in the selection criteria, eventually utilizing it as a tie-breaker, the race-conscious quota system or "bonus points" in selection proceedings may represent adverse consequences to the university as a whole, particularly in cases when policy beneficiaries with weaker academic backgrounds attend highly selective colleges and

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[11] Justice Blackmun asserts that "[p]rograms of admission to institutions of higher learning are basically a responsibility for academicians and for administrators and the specialists they employ. The judiciary, in contrast, is ill-equipped and poorly trained for this. The administration and management of educational institutions are beyond the competence of judges. They are within the special competence of educators, always provided that the educators perform within legal and constitutional bounds" (*Bakke* page 438, 404).

[12] Notice that legal reforms of affirmative action in college admission bear significant changes concerning the effects of affirmative action today. The 1995 Proposition 209 in California and the triumph of equal protection clauses in favor of plaintiffs in *Hopwood v. Texas* (1996) constitute a relevant factor in gauging and taking issue with the admission of minorities in higher education. In *Hopwood*, four white applicants rejected from the University of Texas at Austin's School of Law filed a suit against the institution's admissions policy on equal protection grounds. The court decision was abrogated in *Grutter v. Bollinger* (2003). The dispute about affirmative college admission and the back-and-forth court reasoning ended in 2023, as the conservative Supreme Court nominated in the Trump administration 2017-2021 declared affirmative action in college admission unconstitutional.

universities, argue many critics. The following section sheds light on this issue and ponders a few ramifications of affirmative action in higher education.

4.3 Affirmative Action and the Enigma of Stigma

Many opponents of preferential treatment in college admission hold that there is allegedly a causal connection between stigma experienced by racial minorities in university settings and college enrollment via preferential programs. Recall that critics of affirmative action constantly repeat the credo: race as admission criteria comes at the cost of expected academic requirements. That hiatus between the students with "highly developed academic skills" and "ill-prepared African Americans" becomes crystal clear (Thernstrom & Thernstrom, 1997, p. 395). So, admission of underrepresented minorities in highly selective colleges and universities exposes the academic gap, producing or reinforcing a sense of inferiority, promoting separatism, resentment, and racial disharmony, ultimately causing or reproducing racial stigmatization.[13]

Indeed, a cryptic stigma underlies the entangled relationship between the drama of racial differences and high poverty rates among Blacks and Hispanics. Economist Glenn Loury (1997) refers to this blind spot in Thernstrom's sociological analysis as the "enigma of the stigma." The authors make a case for racelessness "divorced from the texture of social life" (Loury, 1997). I borrow Loury's ironic term for this subchapter. This section examines the stigma associated with affirmative policy beneficiaries. Moreover, the following picks up the second part of the negative ramification of affirmative action alluded to above (Section 3.2), that is, the assumption that inclusion of applicants with low academic backgrounds in highly demanding colleges purportedly harms those for whom affirmative action was intended to advantage in the first place.

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[13] Many critics suggest that race-based differentiation of recipients of quotas and bonuses for college admission to combat advantages and privileges reproduces racism (cf. Thernstrom & Thernstrom 1997). Besides the disagreement about the legitimacy of legislation and accountability of policies to redress inequalities in lawsuits against racial preference, the objection to procedural justice rooted in discrimination becomes a highly controversial dimension concerning rationalized measures implemented by public institutions in selecting the beneficiaries. This section eschews this normative matter, for it exceeds the scope of this chapter.

Empirical evidence of the effects of race-conscious policy interventions designed to ameliorate equality of opportunity for racial minorities has been mixed, as already mentioned above. A considerable number of social research and policy reports chart the consequences of the policy following college graduation to the professional career (Becker et al. 1982, Bowen & Bok 1998, Chan & Eyster 2003, Lawrence 2001, Bohmer & Oka 2007, Durlauf 2008, Augoustinos & Every 2010, Hastie & Rimmington, 2014, Lloyd 2015).

In conflict with the accentuation of the positive impact of race-sensitive programs, many opponents of affirmative action contend that academic selection via preferential treatment is counterproductive for all persons involved. Critics add that disadvantaged applicants who pull out the "race card" for admission to highly selective colleges experience severe setbacks. Enrollment via bonus or quota system clarifies the academic gap between beneficiary groups and regular students. The doubts about, in some cases, even animosity to, affirmative action rests on social research findings on the academic gap that renders enhanced feelings of inferiority, frustration, and racial stereotypes (Block & Walker 1982: 21, Roberts 1982: 177f, Hawkins et al. 2015), resentments of their burdened white peers to racial procedures and beneficed minorities (W. Williams 1982).[14]

Opposition to race-targeted college admissions stresses the harmful repercussions for the beneficiaries in myriad ways. A common ground many critics point out concerns the negatives of any "grade readjustment policy" to include underrepresented racial and ethnic minorities. According to antagonists, affirmative-action recipients in highly ranked institutions lack the prerequisites to keep up with the existing standards. In this logic, beneficiaries do not fit in the institution. The characterization of unfit students for given colleges is known as the mismatch hypothesis (Alon & Tienda 2005). The mismatch thesis implies that students with low academic backgrounds who benefited from affirmative action may not qualify for highly ranked institutions. Instead, lower-graded beneficiaries might struggle and often do not prosper in selective environments (Crawford 2000, Sowell 2003, R. Sander 2004, Sander & Stuart 2012). In that reading, mismatch constitutes an inconvenience of preferential admissions. As a result, students with weak academic backgrounds would be

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[14] Justice Powell states, "*All* state-imposed classifications that rearrange burdens and benefits on the basis of race are likely to be viewed with deep resentment by the individuals burdened" (*Bakke*, 438 US at 294 n. 34).

better off in less demanding institutions, assert critics (Sander & Stuart 2012, Arcidiacono et al. 2013).

Although in recent years, empirical reports have been carried out to prove the mismatch hypothesis (for an example recurrently cited in discussions about this subject matter, see Richard Sander's research, e.g., Sander & Steinbuch 2017), and the consternation that students' mismatch increases dropout risk, the controversial division on the validity of failure caused by mismatch persists. Relevant to weight in on the discussion about the dropout rate remains the intersection of resources in determining the academic level to a great extent. In other words, how the social capital of included students of racial minorities can affect their academic performances and well-being, even minimizing dropout probability before graduation (cf. Coleman 1988).[15] Qualitative research stresses beneficiaries' stigmatization in their interactions with classmates (Coleman 1988) or eventually through failures in test rates (Roberts 1982: 178). Nevertheless, the high dropout rate undoubtedly lies in the amalgam of material resources to cover costs and the role played by many other forms of assets in engendering academic achievements.

In terms of the academic performance of affirmative action beneficiaries, there are qualitative and quantitative studies that hint at both directions, i.e., either arguing the score-test and grade disparities as results of under-preparation in primary schooling (Sowell 2004) or high graduation rates (Holzer & Neumark 2000, Kane 1998). By contrast, another dataset supports the opposite view that affirmative action recipients thrive (Kane 1998). Bowen and Bok (1998) suggest, for instance, that Blacks who attended selective universities were more likely to graduate than their counterparts in less selective colleges.[16]

Although the implications of race-based differentiated admission vary significantly on a case-to-case basis, robust social research literature underscores stigma as a side effect of the inclusion of students with low academic backgrounds. Given this vast body of literature, one

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[15] There is no need to say that positive outcomes of race-conscious admission programs highly hinge on various factors, from socioeconomic status to resources. Household income, uprising, and high school background, among other features, lead students to poor academic performances. Furthermore, respectful interactions, cultural recognition, and emotional support in the educational environment can also improve the learning conditions of included racial minorities.

[16] For an assessment of the mismatch hypothesis, see Alon & Tienda (2005). Nevertheless, the well-documented literature about the fact that US African Americans score lower on tests, have lower grades, and ultimately graduate at lower rates across all institutions, selective or not, many scholars hold that these facts alone provide no solid basis for assuming that affirmative action leads to academic problems (see Chambers et al. 2005).

could say that despite crystal-clear differences in affirmative programs' policy designs and a broad scope of critical responses, stigma characterizes a common trait identified across divergent accounts.

After reviewing the disagreement on policy outcomes, the return to the central inquiry of this section retains the state of affairs concerning academic and social consequences of race inclusion via affirmative college admission with perplexity. The puzzle endures the empirical findings and the normative speculation about affirmative action in higher education. For two reasons, it seems challenging to reply adequately to the thorny question of whether race-conscious policies reproduce racial stigmatization in the classroom environment. The first one has systemic grounds. The downside of a quota system or bonuses for members of racial and ethnic minorities often displays misfortunes of academic failures and high dropout rates, albeit a handful collection of data exhibits the contrary. In any case, reports and surveys could be more precise in setting apart the motivational grounds for the stigma component.

The second one has a twofold character related to preferential treatment. The first strand of thinking suggests that affirmative action stigmatizes beneficiaries as unqualified since special admission procedures provide additional advantages to applicants of minority groups in test scores and grades. Another way to ponder this problem is to consider the core of the problem of racial injustice more critically: Because racism has not faded away, stigmatization forms might still be presumably associated with that old encapsulated problem.[17]

A comprehensive understanding of the logic of individualism remains a crucial issue to find out and, more importantly, for the policy assessment concerned with solving the "enigma of stigma" to think of the core of the problem and alternatives that could encourage forms of social cooperation or indicate social change. Of course, highly pluralist societies – with divergent views of justice and what the good life embodies – comprise myriad challenges that policy attempts such as affirmative action to redress injustices and inequalities constitute

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[17] One curious dimension often reiterated by opponents of affirmative action, and yet hardly ever inquired in policy assessment so far, concerns the problem of how racial stigma prompted by affirmative action can reinforce racism (cf. Thernstrom & Thernstrom 1997). Furthermore, special law segmented racial communities into different categories, raising questions about group-based legislation's legitimacy in a democratic constitutional liberal polity. I eschew addressing these issues here, for they would shift the discussion in another direction. Instead, this chapter circumscribes the analysis of the dominant view of affirmative action on instrumental terms to unravel the discursive reasoning that engenders norms, principles, and practices of hegemonic individualism.

continuing controversies. Any institutional experiment meant to solve the problem hinges on systemic changes capable of transforming structures and power relations.

From a normative standpoint attuned to liberal-egalitarian problem solving, Elizabeth Anderson (2010) reminds us how social relations constitute crucial spheres to reflect upon the implications of affirmative action and, more fundamentally, concern the imperative of social justice. To recall, Anderson's account draws on how social relations determine the distribution of goods, whose consequences expose racial segregation problems. She contends that in a society characterized by staggering inequalities, "integration is an indispensable goal" (Anderson 2010: 180). Indeed, on normative and instrumental grounds, integration of racial and socioeconomic plural composition of the student body has been reported as a correlation factor to improving test scores in schools (Coleman et al. 1979: 22) and fostering academic and social growth in higher education (Gurin et al. 2002a, 2002b).

Anderson's call for the imperative of integration invokes questions associated with what kind of integration and the dire necessity of equipping affirmative policy with tools to avoid systemic misuse. Of course, integration and its twin-sister diversity bear a handful of problems and difficulties. Some of them were noticed earlier. Integration and diversity rationales can serve ideological purposes and remain at risk of market-driven misuse (Section 2.3).

The overview of empirical reports and studies about stigmatization and racial inclusion in higher education points to a thorny question. In the face of the intricacies of this problem, I assume a critical debate and serious conceptualization of race and racism should illuminate the state of affairs further. In addition, the critical view may provide new instruments for analysis and propose new directions beyond affirmative remedies to envision social transformation. This vision of emancipation elaborated by many black radicals holds a powerful thrust to inspire reflection and attempt social change. The next part of this dissertation addresses these critical views, whose discursive unfolding and political effects have been shaking many public spheres.

For now, the last section wraps up the analysis done in this chapter. It turns to the central issue underlying my concern in the debate about affirmative action's significance and policy value on instrumental terms. With this in mind, I shall point out the implications of dominant

discourses in shaping policy legislation and its outcomes. The reconsideration of these domains has vital significance for normative learning associated with affirmative action.

4.4. The Empirical Debate and its Ideological Implications

Empirical data on affirmative action in higher education introduces another angle to normative debates for distinguishing whether preferential admission programs make sense. Legal disputes and normative contentions about affirmative action's moral status were concerned with what counts as a fair procedure as one aspect of evaluating the fairness of affirmative action (Meshelski 2015: 432). The empirical debate added the importance of policy outcomes to the matter of principle in normative discussions and legal reasoning.

This chapter exposed how discussing whether affirmative action works has been a central subject of sharp debates in recent years. In particular, the revision here concentrated on the criticism of preferential policy wedged on instrumental terms in two interrelated claims: i) Race-sensitive college admission lowers the academic standards; ii) it has counterproductive effects for all persons involved, including the beneficiaries, those whom such preferential programs were conceived to help in the first place. In the debate on the practical consequences of affirmative action in higher education, critics reiterate the achievement gap between policy beneficiaries and meritorious candidates as a common trait in these two interconnected problems.

The racial achievement gap in affirmative college admission helps us realize the limitations of preferential treatment. Beneficiaries' policy efficiency and academic achievement characterize central signs to gauge affirmative programs. Focusing on the policy outcomes prompts new questions and reflections about race-conscious programs in college selection. Critics underscore the racial academic gap associated with problems of stigmatization, inefficiency, and dropout rates constitutes a strong line of reasoning to contend affirmative action does more harm than good and, therefore, de-legitimate preferential admissions (W. William 1982, Sowell 2004, Thernstrom & Thernstrom 1997). On the other hand, proponents of race-conscious programs report that they work with positive economic outputs in the labor

market (Bok & Bowen 1998, Kurtulus 2012) and the benefits of a diverse environment on democratic outcomes (Gurin et al. 2002a).

Critics and advocates of affirmative action who hammer at policy outcomes examine the mechanics of implemented preferential admissions and how affirmative program recipients work their way through college graduation until the labor market. The absence of a critical reflection about how complex structures and their intersection persistently subject members of minority groups to inequality is particularly evident in accounts against affirmative programs. In the ideological shroud of pro-meritocracy and free market logic, how the academic gap's concern is framed seems to lean towards blaming the victim (cf. W. R. Allen et al. 2008: 222f).

Not surprisingly, most of the contributions in the body of research indicated in this chapter have shown policy assessments (in the traditional social research framework) merely interested in technicist and descriptive theory-making in the line of designs of measurement indicators, causal relation, praise to the policy outcomes or negative reactions to the aftereffect. One adverse effect of this strand of thinking concerns pitfalls in the discursive landscape often misused to blame the victim.

In some cases, blaming the victim characterizes an overtly distorted conceptualization of how pervasive inequalities and resource disparities condition the permanence of the problem of the color line. Of course, the state of affairs regarding highly desired social positions comprises intricacies and many factors. Personal drive, hard work, and how social agents use their talents and capabilities are meaningful components of achieving success. Still, the search for social position embodies multidimensional issues beyond the psychological drive to reach achievement. Notwithstanding the seemingly undeniable complexity that shapes the competitive environment, ideological views favoring work ethics and free-market internal dynamics overemphasize attitude and cultural aspects.

In this spirit, critics of welfare programs, government aid, and diverse social policies, in particular affirmative action, claim that raising differences in the "tournament for social goods" embodies numerous problems. Special entitlement in antidiscrimination laws and affirmative programs constitute not only contentious issues for moral disagreement and constitutional contradictions. For critics, affirmative action creates and reproduces existing

problems tied up with subaltern social standing. The hardcore conservative line on race and social imbalance argues that attitudinal behavior and passivity make beneficiaries prone to work less and encourage them to embrace a position of inferiority (W. William 1982, Thernstrom & Thernstrom 1997, Sowell 2004). Sowell repeatedly asserts that the economic state of ethnic groups hinges primarily on their culture (1981: 282f).

In a comparable discussion about welfare policy reform in the US, Lawrence Mead holds that Blacks and Hispanics' worldviews and culture are distinct from the individualist drive for success, characteristic of European cultures and whose legacy imprinted the US (1992). Mead's twisted opinion – the main reasons for penury and lack of resources would lie in individual effort rather than structural disadvantages such as poverty and discrimination – exhibits blatant racism.[18] This problematic view reappears in a considerable number of accounts for affirmative action in general, including race-sensitive college admissions (cf. Sowell 1981, W. William 1982, Thernstrom & Thernstrom 1997).

A common trait in the strenuous disagreement on the impact of preferential admission programs on the student body concerns how policy-related questions surprisingly undertheorize how institutionalized racism and systemic discrimination have pervasively shaped academic achievement, whose outcomes, to a great extent, reproduce asymmetries in other spheres. The implied suggestion that beneficiaries are responsible for their fate brings me to the second interrelated issue. The policy development of affirmative college admission accommodated the competitive pattern in its rationale, appeasing the economy's structure and social hierarchy that engenders inequality. That is what Supreme Court deliberations about the policy rationale in the US have shown so far (cf. *Regents of Univ. of Cal. v. Bakke* 1978, *Grutter v. Bollinger* 2003). The concrete reconstruction of discursive spheres in the liberal framework and the US Supreme Court's legal reasoning for colorblindness, equal moral status as rational principles, and merit and cherishing foundational values within the liberal democratic constitutional polity.

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[18] Reactive to his view of cultural ethos, many academics are interested in how the piece crossed the line from controversial requirements for social policy to overt cultural racism. A recent piece written by Mead denies the publication on racist grounds. The retraction was justified as follows. "Following publication, serious concerns were raised. A subsequent review of the publication process and the article by the Editor-in-Chief concluded that the article was published without proper editorial oversight. The Editor-in-Chief deeply regrets publishing the article and offers his apologies. The author does not agree to this retraction" (Mead 2020). For a critical response to the assumption that communities are less willing to work, see Petterson (1997).

However, acknowledging the policy limitations and a set of challenges in the legislation and implementation should not mean the end of preferential policies. In its initial design, affirmative action was meant to redress racial injustice by including members of marginalized groups. Revoking affirmative action would bring much damage to minority groups. A growing body of research suggests affirmative action bans (as it happened in the US after the 1996 Proposition 209 ruling out racial preferences in the admission process in California - and the extended unconstitutionality in the whole country in 2023) are theoretically hazy. In some cases, the end of affirmative action in highly selective universities reduces minority enrollment (Hinrichs 2016). Moreover, evidence points out that the recurrence of members of minority groups attending selective colleges is somewhat higher (Dale & Krueger 2014).

In any case, it seems too soon to abrogate preferential treatment, for they still trigger meaningful discussions in public spheres, accentuating the relevance of the centrality of race and other forms of discrimination in social distribution and issues of justice. Affirmative action in higher education represents an imperfect public policy to redress pervasive injustices in a selected sphere of social distribution. The acknowledgment of the policy limitation represents a chance to rethink the history of the enactment of affirmative programs as a response to the Civil Rights Movement's appeal (see Lawrence & Matsuda 1997), the background of the policy development – in which dominant discourse of individualist liberalism reshaped the normative blueprint within the competitive logic – and concern more radical issues in the question of racial justice.

This line of thinking has been advocated in contesting voices of critical theories of race in a heterogeneous fashion. Perhaps even more fundamentally than questioning the ideological twisting of affirmative programs in court reasoning up to its end in 2023, practices of social critique and grassroots political articulation cast attention to the political motivation and social demands put forward via civil disobedience and social movement organization. The bottom line of radical thinking and social critique at the heart of the critical interpretation of racism indicates how the problem of the color line is far more complex than the diagnosis of race prejudice traced in interpersonal interactions. Not surprisingly, the Civil Rights Acts and social engineering drafted by race liberals and colorblind liberalism fell short of taking account of ingrained inequalities and injustices tied up with racism.

Alternative to the dominant discourse in public reasoning, radical black views in their heterogeneity seek to unmask how the racial subordination system has multifaceted intricacies. The next part of this dissertation spells out the unfolding of critical race theories and their political implications in contesting the mainstream framework of the diagnosis of the problem of the color line and the institutionalized problem-solving shaped by race liberalism and, later, colorblind liberalism.

Conclusion of Part 2

Affirmative action had its first appearance in the Civil Rights Act of 1964. Some critics proudly recall its origin in the persevering struggle for black emancipation that motivated the Civil Rights Movement and the social unrest across the US (Lawrence & Matsuda, 1997, pp. 11-32). Race-conscious programs such as affirmative action and the Equal Employment Opportunity Commission primarily comprised institutional steps to build racial equity and produce social change in the long run. Nevertheless, only some were convinced of race-sensitive social engineering to redress past and present wrongdoings. Affirmative public policies invoked loud disagreements from the very beginning. Without exaggeration, affirmative action still constitutes imperishable controversy. A dispute whose public reasoning stirs affirmative action's normative premises.

At first, preferential remedies embodied a promise to strengthen equality of opportunities for Blacks and other racialized groups. The legal entitlement of affirmative remedy sought redistribution measures to redress ingrained injustices tied to race. In that sense, affirmative action advocates hold the moral justification for preferential programs on the grounds that racism and its destructive harms will not disappear if we refuse to see race as a marker that hinges Blacks and other racial/ethnic minorities from better socioeconomic standing. Affirmative action, viewed in that way, constituted legal steps to challenge individualist principles and cherished values deep-seated in liberal institutions and perpetrated in cultural practices.

Critical race theorists Charles Lawrence and Mari Matsuda persuasively justify race-conscious policies as necessary means to uncover the "willfully ignorant" veil of formal legal categories of equal moral right: Merit, fairness, and colorblindness mask privileges tied up to race, gender, and class. In particular, when we regard merit standards to ensure that talent, abilities, and hard work are pretty rewarded, "[w]e must take stock, first, of the real world, the one in which status and wealth too often determine outcomes" (Lawrence & Matsuda, 1997, p. 94).

Not everyone was convinced of the moral justification of affirmative action. Affirmative college admission triggered inflammatory disputes about its constitutionality and moral justification. Bicker and dissatisfaction following preferential policies boiled public opinions until the dispute eventually reached the US Supreme Court. The moral disagreement about race-conscious college admission was grounded on the contradiction to the maxim of "equality before the law." In 1978, the case *Regents of the University of California v. Bakke* changed the normative guidelines of affirmative action in higher education to advance the "compelling state interest" of diversifying the student body. After the 1978 Bakke lawsuit, the hopes of upward social mobility for Blacks and Browns staggeringly diminished until its stagnation. Substituting inclusion with diversity set the ball rolling to commodify race and ethnicity and instead serve market-led interests. In the end, the post-Bakke policy rationale needed to be more critical of the foundational reasons for affirmative action in the first place.

Part 2 reviewed the court's reasoning and the development of affirmative policy. The limited outcomes of affirmative action in higher education were grounded in the flawed development of affirmative policy in the aftermath of the Bakke decision. Considering the normative justification and the court ruling about race-sensitive college admission, the chapters above have spelled out crucial aspects of the affirmative college admission's limitation in creating equality of opportunity for Blacks and other racialized minorities. The post-Bakke affirmative program in higher education shadowed the equity-enhancing goals initially designed in the policy. Even more damaging, the reshaped program not only forsook the normative guideline of redistribution but also bestowed individualist principles and cherished values of merit and contours for market-led interest in commodifying race and ethnicity.

At this point in the historical reconstruction here, one can realize further aspects of the limitations of the Civil Rights Acts to social upheaval and riots that stormed big cities in the US. There was a belief that legal reforms and social engineering of the 1954-1968 civil rights era would successfully solve the problem of the color line. For radical visions, though, state response to the long history of racial oppression sustaining that law would settle the accounts in the race divide was wrong. Despite the undeniable benefits of eliminating overt symbolic coercion and discrimination and, ultimately, a short-term optimism, anti-discrimination laws, and reparation programs did not address deep-seated sources of harm: the perpetuation of material subordination and disparity of power recourses in racial groups. Additionally, state

problem-solving, strongly shaped by the moral and cultural hegemony of race liberalism, simplified the visions of social justice brought up by social mobilization and critical intelligentsia within black public spheres (cf. Dawson 2001, chapter 3).

Contrasting to race liberalism, the unfolding of a critique of racial hierarchy in various expressions suggests another interpretation of the problem of the color line, far more radical views of how the problem was embedded in power and complex structures such as the economy. Radical in the sense of purporting the disruption of the racial status quo and advancing an agenda-setting that simultaneously takes a critical stance and envisions strong possibilities of empowerment. In other words, the radical critique of the racial hierarchy in heterogenous forms, from political activism and subversive social practices up to academic knowledge production, claims that existing structures and institutions in the public apparatus of the US American democracy sustain privileges and uphold white supremacy.

In this spirit, critics underscore how affirmative policies frame dimensions of pervasive inequalities of the problem of the color line without concerning the complex nature and constitutive dynamics underlying the permanence of the existing racial subordination system. In contrast to philosophical views within race liberalism and colorblind liberal view, the revolutionary discourse about race and racism viewed systemic racial inequality in fundamentally different terms. Black public spheres in distinct channels and diverse manners raised profound questions about racial injustice. In academia, the social critique tied up with political activism played a vital role in shaping the rhetorical battle for race liberalism and boosting debates about affirmative action, including faculty hiring and curricular development (see Crenshaw, 2017, p. 2300ff).

Roughly, Critical Race Theorists make the compelling claim that civil rights acts and anti-discrimination laws failed to solve the problem of the color line. The flawed nature exists essentially because anti-discrimination laws did nothing to challenge the social arrangements and disproportionate power that uphold white privilege (Bell, 1987). Although anti-discrimination laws constituted an enormous gain in the elimination of manifestations of symbolic racial oppression (Crenshaw, 1985, p. 1348), they allowed the perpetuation of material subordination of (US) African Americans (Crenshaw, 1985, p. 1377).

Questions about whether the ethical foundations of capitalism were imbricated with racism and how public institutions have been oblivious to the reproduction of disadvantages and power imbalance in the color line were at the heart of critical race theories. The rise of critical race theories in heterogeneous ways constructs a different framework to reflect on systemic racial inequality in wealth, education, jobs, and public services. Before I advance the reconstruction of radical visions of critical race theories and take a normative instance to rethink racial justice beyond the liberal concession of rights and inadequate social redistribution, I shall take notice of two caveats.

The first one concentrates on one take from the reconstruction of the affirmative policy development, that is, the ideological turn of affirmative action in higher education after the Bakke decision. The second note concerns the meaning of *critical* employed in the terminus critical race theory. In the remainder of this preliminary conclusion, these two remarks preliminary settle the analysis so far and introduce the subject matter of the conclusive part of this book: the political and normative implications of critical theories of race.

I

The dominant legal reasoning in the 1978 Bakke Supreme Court decision wrenched the promises of equality of opportunity for Blacks and other minorities, neglecting the initial aims of race-sensitive admission policy of attaining social justice in its moral justification and the rationale of race-sensitive college admission.[1] A curious aspect of the post-Bakke guideline reshaping affirmative action concerns how practitioners of liberalism in its distinct ideological colors still avoid confronting primary matters at the bottom of the problem of the color line. Race liberalism and colorblind liberalism fall short of taking the multifaceted nature of the problem seriously. Either the simplification of the multi-dimension of racism through the

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[1] I suppose an additional analysis of the set of circumstances and material conditions in the backdrop of the cultural and moral hegemony of race liberalism in social policies could indicate new factors to think about the problem further. In this sense, the rise of the political economy consolidated in the 1980s developed a justification for life conditions, producing a powerful ideology reinforcing hostility to public aid and reparation policies directed at economically disadvantaged racial minorities. I have inquired how the neoliberal moment has boosted the ideal of meritocratic equality of opportunity, creating another discourse opposing social equity policies in general and affirmative action in particular elsewhere (see Borges 2023a).

hyperbolic moralizing of racism as mere racial prejudice or the subterfuge of colorblind principles and merit values to eschew the public accountability for how the systemic racial injustices and inequalities are deep-seated in an array of structures and institutions of the US American society.

Of course, affirmative policy constraints embody endogenous and exogenous matters. Internally, public policy was imprinted in the liberal logic without raising fundamental questions about the complicity of public institutions and private corporations contoured by law with perpetuating injustices and inequalities in the color line. Externally, elite groups and colorblind ideology wield power over public deliberation and court reasoning in reshaping public policy designed to remedy the racial wealth gap, enable upward social mobility, and virtually redress the racial wealth gap.

To break free from the limited effects of affirmative remedies, visions of Black Radicalism questioned the problem of the color line more radically. In heterogeneous ways, radical social critiques appeared in the black struggle for emancipation, raising doubts about the immaculate legitimacy of public channels and unraveling constitutive components of the ideological apparatus in power and economy in perpetuating power imbalances and asymmetries visible in racialized groups, particularly Blacks.

From W. E. B. Du Bois, up to black public spheres mobilized by political ideals invoked by the Black Power, viewed race as a social construction, a powerful invention of white supremacists to wield power over others. Critical race theories emerged in varied ways: Critical theories are concerned with how race is socially invented as a device to wield power. For these critical race theories, racism was perceived not only as a prejudice issue but also somewhat tied up with a complex array of material conditions and social markers that produce and sustain marginalization. Critical race scholarship was keen on unraveling how the problem of the color line has deep-seated seeds in institutions, structures, and cultural practices.

II

It would be a misjudgment of the rise of distinct critical thoughts within black public spheres to present critical race theory monolithically. However, I identify a common motivation across the range of critical scholarship about race, including various manifestations of the critique of racial hierarchy in subversive platforms in black public spheres. The self-reflexive positioning and pragmatic vision urge social practices, political activism, and subversive knowledge production to challenge the racial status quo. In other words, although critical race theories are multifaceted and heterogeneous, the scrutiny of the intricacies of how racism works lies in the foreground of critical thought tradition and emancipatory visions. Critical race theories seek to unravel the historically constituted processes behind the racial domination system and disentangle the sources of the pervasive inequality characteristic of racialized groups. Most notably, critical race theories tie up the assessment of social texture, material conditions, and political power with the striving for liberation.

At this point, I shall turn to the second note in the preliminary conclusion of this part: the methodological need to introduce a distinct sense of critical into the social theory I have developed so far. Chapter 4 has explored empirical analysis of the reasons for the racial achievement gap. A variance of opinions on affirmative college admission characterizing studies in social sciences and the observation in terms of the historical development of race-sensitive programs in higher education split into advocates and opposition to affirmative action. Systematic research on the subject suggests abundant evidence of policy outcomes of affirmative action beneficiaries to support both positions. What constitutes a curious element in the discussion for opinion formation and political implications?

Discursive iterations against race-conscious remedies highlight the stigmatization directly associated with non-deserved enrollment and the increasing social resentment of affirmative college admission. Furthermore, the conservative circle against race-conscious measures and egalitarian social engineering reiterates a perverse justification for the perpetuated inequality in the color line in work ethics and habitus. Pojman (1992), Sewell (2004), Thernstrom and Thernstrom (1997), each in his/her own way, lodge criticism on affirmative action on merit-based grounds and how affirmative remedy ironically discriminates whites, neglecting equal

moral status of applicants. Affirmative action beneficiaries would reach underserved places without matching the high academic standards. Admission of those without the expected academic credentials consequently stirs stigma upon policy recipients while producing grudges against peers. The argumentation tied up with meritocratic rule and an understanding of the principle of fairness shifts the attention to the disservice of affirmative action and the allegedly attitudinal behavior of racial minorities in not working hard to reach the socially expected accomplishment.

The consciousness of ideological perils involving the interpretation of the flaws of affirmative college admission in theoretical discussions represents an opportune circumstance to underscore the conceptual anchoring of a social theory about the permanence of inequality in the racial line more critically. In this spirit, the second caveat in this text regards the terminology *critical* in social critique and political mobilization of black public spheres, the subject matter of the next part of this book.

Once we talk about critical theory, the phrase invokes the Frankfurt School. To recollect the interdisciplinary theoretical conception, the distinction of a critical theory to a traditional one in the programmatic meanings seeks, alongside *an explanation* of social facts, the *transformation* of circumstances of domination (Horkheimer [1937] 1992).[2] Indeed, critical race theory resembles the meaning of reflection and the pragmatist aspirations proposed in the Frankfurt School's legacy. However, I employ critical theory rather than observing the historically situated unfolding of critical practices in the black thought tradition in the United States. Thus, the forthcoming chapters cast attention on critical race theories and the normative impulse of social critiques advanced in the amalgam of social agents involved in activism and organic scholarship in social practices related to the long struggle for black emancipation (see Chaps. 6 and 7).

Concurrently, critical race theories open a conceptual horizon to challenge the racial status quo and urge us to transform social experience, institutions, and mechanisms underlying systemic racial inequality and injustices. The *critical* in critical race theories carry an intriguing meaning to make sense of blind spots within the hegemonic view underlying the

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[2] Social research attuned to the Frankfurt Critical Theory advances descriptive and normative bases for a social inquiry to the extent that it assumes practical and distinctively reflexive criticism and strives for human emancipatory change.

range of public policies in the 1954-1968 civil rights era. Critical race theories trigger intense contestation of the dominant interpretation of the problem of the color line and how solutions could look.

The contesting discourse of critical race theories in distinct expressions presents a radical perspective of what racism embodies. It is a conceptualization that goes far beyond the (race) liberal framework, a critical theory that focuses on complementary dimensions of how racism operates beyond interpersonal prejudice. Thus, the revolutionary critique opens up new directions to assess how established institutions such as schools, police, the justice system, the labor market, medical care, media, and informal practices still manifest and reproduce racial subordination.

The next part of this investigation sheds light on the unfolding of these contesting views and their encouragement of emancipatory practices. It begins with clear-cut aspects of the discursive analysis of affirmative action in higher education, particularly stressing why affirmative action failed to address racial injustice. In addition, the conclusive chapters spell out the normative potential of critical race theories in the construction of contesting public spheres that can animate social critique in distinct manners. The invigoration of social critique in radical terms rethinks the complex contours of racism in institutional, systemic, and structural terms. That critical evaluation underscores the pragmatist view of agenda-setting that entails community-based organizations capable of empowering racial minorities.

5. Reconceptualizing Racism beyond Race Liberalism

Despite the legal progress and high hopes in the wake of the 1954-1968 civil rights legislation and policy-making, systemic racial inequality in jobs, education, wealth, health care, and public services endures until today. Undoubtedly, the intricacies imbricated in the poor material conditions underlying injustices in the color line are complex to break. Nevertheless, why did the social engineering implemented in the civil rights era fall short? This chapter argues that the shortcomings of implemented solutions to the long struggle for equal rights and social justice articulated by black communities are rooted in the incomplete explanation of the problem of the color line, the interpretation reasoned by race liberalism.

After the Civil Rights Acts, hope gave place to despair. In his own words, Martin Luther King once stated that his dream turned into a nightmare. Why did systemic racial inequality endure despite the promises of full citizenship and equal opportunity to achieve liberation in the wake of civil rights legislation? The racial wealth gap remains, shocking abandonment of public accountability still characterizes disparity between Blacks and whites, and painful injustice in many forms characterizes black lives. The reductionist assumption that outlawing racial discrimination and legal entitlements could redress racial injustice ignored many facets of the problem of the color line. This chapter exhibits the inadequacy of that presupposition, largely shaped by the moral and cultural hegemony of race liberalism and integration normative guidelines.

Race liberals obscure the complex overlapping and intersecting forces of structures, power relations, and dynamics that maintain serious disadvantages and poverty of racialized groups, particularly Blacks. Simultaneously, the firm belief in law shields civil rights restitutions with the ideological protection of individualist values in legal inclusion. Ultimately, civil rights legislation comprised ambivalences in the struggle for black emancipation. Legal recognition meant state acknowledgment of the decency of Blacks and browns. However, racial justice was fashioned in drafted laws and integration maxims without considering the complex mechanisms and intersecting forces sustaining US African Americans' material subordination. Now that Blacks and Browns have civil rights and are given a leg up, social programs, and opportunities to improve socioeconomically, they can pursue happiness independently.

The hegemonic view that drafted social engineering curbed within liberal principles praises individual values and overlooks the knottiness of the problem of the color line, whose many domains still perpetuate systemic racial inequality even after the civil rights legislation. What follows spells out structural racism as the conceptual framework capable of reassessing the weakness of race-liberal vision in legal reforms and social agenda put into service in the civil rights era. The critical reconceptualization of structural racism contemplates blind spots left behind by race-liberal views and others that focus too much on racism as "habits of the mind" rather than realities anchored in the social texture and material world (Crenshaw, 2017, p. 2316).

With this in mind, this chapter has two joined objectives expressed analytically. After recapitulating some points of the discussion presented in the previous part, that is, the normative grounds, the development of affirmative action, and ambivalences of the policy outcomes of diversity-oriented admission programs, the following outlines shortcomings and defaults of the actually existing state of affairs in the formulation of racial justice in general, and affirmative action policy in particular. The first goal is to review a few aspects of the social policy's shortcomings. The second purpose is to lay out a conceptual reinterpretation of racism that explains how well-established institutions, organizations, and structures sustain systemic racial inequality in the United States.

The argumentation proceeds in three sections. Section one delineates the flaws of legal inclusion and the race-based entitlement to social goods without substantial changes in material conditions that inhibit the socioeconomic upward mobility of Blacks and other racialized minorities. Race liberal problem-solving grounded on anti-discrimination law and state efforts to cope with the pervasive inequalities insulates the race category, obscuring intersecting factors that produce and reproduce chronic disadvantages, powerlessness, and marginalization.

Section two glosses over the bitter discrepancy in US public institutions, a disparity between the normative promise of equality to citizens and the reality of injustice. In the aftermath of the 1960s Civil Rights Acts, systemic racial inequality still perpetuates gross injustice of deprivation of resources, lack of economic opportunities, and overt police brutality. The striking contrast between the precious normative foundations of equality and freedom for all citizens and the crude reality of inequity and unfairness for Blacks and Browns hides its hypocrisy in ideological explanations of the "one bad apple" narrative or anomalies in the

system. The section introduces the first step towards a critical race conceptual framework. The unfolding of critical race theory-making tied up with political activism opens a horizon to critique the complexity of how racism operates.

Finally, section three draws on the epistemic significance of the conceptualization of racism beyond race liberalism and the relational model with a constrained focus on prejudice. Critical endeavors to comprehend the complexity of racism gauge the crucial role played by race in the historically developed structures underlying the economic prosperity enjoyed mainly by white elites. The meaningful take on structural and systemic racism enables the reassessment of the scope of the problem of the color line. The critique strikes a contesting terrain to which race liberalism looks the opposite. It exposes how the intersection of forces, processes, and structures perpetuate and sustain discriminatory practices and render Blacks and other racial minorities powerlessness.

5.1 An Inadequate Reply to the Problem of the Color-Line

Legislative achievements of the civil rights struggles signified the end of many dimensions of racial exclusion. First and foremost, the outlawing of institutionalized state segregation implied the dream of *de facto* discriminatory practices. From 1954, the Brown decision's verdict of unconstitutionality of school segregation, up to 1974 court reasoning to advance school desegregation in Boston (Morgan v. Hennigan), the law was the primary channel to fight racial subjugation and enforce equal status. In addition to ending *de jure* discrimination, state institutions constructed pillars for social engineering to correct racial imbalances of social goods such as affirmative action. Furthermore, government agencies have built up a central plank to forward equity for racially marginalized persons in the working environment and ensure compliance with affirmative action laws: the Equal Employment Opportunity Commission.

All these steps represented accomplishments in the long journey to black liberation. However, these policy strategies to combat discrimination in hiring, college admission, and housing did not transform the underlying causes of imbalances. Instead, the social equity programs contained within themselves the seeds of their illusory enhancement of the well-being of most US African Americans and, concurrently, the ideological justification for placing the responsibility of program shortcomings upon recipients' accomplishment or failure (Chap. 4).

The anti-discrimination law and affirmative programs signified a valuable try-out to cope with injustices. Nevertheless, its inadequacy lies in the conceptualization and elaboration of policies without the direct participation of those willing to represent virtual beneficiaries of those policies designed to redress social and economic harms. In the next chapter, I argue that community-based organizations constitute an empowering device to channel critical social practices for those who experience disadvantages such as poverty, lack of education, and various forms of exclusion. For now, the analysis here concentrates on the shortcomings of anti-discrimination law and affirmative policy, which did not challenge the institutional functioning and rationale that forged privileges at the expense of racial hierarchy.

The enactment of a host of group-based rights (incorporating legal-political inclusion affirmative programs to remedy maldistribution and misrecognition) without questioning further systemic causes of racial disparities other than bigotry and institutionalized segregation constituted flawed problem-solving strategies to redress the problem of the color line. This section introduces analytical tools to make sense of how race-conscious enactment and social policies failed to acknowledge the interplay of race and capitalism, whose structures and mechanisms have a long history throughout the development of liberal capitalist order to this very day.

As the first step of my argument, I shall outline the fallacious liberal solution in the following pages without delving much into a detailed explanation of the normative guidelines of social engineering and policy rationale because part two of this dissertation has exposed the argument at large. Nevertheless, the following pages recapture the thrust of the point made in the last part, a conception of equality of opportunity that would allegedly be substantially equipped with social redistribution via affirmative programs in higher education.

State reaction to the 1950s and 1960s Civil Rights Movement's upheavals comprised legislation and policies to include Blacks as equal citizens in the legal domain and provide them with group-differentiated rights and government agencies' support to ensure societal compliance with the norms. Notice that US polity's aims to ensure civil rights and equip Blacks with better opportunities, thus responding to demands for racial justice, were grounded in the core foundations of the liberal capitalist model of democratic government. The scope of the response to demands for racial justice was in law enforcement, focusing on civil and political rights and leg-up programs to include former segregated Blacks.

The cure and the treatment for the ill conditions of the system of racial subjugation were framed in a legal framework tailored to eliminate racial discrimination. Race liberals and other egalitarians interpreted the roots of the problem in the permanence of racist relationships shaped by historically sedimented mechanisms and practices of exclusions. In that explanation, slavery and the Jim Crow era left deep-seated racist cultural patterns tied with economic and social harms. Civil and political rights, in addition to reparation politics and integration blueprints, would indicate the solution and problem-solving to the harms of the racial subjugation system. In that sense, reason-giving of the group-based constitutionality stayed in the foreground to enhance equality of opportunity for Blacks and other minorities in the existing social contract, a well-established social arrangement undergirded by liberal norms and cherished individualist values. Blacks and later other minorities were included in contractual terms, such as when the constitution was created, and as equals in the social arrangements of the United States.

The social contract, a philosophical instrument traditionally redeployed in normative theories, helps us understand the configuration of binding social relations constitutionally guaranteed. Let me briefly recall this typical metaphor as a short detour to grasp the rationality of inclusion and equity-enhancing devices of US African Americans in the legal domain. Many versions of liberalism contend a normative justification grounded on rational principles and fair procedures that secure all law-abiding polity members' acceptability concerning other free and equal moral agents and the polity's legitimacy. In this sense, the philosophical grounds for the "constitutional glue" that keeps us together in the political arrangement concerns a set of norms through which we are better off enjoying our freedom as equal citizens.

As Chapter 2 alluded to, the liberal solution to the problem of the color line with civil rights and implementation of lawful regulatory changes to affect social redistribution. Dominant policy-making stirred by race-liberal tenets addressed racial discrimination as a moral issue whose illness should be eliminated with affirmative action and integration policies. The polity issued the legal recognition of Blacks' equal moral status and set inclusion policies into motion to cope with disparities and maldistribution of social goods resulting from restrictions and discriminatory practices. Anti-discrimination programs constitute glaring examples

designed for social redistribution. President John F. Kennedy signed Executive Order No. 10925 in March 1961, establishing the Committee on Equal Employment Opportunity.[1]

> SEC. (311). The Committee *shall encourage the furtherance of an educational program* by employer, labor, civic, educational, religious, and other non-governmental groups *to eliminate or reduce causes of discrimination in employment on the grounds of race, creed, color, or national origin* (emphasis added).

Preferential treatment policies consist of institutional mechanisms to correct structural harms and forms of historical injustices against specific people by making efforts to provide members of discriminated groups with education and employment opportunities. Enactments and governmental tactics to ensure nondiscrimination of "race, creed, color, or national origin" are the starting and chronological point of reference for state-ordered measures to take affirmative action in employment, education, and housing. Institutional remedies of that kind are aimed at correcting failures of equality of opportunities for groups historically excluded based on race, gender, socioeconomic conditions, forms of disability, and systemic forms of disadvantage. Reason-giving for the constitutionality of reparation has been extensively discussed since the bill's enactment in the 1960s. Of course, countless complications of these public policies have sprung up since their implementations. Controversies in public reasoning and group interests were always at stake. Nevertheless, race-sensitive remedies endured fierce criticism and significant changes in public reasoning stirred by the dominant ideology, as the 1978 Bakke decision paradigmatically illustrated (Chap. 3). The disputes about the constitutionality and moral validity of affirmative action shifted the attention from the profound question of whether affirmative action made sense to redress the pervasive injustices tied up with systemic racial inequalities.

Numerous critics have pointed out the limitation of liberal inclusion via various forms of redistribution of rights and opportunities. Iris Marion Young's *Justice and the Politics of Difference* (1990) represents a memorable example of such critiques. Young underscores how the distributive paradigm of social justice, concerned with reallocating goods, disregards the persistence of oppression and domination in social organizations and political practices

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[1] Notice that the Executive Order of Affirmative Action reinsures the enactment of full inclusion pointed out before, as it reads in the following. "SEC. 203. The policy expressed in Executive Order No. 10590 of January 18, 1955 (20 FR 409) concerning the exclusion and prohibition of discrimination against any employee or applicant for employment in the Federal Government because of race, color, religion, or national origin is now reaffirmed." For the complete text, see https://www.presidency.ucsb.edu/documents/executive-order-10925-establishing-the-presidents-committee-equal-employment-opportunity, last retrieved on May 12, 2021.

mirrored in public institutions. Young's normative proposal to critically illuminate the pervasive marginalization of minority groups accentuates the restructuring of power dynamics, giving voice to members of marginalized and excluded groups.

Many other scholars have reiterated Young's critical stance. Nancy Fraser, for instance, asserts that critical responses to the causes of injustices should be more radically conceived, aiming to transform basic economic structures and be attentive to societal patterns of representation (1995). The liberal conceptualization of freedom with clear resonance in the free market constrains such a utopian project. To understand the problematic conception of equality of opportunity framed in affirmative remedies, one needs to take a step back to recall how the US government issued laws reactive to social injustice caused by racial discrimination without jeopardizing the economic structure.

Within the black thought tradition, many critiques of the limitation of (race) liberal normative plans and suggestions rooted in legal enactments and integration also abound. Most significantly, advocates of Black Nationalism argued for more autonomy, self-determinism, self-sufficiency, black enterprise, and black pride. A core idea was that racism kept Blacks from social success and economic flourishment. Marcus Garvey and Malcolm X's philosophical ideas, for instance, have shaped convictions and action programs to fight "political oppression, economic exploitation, and social degradation" that impede (US) African Americans from true liberation (cf. Malcolm X, 1964, p. 365). Furthermore, intellectuals and social activists related to Black Nationalism took issue with integration guidelines. In their view, integration prevented Blacks from realizing the need to proactively seek political power, economic infrastructure, and social institutions that could empower Blacks. The subsequent chapters dig into further issues related to unfolding this contesting discourse.

Although many political activists celebrated the impact of civil rights acts and anti-discriminatory social programs, others insisted that just implementing group-based laws and reparation policies to redress injustice caused by racial subordination would not solve the persistent problem of the color line. Many black nationalists were fiercely critical of promises of social improvement for Blacks in the 1954-1968 civil rights legislative era. Malcolm X memorably implied that civil rights bills were strategic maneuvers to keep Blacks from demanding economic equality and achieving liberation. The guarantee of equality of opportunity through civil rights represented an ideological template to brainwash (US)

African Americans from striving for economic equality. After all, the scarce allocation of rights does not necessarily involve a change in social relations embedded in complex sources of injustices, nor do civil rights enactments disturb the structures and institutions that uphold white privilege.

Civil rights fail to question the material conditions and ideological narratives underlying pervasive inequities that harm racialized groups. Furthermore, the historical retrospective of hegemonic discourse in the liberal framework from race liberalism up to colorblind liberalism exhibits how dominant public spheres and public reasoning shifted the discussion of the roots of the chronic and systemic racial inequality and the accountability of racial justice to moral disagreements about the constitutionality of race-sensitive programs. Civil rights acts and public policies eschew raising questions about how social privileges attached to intersecting structures and power dynamics harm minority groups and reproduce injustices. Instead, preferential policies sparked controversies about moral justification and constitutional validity.

The course of events and court reasoning led to policy development that separated from its initial goal of redistribution and, ultimately, the extinction of race-based admission.[2] Critics in black thought traditions were sure that the ideological force of conservative liberalism steers the discussion from the moral justification of social remedies to cherished individualist principles and values. That was the case of affirmative action in higher education, whose court verdict in 1978 was that the Bakke decision reasoned colorblindness, formal equal status, and merit.

Although preferential treatment in college admission was initially conceived to redress past discrimination and promote social redistribution, the post-Bakke blueprint rearranged the policy rationale within the scope of competitive economic rationality. In short, the constraints of dominant reasoning overweighed by conservative or market-led interests have forcefully reshaped the admission procedures and the policy goal, as successive court decisions on affirmative action in higher education have shown – e.g., Grutter v. Bollinger, 539 US 306 (2003) and Fisher v. University of Texas, 570 US (2013), see Chap. 3 above).[3]

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[2] A recent Supreme Court decision, on June 29, 2023, announced the ultimate unconstitutionality of race-based admission on the basis of its violation of the 14th Amendment, Equal Protection Clause.

[3] Without considering a myriad of sources of inequality that might impede successful graduation, the logic of affirmative action focused exclusively on end performance leads to reductive policy assessments. In that sense,

With the prevalence of the dominant use of logic and formalism in legal reasoning ruling the interpretation of the equal protection clause (cf. Bell 1992b: 365), two problems in the liberal streams of thinking are worth noticing. Firstly, the misleading equivalence of moral equality of every person with procedural rules to treat each moral agent equally stays in the foreground. Regarding this issue, Iris Marion Young writes perspicuously:

> Identifying equality with equal treatment ignores significant differences in social position, division of labor, socialized capacities, normalized standards, and ways of living that continue to disadvantage members of historically excluded groups. Thus, commitment to substantial equality requires attending rather than ignoring such differences (Young 2004: 80).

Secondly, the ideological justification for propriety rights and individual rights of the liberal order also deserves attention. The scrutiny of the perpetuation of wealth over generations represents a fundamental matter in moral questioning of fair grounding within the existing system underlying liberal norms, principles, and jurisprudence. By upholding the formal interpretation of equal moral status, the existing system must know how historical processes and economic structures vigorously produce long-term inequalities across racial groups. A descriptive glimpse of reports and effects of the disadvantages inflicted by systemic exclusion reveals complex dimensions of the roots of systemic racial inequality.

The most obvious one concerns that institutional racial domination of slavery and Jim Crow laws inhibited people of color from civil rights and full participation in political, social, and economic spheres. The racist domination system had ramifications on the constraint of individual rights and parity of participation. Indeed, civil rights legislation declared *de jure* racial discrimination unconstitutional. Moreover, the US government issued anti-discrimination laws and restitution programs. Nevertheless, the inclusion in the scope of rights and the group-based entitlement to social goods do not suffice to ensure better conditions without the direct participation of virtual beneficiaries in drafting norms and regulations to which they are subordinated. I will return to this matter afterward in the next section.

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nonachievement counts either as a personal failure or a setback of the policy design. Chapters 3 and 4 address the stake of the fairness of affirmative action (to provide access to opportunities through group differentiation), which is a poignant issue for ideological disputes in legal reasoning, whose court decisions led to a substantial change in admission procedures and the policy goal of replacing the inclusion goal with diversity. That policy restructuring benefitted market-led interests while diminishing the enrollment rates of the worst-off candidates (see Chap. 5).

The second pattern within the procedural system represents a normative challenge to rethink justifiable criteria and feasible problem-solving within the liberal matrix. The constitutional right of wealth transfer illuminates a major element in the roots of the racial wealth gap. Generational wealth constitutes a crucial structural disadvantage inherited over time at the bottom of the vast wealth disparity between white and black households.

A radical thought roughly embodies the need to rethink the legitimacy of property rights in the liberal economic and social order rooted in a staggeringly unequal wealth accumulation, whose perpetuation over generations is protected in constitutional laws. The reflection here, of an eminently philosophical nature, concerns the problematic constraints of moral justification of constitutional guarantees and the fact that constitutional clauses uphold historically shaped injustices and privileges. The same liberal constitution that safeguards precious individual freedom perpetrates capital that continuously looms over time through property rights. In other words, the exploitation of resources and enslaved labor in the colonial period produced a long legacy of wealth accumulation which perpetuated over generations through a myriad of ways, from constitutionally warranted bequest (cf. Fifth Amendment of the Constitution of the United States of America) to capital dynamics and economic relations on a local and global level.

In terms of economic standing, property rights ground enduring patterns of wealth accumulation, opulence, and proliferation in a long past that often remains abstract on today's horizon. Pondering the imperial period of world hegemonic powers in the global north, David Harvey reminds us of how racism legitimated "accumulation by dispossession" of "inferior peoples" (2003: 45). The gist of Harvey's historical consideration is crystal clear: wealth accumulation has happened at the cost of exploitation.

All these reflections may imply moral grounds for the constitutionality of group-based laws and reparation policies, such as affirmative action, as many egalitarians argue (see Anderson, 2000; 2002, Nagel, 2003; Pogge, 1989; Shelby, 2016, pp. 32f). On the other hand, the historical examination of wealth accumulated through exploitation and exploration may lead us to conclude the inadequacy of social policies to redress racial injustices rooted in guaranteeing rights and opportunities that have not altered the economic patterns and societal arrangements that consolidate social marginalization. The legislative inclusion of Blacks and, later on, other excluded minorities did not prompt the transformation of institutional and structural blueprints at the bottom of pervasive inequalities in the color line.

Instead, legal recognition and social equity programs accommodate US African Americans' demands within the existing system undergirded by cherished individualist norms and values without taking a critical stance on enduring causes of power imbalances and socioeconomic inequalities in the liberal capitalist order. Wealth transfer constitutes one factor in the reproduction of the racial wealth gap. In addition to generational wealth, historically rooted discriminatory banking services have long shaped the racial wealth gap. By the 1950s, bank agencies excluded Black participation in wealth accumulation entangled in banking services. Systematically excluded from banking loans and mortgage lending to afford home ownership and increase wealth, Blacks could only store their earnings with small saving interests (Baradaran, 2017, chap. 4).

Indeed, 1960s civil rights outlawed *de jure* discrimination and proclaimed a set of provisions to ensure Blacks' citizenship and enhance opportunities to participate in the education system and labor market. In that manner, state response to black activists' demands accentuated rights attuned with rationalized procedures and assumptions that reparations for the wrongs of the centuries of enslavement and the Jim Crow laws would help US African Americans get on their feet. Blacks had rights and special leg-up measures for the US government and public officials to improve their social mobility opportunities, economic status, and civic and political participation.

In conceptual terms, the constitutional entitlements virtually suggested the recognition of equal dignity in legally binding terms. Notice that President Lyndon Baines Johnson, in the 1964 signing speech, referred to the piece of legislation reiterating the scope of liberty in not restricting anyone's freedom "so long as [s]he respects the rights of the others" (apud Darman 2014: 37).[4] Although 1960s legal reforms finally resumed the unfulfilled promises of the Reconstruction Era (1865-1877) to redress the inequities of enslavement and racial subjugation in economic, political, and social spheres, tangible changes in the living conditions of most Blacks did not occur.

In the face of diverse voices in the development of the Civil Rights Movement adopting the language of rights and endorsing integration ideals, legislation and policy-making advanced in the 1954-1968 civil rights era harnessed efforts of civil rights leaders and associations into

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[4] In LBJ's words, "The purpose of the law is simple. It does not restrict the freedom of any American, so long as he respects the rights of others. It does not give special treatment to any citizen. It does say the only limit to a man's hope for happiness, and for the future of his children, shall be his own ability" (apud Darman 2014: 37).

social engineering grounded on inclusion and integration. The quest for liberation and unmarked citizenship could not rest. To put it bluntly, equal citizenship for Blacks was framed in the mere concession of a set of rights and social policies that would supposedly engender equity and opportunities. The expectation behind the hegemonic ideology, whose plan of action was not to disturb the principles and structure of property relations, was that US African Americans would, in the long run, eventually catch up in the existing social order.

The 1960s civil rights acts did not bother the principles of property rights and profit rate on which the economic and social order of the US American liberal capitalist democracy is grounded. Nor did affirmative action implementation equip virtual beneficiaries with tools to preserve the redistributive policy goal. Without raising fundamental questions about how injustices in the color line perpetuate, the conception of equal citizenship remained tied up with legal provisions of anti-discrimination law and affirmative remedies. Affirmative college admission turned into a rationale that supplanted the initial aims and goals of inclusion and social equity. Court reasoning reshaped race-based programs to serve diversity. As a result of the case verdict, the reshaping of affirmative action in higher education created a proxy for market-enhancing interests.

What enabled this shift in race-conscious affirmative policy? Besides the elite group's influence on public reasoning, the heavy weight of conservative court reasoning was strongly expressed by Lewis Powell Jr. deliberating against the redistributive goal. Furthermore, one feature that made possible the inflection in the law constrained by the court reasoning in the Bakke vindication was *the isolation of race* from other intersectional factors underlying injustices. Dominant principles focused on group-differentiated rights and integration as the normative blueprint to eliminate discrimination. With the corrective purpose of tackling racial injustice, civil rights legislation and policy-making strongly shaped by race-liberal tenets paved the way to isolate race from other social disadvantages, disfranchising mechanisms, and economic inequality sources. This complex entanglement of intersecting forces and overlapping structures perpetuates the pervasive reality of poverty and scarce resources that disproportionally affect racialized groups, particularly Blacks (cf. Bobo 2012). This severe source of harm has remained hidden behind the curtains of liberal inclusion through anti-discrimination laws and affirmative action programs.

In this respect, I have alluded to how many liberals frame the cause for inequalities as a class matter that subordinates Blacks and other racial groups, including the white working class (cf.

Edley 1996).[5] The entanglement of race and class at the heart of the ingrained inequality in black communities has been a point of contention. In the case of racial subjugation suffered by (US) African Americans, other systemic factors played a role in perpetuating exclusion. Economic subordination was upheld even after attempts in the 1861-1865 Reconstruction Era through legal and institutional racism. Blacks were forbidden to enter the labor market. The political economy after the Reconstruction shaped sparsity and penury, pushing formerly enslaved people to labor supply of Great Britain's cotton industry. As Mehrsa Baradaran in *The Color of Money* puts it,

> By the end of the Reconstruction era, most freedmen were left landless, voteless, and with practically every profession blocked to them - their only choice was to grow cotton. Of course, that was the point. The world cotton market, headquartered in Great Britain, heavily depended on cheap and abundant cotton from the United States. The global web of cotton merchants that connected capital and trade through Liverpool, New York, Chicago, Paris, and Georgia had been closely following the turmoil of the Civil War (2017, p. 19).

The parallels in the history of the two legal reform periods are interesting. The 1861-1865 Reconstruction Era and the 1954-1968 civil rights legislation period are marked by overemphasizing legal entitlement. While the "central legacy" of the Reconstruction has been remarked on by the lack of economic opportunity (Gates, 2012, p. 7), the civil rights period indicates the uncanny repetition of legal entitlements and the chimeric promise of social change. Civil rights legislation failed to pave the way for Blacks to achieve the long-wished full citizenship and liberation without concerning the complexities at the heart of systemic racial inequality. In any way, I do not want to essentialize the normative direction that the 1954-1968 civil rights legislation and set of policies have taken. Instead, this note merely seeks to underscore a key aspect at the heart of the blueprint of the civil rights legislation period: The firm belief that drafted anti-discrimination laws and redistributive means, such as affirmative programs to forge equality of opportunity would successfully solve the problem of the color line.

The enthusiastic approval of legal reforms to ensure equality of opportunity for Blacks and, later on, members of other minority groups missed black social movements' demands to rethink institutional arrangements and prompt radical critiques advocating for the allocation of resources in black communities. Moreover, civil rights legislation failed to address crucial matters at the bottom of the pervasive racial inequalities and injustices.

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[5] This same thinking has equipped scholars to contend that the common interest of fighting capitalist oppression unified different groups in left ideologies (e.g., Gitlin 1995).

The firm belief that Blacks would reach full citizenship and liberation through civil rights enactments remained incomplete. Recall that race liberalism constituted the leading ideology in terms of a body of concepts, beliefs, and policy assertions to make sense of the solution to the problem of the color line. Essentially, racial discrimination has been pinpointed as the cause of ongoing injustice and inequality that had constrained members of racial minorities throughout history. Race liberal hegemony took over public reasoning and wielded enormous influence in drafting laws and social programs in the civil rights era. Public reasoning grounding civil rights legislation thought segregation was evil and that integration would solve the problem.

This section contends that race-liberal hegemony in drafting laws and social programs in the civil rights era obscured the complexity of the problem of the color line. The core of the matter at stake lies in the interpretation of racism. Segregation and racial discrimination in institutional channels have endemically shaped black racial subjugation in the history of the United States of America. What was at the heart of legal constraints, endemic segregation in public services, and discriminatory practices that held Blacks back from liberation since the enslavement abolition throughout Jim Crow laws? Race liberalism, among other normative views within the liberal framework, contains the source of the racial divide and, thus, the problem of the color line as a moral issue. The problem of racial discrimination in an amalgam of public institutions, private enterprises, and interpersonal relations between Blacks and whites lies at the heart of whites.

Contrasting this view, the critique of racial hierarchy holds that racism works as a significant underpinning of capitalist society. The acknowledgment of racism in terms of power bears the potential to unmask how privileges had been historically constructed and remain hidden behind innocuous categories of colorblindness, merit, and equal moral status. The conceptual framework in the unfolding of critical race theories illuminates the blind spots left by race liberalism and the firm belief in the law that once legal racism was officially outlawed and anti-segregation policies were issued, the illness of racism would fade. More fundamentally, the conceptualization of racism in terms of power illuminates the complexity of the color line

problem, redressing its persistence and unraveling the ideological mechanism that covers the privileges.

The simplistic assumption of citizenship as a civil and political right and the interpretation of racism as unwillingness to accept Blacks as equals in the social order has proved deficient in grappling with the intricate nature of the problem of the color line. Indeed, overt racist attitudes constitute part of what upholds systemic racial injustice today. Yet deprivation of resources, deplorable public services, and lack of economic opportunities are the main explanations for the historical perpetuation that cemented structures and consolidated cherished individualist values. The unfolding of critical race theory-making and political activism opens up a horizon to unravel the entanglements of racism and capitalist exploitation. This section introduces the first step toward a critical race conceptual framework.

I begin by recalling the core argumentation of race liberalism, as mentioned in previous chapters. Essentially, race-liberal reasoning framed racism as a moral issue destabilizing society and alimented dissatisfaction among racial and ethnic groups. For example, Economist Gunnar Myrdal's extensive empirical research in *An American Dilemma* (1944) underscored attitudinal behavior and beliefs as significant features at the heart of racial inequality in the United States. Convinced of moral conflict at the heart of white US Americans in refusing to consider that Blacks could merge into the national culture, institutions, and civil society, Myrdal focuses on intentionally prompted racist actions and the conflictual elements for both individual Blacks and whites. Myrdal refers to the "fixed boundary" impeding Blacks from entering the competitive economy and accessing public services without the marked group belonging. Skin color constitutes a "fixed boundary" distinguishing Blacks from other lower-class groups deprived of certain social goods. Myrdal terms "white man's theory of color castle," which legally hinders miscegenation and interracial marriage.

> "*The attitude of refusing to consider amalgamation - felt and expressed in the entire country - constitutes the center in the complex of attitudes which can be described as the 'common denominator' in the problem.* It defines the Negro group in contradistinction to all the non-colored minority groups in America and all other lower class groups. The boundary between Negro and white is not simply a class line which can be successfully crossed by education, integration into the national culture, and individual economic advancement. The boundary is fixed. It is not a temporary expediency during an apprenticeship in the national culture. It is a bar erected with the intention of permanency. It is directed against the whole group. Actually, however, 'passing' as a white person is possible when a Negro is white enough to conceal his Negro heritage. But the difference between 'passing' and ordinary social climbing reveals the

distinction between a class line, in the ordinary sense, and a caste line" (Myrdal, 1962 [1944], p 58, emphasis in original)

Myrdal dives into reports and social analysis to map interracial behavioral attitudes and ultimately pledges to how integrative policies could deconstruct the *color caste line*. This core of race-liberal ideology, advanced by intellectuals and disseminated in public opinion, believed that the problem would be solved once discriminatory practices were removed. Integration guidelines would remedy the color cast line and redress the problem of systematic policy exclusions, job restrictions, precarious housing conditions entrapped in coded mapped regulations of redlining, and school and public facility segregation that obstructed economic integration of Blacks and communities of color.

Race liberals and advocates of integration blueprint to enable Blacks and other racial and ethnic minorities to attain upward social mobility presupposition within the assumption that laws and, eventually, the enforcement through state apparatus implied that race-conscious enactments to ground civil and political rights would solve racial injustices. The Civil Rights Act of 1964 established voting rights, desegregated public facilities and education, nondiscrimination in federally assisted programs, and outlawed employment discrimination, creating the Equal Employment Opportunity Commission.

In short, legislation and social policies in the wake of the 1954-1968 civil rights legislation banned racial discrimination and legal exclusion, thereby emphasizing integration principles and policies to cope with the bitter reality of racial injustice. The central vision of race liberals and others convinced by integration, including segments of the Civil Rights Movement – I mentioned Martin Luther King's rhetoric widely present in his preaching and activism, at least before the 1964 civil rights enactment, for King openly reassessed his optimism short before his assassination –, seem to have trusted the promise that government efforts in the Blacks' civil and political inclusion would eventually suffice to establish social equality.

Two elements underlie the failure of interpretation of the problem of the color line. The core explanation of racism was the moral unwillingness of whites to accept Blacks and browns as social equals. Furthermore, race liberals and government agencies fervently believed in the strength of law and integrative policies to bring about far-reaching social change. Strong confidence in the transformative power of the law characterized the rhetoric and optimism of actors involved in the negotiations before the Civil Rights Acts came into force. Civil rights

and social redistribution regulated by anti-discrimination laws and agencies would undermine the deep-seated anti-amalgamation and enhance social upward mobility of (US) African Americans and other racialized minorities.

Undoubtedly, there is a moral aspect of racism in its numerous manifestations across the US American society. From racial segregation and discriminatory practices in legal regulations, labor market, and maldistribution up to overt violence in lynching and police brutality, one can indeed regard *willingness* to accept Blacks and members of racialized communities in social texture. However, racism hides immense complexity rather than typical dictionary entries on racism used to express: "the belief of inherent superiority of whites over Blacks and other racial and ethnic minorities" or "prejudice, discriminatory behavior and attitude that foster the belief of racial superiority."

Understanding racism solely from a relational prism molded by moral disposition and psychological traits of individuals or social groups fails to critically scrutinize confluent forces and systemic mechanisms and processes that engender unequal access to power and resources. To advance the discussion about racial justice, one needs to expand the understanding of how racism operates and how forms of subordination have been maintained, notwithstanding the progress in legal reforms in the 1954-1968 legislative civil rights era.

Despite the improvement in outlawing legal discrimination, Blacks still experience gross injustices, to which the US American democratic polity looks the other way. The second matter that undermines the belief that Blacks have achieved unmarked equal citizen status with the Civil Rights concerns the discrepancy of normative promises of public institutions to its black citizens and communities of color. Race liberalism tenaciously purports the US social and political institutions' capacity to live up to their normative principles. Besides the complicity in maintaining economic subordination, US American public institutions inexplicably still distress historically excluded groups, particularly Blacks. The discrepancy of public units accounted for maintaining justice for all their citizens and their normative foundations reminds us of the insincere nature of public institutions when we pay attention to how police brutality keeps extreme forms of racism.

In 1852, Frederick Douglass shrewdly hit the hypocritical reality of US American public institutions in his memorable speech "What to the Slave is the Fourth of July?" Douglass denounces US American shame for enslavement in the face of the foundational commitment

to liberty and the pursuit of happiness. Normative foundations of public institutions cannot be split from the historically developed domination system. Although the legal reforms and social engineering underlying the 1954-1968 civil rights legislation represented gains in the quest for equal citizenship, the conceptualization, public reasoning, and policy-making fell short of reckoning with many elements of what constitutes racial injustice. Douglass' reflection about the meaning of the July Forth for enslaved people today remains vivid for descendants of enslaved people. The perpetuation of systemic racial inequality in wealth, education, jobs, and health care and the barbaric police-perpetrated killings show how the United States of America is failing its ideals.

What is necessary to unravel the intricacies of this discrepancy between the lawful-binding expected equal status of all citizens and the violation of rights that shapes black lives in the United States of America? Blacks hold a different status despite constitutionally guaranteed equality, despite attempts to justify the hypocrisy of public institutions. How can we make sense of the systemic racial inequality that remained despite the dream and advances following the civil rights era? In order to unravel the intricacies of ingrained inequalities associated with race, social critique needs to explore racism beyond the prejudice paradigm and, thereby, develop a conceptual framework capable of wrestling with the complexity of the problem at stake: the perpetuation of the problem of the color line in various domains.

5.3 The Epistemic and Political Edge of Critical Conceptualizations about Racism

The election of Barack Obama in 2008 sparked the narrative that the United States of America entered now a post-racial era. Although the first black president meant the backdrop for the narrative of post-racialism (Bobo, 2011, p. 6f), the harsh reality of pervasive inequality and habitual injustices has become common for black lives.[6] Thus, revising the permanence of racial injustice constitutes a must-go stage to evaluate the level and pace of any change since

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[6] Lawrence Bobo confronts the ideological narrative of post-racialism, providing a lucid formulation of the concept and the problematic repercussions of the imaginary picture following Obama's election. In Bobo's words, "[a]t its simplest and least controversial form, the term post--racialism is intended merely to signal a hopeful trajectory for events and social trends more than an accomplished fact of social life. It is something toward which we as a nation still strive and remain guardedly hopeful about fully achieving" (Bobo, 2011, p. 6).

the civil rights era. In this discussion, activism, and theory-making have been wrestling with how racism operates beyond the relational prism. This theoretical conceptualization in a heterogenous fashion paves the way for social critique and political visions that can rejuvenate social-emancipatory goals of grassroots movements, including radical segments of the Civil Rights Movement, ignored down the road in the 1964-1968 civil rights legislation ruled by the moral and cultural hegemony of racial liberalism.

With this in mind, this section stresses the conceptual advantage and the political implications concerning how racism operates within structures, organizations, and processes, causing habitual disadvantages to Blacks and other racial and ethnic minorities. The epistemic gains of the conceptualization of racism beyond the bigotry mode, that is, that form of racism perceived between social actors, illuminates how economic harms, powerlessness, and social standing come to exist and have perpetuated as a nightmare in the wake of the dream of civil rights era. What follows spells out what constitutes structural racism. In the wake of widespread discussions prompted by social movements reactive to the painful reality of racist police brutality, various public spheres have drawn political opinion to the peer concepts of systemic and structural racism. This section addresses this conceptualization. The follow-up argumentation concluding this chapter provides an empirically-based example to illustrate the conceptual claim.

Structural discrimination occurs in different ways through various avenues that ultimately cause harm and chronic disadvantages. Segregated schools, redlining logic to restrict residential areas, disproportional criminal justice records, and poor education are manifestations of ingrained injustices that affect Blacks and other powerless racialized groups. The conceptual framework of structural racism has been introduced in black political activism and political ideology in addition to academic knowledge production across African studies and social sciences.

According to the conceptualization, a web of institutions, regulation processes, and cultural practices in a broad social spectrum operate dynamically in interactive and interconnected ways that have historically reproduced disparities and permanent marginalization of certain racial groups. In other words, the argument advances the analysis of how systems and social domains (i) each with its circumstances and inner logic and (ii) interacting with other spheres and institutions act, producing successive disadvantages for vulnerable racial and ethnic

minorities. The manifested asymmetries are visible in several sectors of society through constant mechanisms that interactively buttress poor conditions and structural forces.

Let me pithily discuss an interconnecting force in education, the factual subject matter addressed in part 2 of this dissertation, to illustrate how structural and systemic racism occurs even without the active nor intentionally motivated agency of racist actors. Of course, a range of components condition school standards and infrastructure. Notably, economic policies that shape residential areas bear perfidious effects over numerous public services and infrastructure, including education quality, to which ghetto residents have access. Residential segregation started in government programs, whose legal racism excluded US African Americans.

The most significant legal discrimination excluding Blacks happened in the 1933-1938 New Deal economic and social programs in response to the economic shock following the 1929 stock market collapse. New Deal government policy to manage real state investments and loan regulations coded city districts, creating residential security maps to ensure that detrimental neighborhoods would not get loans and subsidies. The ideological justification was that residents of dangerous areas were prone to mortgage default. Redlining was born, and with residential segregation, a series of obstacles that systematically kept Blacks and other minority groups marginalized.

Residential segregation has traces in the past but continues now and systemically sets the contours for various disadvantages and marginalization. The following pages refer to redlining and its perfidious consequences on education. With the outlawing of legal discrimination in real state business, the Civil Rights Act of 1968 opened up the hope and prospects to solve the problem of residential segregation. Legal discrimination in housing policies was now forbidden, enabling black homeownership. The Fair Housing Act of 1968, 42 USC 3601 et seq.,

> Prohibits discrimination by direct providers of housing, such as landlords and real estate companies, as well as other entities, such as municipalities, banks or other lending institutions and homeowners insurance companies whose discriminatory practices make housing unavailable to persons because of race or color, religion, sex, national origin, familial status, or disability.

However, the redlining system persisted even after the Fair Housing Act. Redlining districts profoundly affect the future of residents, predominantly Black and Latinx communities.

Impoverished school conditions frequently draw scarce opportunities for upward social mobility and economic improvement. The interplay of race and poverty visible in housing segregation still causes adverse effects on family wealth, health, access to public services, education, and other spheres. The interlocking force underlying racial inequality does not mean that racial subjugation can be reduced, nor that it is a mere instrument of class exploitation. Instead, domination in the racial line persists via the economic nature of housing segregation embedded in wealth, income gap, and district infrastructure. Despite the outlawing of legal racism in the 1968 Fair Housing Act, patterns of exclusion persistently continue.

Before continuing the commentary about the Fair Housing Act's failure to ensure equal opportunity and the systemic nature of racial inequality, I shall shortly deviate from the subject and underline a short remark about the *intertwined relationship between class and race*. Critics, social movements, and political organizations have seen the intertwinement of race and class subordination in distinct manners. I would rather avoid diving into a detailed analysis of the philosophical debate of the complex relationship between race and class, as I draw on this subject matter elsewhere (see Borges 2024b). Nonetheless, I cannot dodge mentioning this topic. The complex connection can be seen in the interconnection of forms of domination and the historically situated nexus of expropriation and persistent exploitation mechanisms.

The philosophical exchange between Michael Dawson and Nancy Fraser equips us with insightful thoughts about the link between racial and class-based subordination. Dawson sees in the logic of racial expropriation an "*intersection* of racial domination, patriarchy, and capitalist exploitation" (Dawson, 2016, p. 144, emphasis in original). Reading Habermas' claim in his book on the *Legitimation Crisis*, Dawson understands a crucial co-relation of three systems of domination: capitalist exploitation, patriarchy, and white supremacy.[7] In this sense, the state's power supports the interpellation of systems of domination that formed the existing capitalist social order. Dawson makes the case that a legitimacy crisis can arise once the state's power undermines the stability of functioning systems underlying the status quo not only of market capitalism but also of patriarchy and white supremacy. To support his argument, Dawson views the legitimacy crisis in the emergence of nascent movements in

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[7] Habermas essentially argues that once a capitalist system of production reaches stability, the state's power assumes the function of "shielding the market mechanism from self-destructive side effects" (1973, p. 21).

poor black communities "that are increasingly suspicious of the neoliberal privilege that black elites and their organizations have substantially, sometimes eagerly, embraced" (Dawson, 2016, p. 145).[8]

Now, let me return to the Civil Rights Act's shortcomings, particularly considering the 1968 Fair Housing Act. The continuing pattern of inequality after the Civil Rights Acts shows how distinct conditions of generating capital associated with race remained unaltered through systemic logic (cf. Borges 2024b). Decades after the enactment, old housing policies still impact the current configuration of school quality, affecting equality of opportunity in myriad ways. Despite legal recognition of US African Americans in the Civil Rights declared overt racism in legal property contracts against the law, novel institutional and systemic forms still propel inequalities along the color line. An enormous economic disparity between Blacks and whites constrains black children's academic achievements despite the legal entitlements of the 1960s Civil Rights Acts. A reason for constraints on equality of opportunity has its roots in the economic scope determined by the internal functioning of the city administration, that is, grounds other than personal efforts reiterated in the meritocratic perspective (as Chapter 4 alluded).

The 1968 Fair Housing Act outlawed racial discrimination and coercion in the sale and rental of housing. Nevertheless, the political policies failed in law endorsement, and a set of economic reasons still enabled racial steering, directly and indirectly, the allocation of Blacks and other racialized groups, such as Latinxs, in poor neighborhoods. A disturbing conundrum stayed in the foreground. Why did segregation remain despite the gains of the civil rights legislation to encourage equal housing opportunities regardless of race, ethnicity, religion, or national origin? The response to this disturbing question is twofold in the economic structure and political decision-making. Economic and race-related grounds still play a role in the persistent structure of segregation and inequality through the color line.

A blunt and easy-to-grasp factor of the flawed policy of integration politics was the discrepancy between formal law and institutional malpractice in the aftermath of legal implementation and institutional practices. The backdrop for a deficit in the political strategy

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[8] In the insightful exchange with Michael Dawson, Nancy Fraser (2016) illuminates crucial aspects of the discussion about the correlation between racial, class-based, and gender-related domination. Fraser discloses the constitutive role of racialized labor in capitalist society. She sees a systemic link between expropriation and exploitation and, essentially, argues that racialized subjection is the condition of possibility for the freedom of others in power (Fraser, 2016, p. 166)

can be historically traced to the exclusive and restricted focus on race without accounting for co-related factors and defaults in the policy implementation due to the race-liberal dominant view to deal with the problem of the color line.

The Fair Housing Act of 1968 represented the lawful warrant of anti-discrimination in housing policies. Since it is not my purpose here to offer a full historical reconstruction of the series of discriminatory policies that mapped segregation over the decades, I believe a short comment on the historical contextualization of housing policies a few decades prior to civil rights legislation and successive period of the Fair Housing Act might suffice. A brief review of how city development engendered by housing policies exemplifies how patterns of injustice in institutional configuration had pervasive outcomes in the intersection of race and poverty.

I begin with a glimpse into how US policy-making before the civil rights era secured a racialized housing system that, besides racial segregation, ensured inequalities in the crossroads of socioeconomic resources and black access to public subsidies. After the Great Depression, President Roosevelt designed a set of federal programs to bring economic relief and social stability. The 1934 National Housing Act (NHA) was part of the government's policies to expand the middle class. NHA designed the thirty-year mortgage and low-fixed interest rates to support people experiencing poverty in acquiring home ownership. The state sponsored the Home Owners Loan Corporation (HOLC), a federal agency developed to expand home-buying opportunities and avoid foreclosure, to avoid low-income people's mortgage default. The HOLC mapped out "residential security" in city districts, ranking neighborhoods in class-race terms to evaluate mortgage lending risk.

The ranking system graded economic resources and racial and ethnic background through a color gradation. Risky areas considered detrimental zones for low-class whites, "foreign-born" people, and, more significantly, (US) African Americans were deemed redline districts. Federal Housing Administration (FHA), an institution that is part of housing and urban development, hands over mortgage insurance on loans to approved lenders. FHA-approved lenders were designated through the color-gradation ranking system. Private lenders and real estate developers, notably the FHA, adopted the neighborhood rating system to provide mortgage assistance. In that logic, redlined neighborhoods considered economically and socially detrimental and prone to financial ruin received no capital investment.

The denial of mortgage insurance and assistance with a loan and a lack of investment in general terms in redlined neighborhoods culminate in a drop in property value and poor conditions. The crumbling buildings had a domino effect on redlined neighborhoods, notably populated by racial minorities. Crime increased due to impoverished infrastructure characterized by scarce public services such as transportation, health care facilities, and private services such as decent supermarkets and healthy food. All these problems, impinged by structural forces of policy-making and poverty, entrapped residents of redlined districts to economic and racial segregation.

In sum, new suburbs explicitly forbid selling houses to Blacks. Over generations, city development was overtly shaped by explicitly racist guidelines to cast out racial minorities from mortgage loan assistance through real estate policies and practices in the New Deal Housing policies. Furthermore, the new suburbs were designed with racially restrictive property contracts. Legal prohibitions, through race covenants, were passed to constrain Blacks from owning houses in white neighborhoods. The claim made in the concept of structural racism draws attention to essential dimensions for further discussions about equality of opportunity complementary to individual accountability and agency. Residential segregation constrained notably Blacks and Browns to neighborhood opportunities that were ultimately reflected in deplorable education and scarce prospects circumscribed by systemic forces and mechanisms.

The historical review of government housing policies since the New Deal made clear how the redlining mortgage grade system set by federal institutions in the USA confounded racialized groups into undercapitalized and segregated communities. Initially mapped in the city development, the entanglement of poverty and race engendered patterns of injustice in which the complex wealth accumulation, racial segregation, and political leverage have long prompted corrosive adversities for racialized ghetto residents.

The perpetuation of housing discrimination lies to some extent in recalcitrant practice in institutional channels. Well-documented data illustrates how government agencies rarely enforced anti-discrimination laws (Bonastia, 2004). The unfulfilled promise of integration rests on economic, political, and social factors. In economic terms, home ownership in certain areas was no longer affordable to Blacks after the Fair Housing Act banned explicit racial discrimination in housing. Residential mortgages and other housing policies kept

economically disadvantaged groups in contained geographical areas characterizing communities of color (Rose, 2013, p. 454).

Furthermore, documented evidence pinpointed efforts during Nixon's administration to dismantle "pro-integrative" housing policies. The weak institutionalization of the 1968 Civil Rights Act has been traced particularly to the non-acceptance of low-income housing. Sociologist Christopher J. Bonastia draws on archival data to demonstrate the conflictive relation between the interest in housing production and fair housing objectives during Nixon's term. Housing production using political leverage overweighed the interest of advocates for racial equality. In Bonastia's words,

> HUD's civil rights mission was usurped by the housing production mandate, thus making it difficult for the department's Office of Equal Opportunity (OEO) to resist political attacks aggressively. Housing production did not merely supersede the fair housing mission at times; it came into direct conflict with it. With Congress calling for massive increases in home building, the production staff wanted to avoid civil rights concerns gumming up the approval process (Bonastia, 2004, p. 40).

So, although the 1968 Fair Housing Act banned segregationist housing policies and any form of discrimination, the indifference of housing production staff in juxtaposition with political decisions made the anti-discrimination law ineffective. Blacks and other marginalized racial groups were pushed to spatial containment through other aspects in the application and implementation of policy-making. The law was passed at the end of Lyndon Johnson's office and was implemented during Richard Nixon's presidency. As a result of the novel form of redlining economically backed up by political support, whites took tax bases to predominantly white suburbs, which resulted in a depressing permanence of poverty and low-quality schools determined by tax-based investments in poor neighborhoods (Sharkey apud Bobo, 2011, 19f; Rose, 2013, p. 455).

The harmful effects of discrimination in the labor market (cf. Du Bois 2010 [1899], chap. 2, Section 1.1 above), the successive disadvantages of racial exclusion of public subsidies in the New Deal, the preservation of redlining residential areas, the non-enforcement of civil rights benefits after Nixon's office, comprise just a few historically situated systemic traces of enduring disadvantages in the color line that bear economic harms to Blacks and other racialized minorities up to the present.

Redlining and the follow-up outcomes of undercapitalized neighborhoods and racially segregated communities set the ball rolling for structural forces and patterns of injustices that pervade today. The institutionalized racism of real estate practices in the New Deal set the grounds for a long-standing system of tied relation between poverty and racial segregation, whose perfidious consequences remain until the present day in most big cities in the USA. Even after legal segregation was outlawed in the 1964 Civil Rights Act, ingrained inequality was perpetuated. There was a change in legal regulation. However, the intersection of system-related procedures and wrecked infrastructure, including poor schools and lack of opportunities, created a poverty trap. A hard trap that overwhelmingly catches most residents of redlining districts.

As a consequence, education, employment, and wealth remain segregated. Although legal discrimination in housing was outlawed in 1968, the harmful effects of the lack of opportunities characteristics of ghettos perpetuate the long-existing disparities between Blacks and whites. Unraveling continuing patterns in the economy helps us understand how inequalities in the color line have come to life and endured despite the legal progress in the Civil Rights legislation. The conceptual gain of unfolding how structural racism works unmasks the complex dynamics behind structural forces and patterns of injustices shaping present reality.

Two discursive views battle the front in explaining race reality in the USA today: colorblindness and structural racism (Bonilla-Silva, 2003, 2016; Rose, 2013). Advocates of colorblind ideology insist on a model of racial justice designed to eliminate discrimination and the belief in a colorblind meritocracy.[9] Embracing liberal institutional values such as the conviction on fair, neutral institutional practices and colorblindness would erase racial disparities "as people of color were shorn of their particularities and absorbed into race-neutral spaces" (Crenshaw, 2017, p. 2315).

Contrasting to colorblind ideology, conceptualizations of structural racism illuminate complex causes of worsening conditions of racial inequality. Structural racism constitutes the antithetical of colorblindness in the ideological battle in public spheres. The theoretical

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[9] Kimberly Crenshaw (2017) highlights that colorblind ideology embodied, to a great extent, the main narrative of the civil rights struggle, establishing what she terms the Civil Rights Establishment. The mainstream of the Civil Rights Movement reached the negotiations to draft laws and integrative programs in the 1960s legislation.

framework of structural racism exposes how systemic forces subject Blacks and other people of color to deplored material conditions.

In addition, the conceptualization of structural racism exposes the flaws of widespread common opinion about racial reality, an oblivious worldview (at best) shaped by a distorted perception of reality. This understanding obscures major elements that perpetrate racial systemic inequality and injustices. In this sense, the structural racism prism discloses the ideological toolbox utilized in discursive channels, mainly in mainstream public spheres, to create a marginalizing narrative of the culpability of black perpetrators to make sense of the high crime rates of the black population. Tricia Rose highlights a case example of a county prosecution whose strategy to make the case evades "the complex web of intersecting forms of structural inequality and discrimination that provide the crucial context for [the suspect]'s expressed motives (...)" (Rose, 2013, p. 452). In short, structural racism wrestles with the intricate nature of how racism operates within a rationale in systems that have been shaped in history and prolongs the pervasive effects of normalized discriminatory practices to historically excluded groups.

The pervasive inequality in the color line can be illuminated through close attention to the history of constant racist discrimination and present systemic factors maintained by intersecting forces in a free capitalist economy. The economic subordination of Blacks has been historically shaped by domination and coercion visible in racist legislation, overt oppression, and exclusion of public benefits. After the failure of Reconstruction, there was a period of penury of punitive policies up to the Civil Rights era.

Today, after anti-discrimination laws' inefficient enforcement and integrative social engineering pitfalls in Civil Rights legislation, economic factors such as financial regulation, insurance agencies, loans, banking, and housing investments still shape the systemic poverty of ghettos. The lack of investment in predominantly black neighborhoods due to the high crime rate and economic bankruptcy can be explained systemically. Although legal racism seized to exist legitimated by public reasoning, injustices and inequalities tied with other elements shape the opportunities of Blacks and other racial minorities.

Structural racism constitutes a framework of analysis that addresses the complex nexus of forces, processes, and dynamics not only on relational terms but, most significantly, through systematic interactions that bear effect upon power resources and, in some cases, shape many

disadvantages of racialized groups. Disadvantages in the systemic sense are measured not on merit-based logic of personal responsibility (cf. Rose 2013: 462f). Overall, the argument of structural racism assumes how the interconnection of intersecting social constraints affects the scope of agency of individuals.

In this line of thinking, the analytical edge of systemic racism concerns understanding the operation of structures, forces, and dynamics underlying racial subordination today in two vantage points. The first concerns the discriminatory system in which discrimination in one sphere is somehow interlocked. Factors together form a complex system in which the entanglement of structural forces perpetuates systematic disadvantages for Blacks and marginalized peoples of color.

Furthermore, the concept of systemic racism explains many reasons why race liberal theory and subsequent policies were molded and drafted by the hegemonic view of treating racial injustice through the racial-prejudice prism. Systemic racism works without necessarily being dependent on intentionally motivated racial discrimination. Racism, in that sense, can systemically operate at the intersection of a lack of resources and scarcity. The concept characterizes an analytical tool to examine how the interconnections between a network of institutions, areas of society, and a set of forces produce chronic and adverse outcomes for people of color. The conceptualization disentangles inequalities and disparities of racial groups resulting from injustices that pervade even after explicit racism sanctioned by Jim Crow laws was outlawed in civil rights legislation. Systemic means an effort to unravel interconnected relations of forces across different areas, such as education, criminal justice, wealth accumulation, housing, and the health system that disproportionately harms members of racial minorities.

In this manner, in historical terms, the structural and systemic racism approach demystifies the questionable assumption that the 1954-1968 civil rights era led to equality of opportunity for Blacks. The analysis of systemic racism sheds light on the complex junction of systemic mechanisms of disadvantages and constitutive factors of powerlessness identifiable in the race line. Such disparity between privileged white people and racialized minorities has pervaded despite the promising prospects of legal reforms in the wake of the 1960s civil rights enactments and policy-making.

The conceptualization of systemic racism constitutes, therefore, a framework for analysis of racial disparity resulting from the perpetuation of asymmetries in the race line legitimized by the dominant narrative of colorblindness and merit principles. Social theory committed to tracing the thread of systemic racism elucidates the grounds for the disparity in racial groups in diverse areas through the deep connection of system-related organization, institutional practices, and set of forces across social, economic, cultural, and political fields. In that sense, the analysis represents an antithetical claim to some versions of liberalism that argue for fairness of competition grounded on equal formal opportunity, colorblindness, and an individual-centered understanding of procedural justice.

This chapter has given insights into the reexamination of perils embedded in constrained thinking of the color-line problem framed in the hegemonic discourse of race liberalism in particular and in the enthusiastic faith in public policies ruled by liberal principles and individualist values, which perpetrates a range of inequalities. The legislation and state strategies to overcome the color-line problem failed to distinguish the continuing repercussions of racial disparities resulting from the economic domination of Blacks and other racialized groups in the liberal capitalist order.

The purported laws and mechanisms for including Blacks and ameliorating their social conditions were, in reality, limited in their substantive effects while reinforcing the maintenance of power asymmetries across racial groups. The reforms and the "mechanics" of the legitimate liberal order in the entanglement of private ownership with individual rights framed the social disparities between Blacks and whites due to racial segregation and deprivations related to the condition of the marginalized. The promising outlook of upward social mobility and equal participation in wealth and power was founded on understanding the equality of opportunity warranted by constitutional provisions and group-based programs. In reality, Blacks and browns remain economically subordinated.

After exhibiting the epistemic and political need to conceptualize racism on structural terms to dismantle its practical use in the perpetuation of social stratification and power maintenance, at this point, two questions emerge. The first one refers to the potential of converting social critique into emancipatory action. The second one concerns the pragmatist question of agenda-setting to draft problem-solving in the face of the relationship between racism and polity regarding policy-making, political decisions, and law-making, perpetuating inequalities that befall racial minorities. The subsequent chapters of this dissertation delve into these

matters in media res, that is, firstly considering an example of existing policy design to tackle the problem of racial inequality and, concluding, the ongoing development of models of critical theory of race engaged with the scrutiny of social institutions intertwined with racism and the perpetuation of racial injustices.

Critical race theorizations have prompted discussions about civil rights legislation and progress reinterpretations. More fundamentally, many theoretical enterprises question the permanence of inequality in the racial line as deeply intertwined with racism. The radical perspective has been carried out in heterogenous manners, whose backlash in public spheres and dominant legislators have characterized many intellectuals and activists as public agitators. Essentially, the unfolding of critical theories of race triggered some issues related to the long struggle for black emancipation.

The subsequent chapters address two questions regarding the dream of equal social standing and fulfilling the promised equality of opportunities. Firstly, the meaningful contribution of critical theories of race in reframing race and racism and, secondly, how the needs of blacks and peoples of color have been addressed in hegemonic discourse and policy-making, which roughly failed to include virtual beneficiaries in designing laws and programs. The subsequent chapter argues for a conception of radical democracy that enforces community-based organizations to claim bottom-up empowerment that carries the potential and rejuvenates hope to impede domination strategies in instrumentalizing endeavors of racial justice to ensure the interests of elite groups or market-led enterprises, as the post-Bakke affirmative college admission has shown.

6. The Rise of Critical Race Theories

The civil rights movement took the wrong turn in the legal enforcement of integration, neglecting the radical demands of sharing power and resources. Radical black visions have vigorously expressed that opinion across social movements, artistic expressions, and black intelligentsia. Despite divergences across the anti-integrationist spectrum, a call for a more substantial social justice attentive to pervasive disparities of resource and power in the racial line characterized a common trait in distinct channels and sites of public sphere activity.

Indeed, the quest for social justice constitutes a commonality in a comprehensive range of black political ideologies. I apply black ideology in the sense of worldview or constellation of ideas through which polity members arrange their understanding of the political world (Dawson 2001: 54). Following the legacy of W. E. B. Du Bois, Malcolm X, and political black ideologies, the rise of critical discourse about race and racism has become visible in diverse public spheres for its critical vitality and controversies. This chapter draws on the recent formation of critical race theories tied up with social critique and political activism in the black struggle for equal citizenship. What follows spells out the development of critical discourse concerned with how race plays a role in foundational institutions of the liberal constitutional democracy of the USA. It distinguishes the unfolding of a theoretical framework that questions the race category at the center of analysis to unravel the interlocking mechanisms and power relations underlying the systematic perpetuation of racial inequality.

Social critique of race and racism occurs in many channels and public spheres. Regarding knowledge production, the unfolding of critical race theories embodies what Antonio Gramsci once termed organic intellectual. Viewed in this line, insofar as critical theories of race are connected to social groups and, thereby, defend the interest of contesting a more radical interpretation of constitutes the problem of the color line, critical race theorists drive "an organic ideology," necessary for social actors to become more conscious of their struggle (Gramsci, Notebook 7, §21).

Discontent with the state response to civil rights demands proposed by liberals in the legal reforms and policymaking and even more radically disillusioned with the liberal framework to gauge freedom and equality for all members of the polity, critical race theories often advocate

for empowering agenda-setting to solve the persistent systemic racial inequality. Departing from a contrasting interpretation of liberal problem-solving in the wake of the civil rights era, what follows sketches a historical reconstruction of critical race theory in general terms and regarding the birth of the intellectual movement called Critical Race Theory.

The chapter proceeds the argumentation in four sections. Section one reviews two strands of thoughts in the aftermath of state policies and legal reform concerned with the problem of racial subordination in the civil rights era. It distinguishes a more accurate analysis of race as an instrument to legitimate social hierarchy and racism in structural terms (for a systematic overview, see Borges 2023b).

Section two lays out distinctions of critical race theory in a broad and narrow sense, considering the theoretical and activist legacy in a black thought tradition that aims at revealing the entanglement of the material force of racism and culturally shaped social practices that reinforce racially shaped social stratification. It explores three aspects involving the exercise of critique that allow the theoretical attribution of critical theory in a broad sense and the normative impulse within the practical orientation of the critique: the quest for equal citizenship, the ideology critique of the domination structure of racial power, and, lastly, the embodiment of political activism within the critique.

Section three introduces a short historical contextualization of Critical Race Theory in a narrow sense, which characterizes a programmatic scholarship. The section takes account of the role played by the forerunner of Critical Legal Studies in inquiring about the interplay between law and power; moreover, it contextualizes the rise of Critical Race Theory within historically situated turbulent protests in academia mobilized by discontent students with academic curricula and hiring policies in the aftermath of the civil rights legislation and policies. Furthermore, the last section underscores a dichotomy within critical race intelligentsia. On the one side, the materialist view pessimistically doubts the progress made in the wake of the civil rights era. It holds racism in the US American society as endemic and untreatable. Moreover, the materialist perspective remains critical of the integration goal proposed by liberals, which underpins normative directions to empower and advance African-descended people's interests. Conversely, the idealist critical race community holds racial discrimination rather than mental categorization, behavior, and discourse that can be deconstructed by changing language, representation, a system of images, and social teaching.

6.1 Two Lines of Thoughts about the (Race) Liberal Problem-Solving

Previous chapters have taken notice of the aftermath of the institutionalization of integration as a leading response to the Civil Rights Movement's demands for social justice. In particular, the argumentation has shed light on two conflicting reactions to liberal problem-solving. The first one was roughly the belief that the liberal promise with legal entitlements and social programs underlying equality of opportunity would pan out in the long run. Blacks and members of other minority groups would then catch up. At a later time, lawful inclusion and integration in society would eliminate *de facto* racial discrimination. The other reply to civil rights legislation could have been more skeptical and discontent with the existing arrangements underlying societal organization and economic structures. Social movements, subversive cultural expressions, and revolutionary political action inspired by radical Black thoughts in heterogeneous ways envisioned the possibility of more radical changes that would prompt transformation. In the wake of tumultuous protests in the new generation of the Black Civil Rights Movement and other public spheres, radical black visions gained intellectual thrust in the form of critical race theories.

This section reviews some aspects of these two divergent standpoints. It first introduces the conceptual foundation to explore divergent normative reasoning and political implications and later rethink the problem of the color line. In addition, what follows recapitulates the liberal conviction in principle and ethical value of liberty and the moral foundation grounding the accountability of fairness in liberal-democratic public institutions. Liberal views hold principles and values anchoring the development of a normative arrangement rooted in the rational foundations of a democratic society shaped by tolerant differences that seek to eliminate racial discrimination through inclusion and integration (see Chap. 2 above).

In contrast to the liberal perspective, another strand of thinking raises far-reaching questions about the conformity of public institutions and well-established systems with racial hierarchy. In various ways, that radical view contends that the foundational institutions of democracy, law-making, and governance are deeply entangled with racism. Racism, according to this view, embodies complexities beyond the interpersonal dimension. Racism can be traced in other spheres besides active racial prejudice motivated by hatred, bigotry, or ideological

confidence in white supremacy. Mechanisms, system-related rationale, and structures indicate how racism constitutes a systemic problem whose matrix underlies power and has been systematically instrumentalized throughout history to ensure and maintain privileges. I shall present these two views in turn.

The liberal way of assessing civil rights legislation and social engineering looks at the bright side of the street to assert the needs and the normative force of more redistribution. From this optimistic vantage point, inclusion programs proposed by liberal policy-makers gave the impression that they were still insufficient to produce a substantial change in the living conditions of racial minorities affected by racial discrimination and economic inequality. Nevertheless, *in distinct ways, egalitarians* remain resolute in advocating for a social arrangement founded on liberal principles of justice that constrain adequate reasoning for public policies and political goals. A noticeable pillar in the commitment to equal justice within the liberal framework bifurcates at least two moral conceptions in the tradition of egalitarian liberalism.

Many proponents of integration appeal to the belief of multiracial interaction to ameliorate the distribution of goods and opportunities to enrich cultural and social capital via social networks (Petterson, 1997, p. 68) and enhance democratic life and civic values (Gurin et al., 2002a, p. 362). In this way, integrationists hold that material inequality and unfair distribution of goods are severely affected by social configuration and forms of intergroup power relations. In this spirit, Elisabeth Anderson (2010) lays out a pragmatist-egalitarian claim for moral commitment to justice and democracy (see my Chap. 2 above). Anderson contends that social relations lead to distribution and access to goods; hence, she argues that social integration embodies a fundamental pillar in the political agenda and a moral commitment to cope with social injustices, racial discrimination, and segregation.

Other egalitarians approach the moral imperative of integration differently. Tommie Shelby, for example, defends the cherished principle of liberty as a central provision of liberal constitutional polity and argues that a "just social structure" would probably produce an interracial social order as a by-product (Shelby, 2014, p. 285).[1] As a result, Shelby

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[1] In his rejoinder to Anderson's account, Shelby (2014) holds that preserving freedom of choice to cultivate ethnoracial solidarity is a social phenomenon of mutual support within oppressed minorities (cf. chap. 3.2 above). In Shelby's words, an "integrationist ethos" would be a "natural by-product of a just social structure" (2014: 285).

emphasizes that attention should be given to the "basic structure" of American democracy without disregarding individual liberty or treating human relationships as social assets to enhance social mobility. Let me briefly recall these two aspects of Shelby's argument.

In the line of Rawls, Shelby asserts the state accountability in producing just egalitarian fairness in which democratic processes occur among mutually recognized equal citizens. In that sense, the polity should take seriously "substantive economic equality" to combat the persistence of *ghettos* (Shelby, 2016, p. 10), a stigma imposed on neighborhoods marked by numerous social and economic problems of poverty, racial segregation, violence, school dropouts, teenage pregnancy, drug abuse, and high crime rate. Shelby reiterates the claim that such segregated and disadvantaged neighborhoods of predominantly Blacks come to exist and perdure because of a systematic injustice rooted in racialized order that serves white supremacy and hinders minority groups' social mobility.

In opposition to Anderson's account of moral commitment to integration as a vital element of racial justice (Anderson, 2010: 188f), Shelby contends that the liberal principle of liberty constrains state intervention to cope with residential segregation through integration programs. The normative commitment of liberty principle compels the state to consider the individual agency of social actors at stake.

Additionally, Shelby makes the strong claim to understand the ethical standing of ghetto residents in the non-compliance with unjust laws and state norms that lack the "duty of justice" (2016: 20f). On Shelby's reasoning, since the existing normative order fails to guarantee fair conditions for residents of dark ghettos to participate in democratic processes as equals, the duty of self-respect constitutes an *ethical justification* for them to resist normative impositions. Shelby resorts to Rawls' framework to argue that in a "fair system of cooperation, (…) justice is a matter of reciprocity between persons who regard each other as equals" (2016: 20).

However, the reiteration of the moral commitment of mutual recognition of citizens as equals and the accountability of primary institutions with the guideline of "just egalitarian fairness" comes to a turning point in the face of the gross injustices suffered by ghetto residents. Here, Shelby takes a step away from Rawls's assumption of state legitimacy and that the problems

of racial injustice were solved in the aftermath of the civil rights legislation.[2] Shelby pinpoints the ethical reaction of deeply disadvantaged ghettos in their motivated responses to injustices in the forms of disobedience and non-compliance with the claims of the law. The blunt conclusion reads as follows. As a result of the state's failure to secure a reasonably just basic structure for communities of color, notable residents of impoverished neighborhoods have an ethical standing of non-compliance with laws and norms.

Shelby argues that the unjust maldistribution of social goods and perpetuation of poor conditions of powerless residents of dark ghettos who are equally entitled to the social distribution does not have a binding force in producing moral compliance. Nevertheless, although the state fails to produce obedience-based legitimacy based on the maldistribution of social goods and pervasive reproduction of poor conditions, the law raises the internal claims of harm prevention due to crimes asserting legitimate state intervention.[3] That issue becomes a problematic dimension in civil disobedience that seeks to expose injustices and question the legitimate status of the current state order (cf. Celikates 2016: 39f). Moreover, Shelby criticizes Anderson's account proposed in *The Imperative of Integration* that social networks with whites can work as an avenue for Blacks' economic advancement. Contrasting to this view, Shelby regards alternative conceptions of community with different values, whose decision to avoid exchanges with whites is frequently grounded on negative experience of facing discrimination. In that sense, Shelby underscores the centrality of individual liberty to appreciate the stake of both racial groups in agreeing with or rejecting integration.

In short, the first conception within the liberal egalitarian framework inspired by Rawls's conception of justice, in which fundamental social institutions encompass fair principles to

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[2] Erin R. Pineda criticizes Rawls's white standpoint in his concerns about civil disobedience. Pineda argues that such a view prioritizes the "presupposed legitimacy" and the stability of an existing system. As she terms it, the "white state" view endorses rather than undermines white supremacy (Pineda, 2021, p. 25).

[3] The state's moral standing to demand obedience depends on the ensured system of primary social institutions. However, Shelby ensures that the justifiability of criminal justice lies in preventing harmful criminal behavior. The puzzling question of state legitimacy in securing order and employing justifiable punishment through criminal justice remains in the foreground. The problem concerns justifying a just adjudication system despite the unfair distribution of social goods. As a reaction, the answer to the puzzle lies within the impartial fairness of procedural justice. Furthermore, state enforcement of punishment prevents harm due to crimes and enhances law-abiding compliant behavior. Of course, fair impartiality remains questionable since big statistical data shows how racial minorities, noticeably Blacks, are disproportionally subject to punishment and law enforcement. On the one hand, the intersection of race and social maldistribution points out the vulnerability of minorities in criminal justice. On the other hand, the misuse of state apparatus, particularly criminal justice, to ensure wealth, power, and social standing has been well documented (cf. (Blackmon 2008; Haney-López 2014: chap. 2). Critical Race theorists have particularly challenged this assumption (see ChapChap. 6.3 below).

which all reasonable citizens would abide, comprises two trends. In *The Imperative of Integration*, Anderson observes a vicious circle in which unjust social relations created by maldistribution may perpetuate the maldistribution of social goods. In the face of this, Anderson's defense of integration asserts the moral commitment to the core ideals of justice and democracy, pinpointing the potential of how social relations may lead to a just distribution of social goods.

By contrast, Shelby accentuates the moral principle and ethical significance of liberty, albeit departing from the ground question of what justice requires and reiterating the character of fair social arrangement and public institutions founded on reasonable principles. Accentuating free choice in the face of value and cultural differences, considering Blacks, Shelby draws on how residents of Black communities control their lives. Additionally, Shelby clarifies his reservation towards integration and, in his view, the moral distortion in taking social networks with whites as social leverage for the economic improvement of marginalized racial groups. Nonetheless, Shelby reiterates the gains of the abstract conceptualization of justice as fairness with its rational principles and the necessary reforms (such as tax schemes molded on the Rawlsian difference principle and egalitarian policymaking) to correct the background conditions of marginalized ghetto residents.

Contrasting with the belief that reasonable implementation of fair policies and institutional arrangements satisfies the liberal principles of liberty and equality, a second strand of thinking reacts negatively to the liberal reforms and policies implemented in the 1960s Civil Rights Acts. Contextualized in the 1960s civil rights movement's civil disobedience, a range of radical political visions expressed concern, skepticism, and, in some segments, a deep pessimism to how the US government responded to the Black Civil Rights Movement's social justice demands. Integration was the normative reasoning proposed and developed by racial liberals in public spheres and embraced by many organizations, such as segments of the Civil Rights Movement, leaders, and prominent figures in sports, arts, and pop culture engaged in the mobilization for black liberation. Integration constituted a pillar of the hegemonic view. Eventually, it reached state politics and policymaking.

Radical views were nevertheless not convinced of the integrationist ideal. Nor were they persuaded that the racism and racial inequality could be corrected via legal inclusion and integration (see ChapChap. 2.3 above). In contrast to the pro-integration guidelines, many

social movements, intellectuals, and artists suggested that other dimensions of the problem of racial inequality and injustices should be taken seriously. Reacting to the race liberals' view of racism as a moral issue in terms of prejudice, hatred, bigotry, and interpersonal matters perceived in distinct domains through discriminatory behavior and attitudes. Critical race views assumed other stances in the debate about racial justice.

Although critical race scholarship is certainly not monolithic nor clearly well defined, ongoing discussions and recurrent topics among intellectuals and activists in a broad spectrum illustrate common traits. I want to accentuate the meaning of *race* in existing structures and *dimensions of racism beyond the relational prism*, constituted by interpersonal dynamics or involving relations between persons as critical race core ideas. Such understanding of how racism operates is not only circumscribed to attitudinal behavior of prejudice, bigotry, or discrimination but expands conceptually the boundaries once set by race-liberal philosophy and problem-solving to the black civil rights demands.

What constitutes the categorization of race lies in the foreground. Many critical race theorists define race as a social construct.[4] Endeavors in elaborating this assumption do not exclusively count as a characteristic trace of critical race scholars. Innumerable contributions in social research have pinpointed how race is socially constructed. The content and meaning of race as an identity category are shaped by economic, social, political, and relational forces (e.g., Omi & Winant, 1986; Bonilla-Silva, 1994). Critical race theorists reiterate the accurate awareness of race's socially determined nature, particularly the centrality of law in constructing racial identity (Haney López 1997: 12f). Race embodies a cultural and social product that shifts over time in response to functional and material demands in society. Considering how law constitutes one of the most potent mechanisms of regulation and definition of social order, Haney López notices the historical unfolding of the legal reasoning of the US to demonstrate the role of race in concerning rights and power, in particular, how whiteness constituted a prerequisite for naturalization of foreign applicants the US (1997, chap. 1). Moreover, the entanglement of whiteness with law remained despite the advancement of laws in the repercussion of the civil rights legislation (Haney-López 1997, Chap. 5).

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[4] Race as a social construct does not constitute consensus among intellectuals of the same thought tradition. Within the Critical Race scholarship, Ian Haney-López observes that Derrick Bell holds race as a natural category (1997: 11f, fn. 25). Sociologist Bonilla-Silva calls attention to how other scholars' concern about racism constitutes a self-evident phenomenon (1994: 2f). I will eschew a detailed discussion of these matters, for it exceeds the scope of this chapter's analysis.

Another vital trace in critical race theories comprises efforts to unpack the complex nature of racism across social structures and power relations. Many intellectuals maintain that race liberals misdiagnose racism as solely an interpersonal issue: a hold-over from slavery whose social life visibility is overt racist attitudinal behavior and beliefs. The interpretation of the complex nature and constitutive mechanisms of how racism works opens the horizon to make sense of how the problem of the color line still haunts our present. Critical race theories address this thorny reality, pointing out emancipatory visions to foster transformative racial justice. The following section sheds light on what can be loosely distinguished as critical race theories. In addition, what follows outlines the historically situated cluster of intellectuals with a programmatic research and activist agenda called Critical Race Theory.

6.2 Critical Race Theory in a Broad and a Narrow Sense

The intellectual roots of the black intelligentsia and political activism purported to unravel the complex dimensions of racism besides interpersonal prejudice and attitudinal behavior go a long way back in history. Concerned with dismantling the concepts of race and racism in the intricacies of the economy and social order regarding racial power, W. E. B. Du Bois wrote a painstaking analysis reporting how racial hierarchy through systematic political exclusion restricted Blacks from wealth accumulation, housing, and employment. Despite the promises of the 1865-1877 Reconstruction Era, a series of legal and institutional reforms after the slavery abolition, (US) African Americans were still prevented by *de rule* racism and discriminatory policies from participation in the economy and politics as equals.

Barely a century afterward, the dream of achieving unmarked equal citizenship regained new thrust with the impactful unfolding of civil society and the political mobilization of Blacks and Browns. Protests in many channels from civil rights organizations such as the National Association for the Advancement of Colored People (NAACP) to direct-action tactics in the form of sit-ins at lunch counters to change segregated seating in restaurants, bus boycotts, and large-scale demonstrations shaped a long period of struggle for social justice. The gradually increased visibility of political campaigns raised the hope that racial subordination would end.

With the scarce difference of outlawing legal vestiges of racial discrimination in the 1954-1968 civil rights legislation, history haunted Blacks again. The Jim Crow segregation era collapsed in the 1960s. However, economic subordination remained at the bottom of most Blacks and browns. Many social movements, intellectuals, and subversive public spheres were not convinced that mere anti-discrimination laws and social engineering via integration guidelines could address the problem of the color line. Segments within the Black Civil Rights Movement took a different turn after the 1964 Civil Rights Act. 1967, social activist Stokely Carmichael and political scientist Charles Hamilton published the influential book *Black Power: The Politics of Liberation in America*. The book provides an insightful conceptualization of dimensions of racism that were less perceptible than explicit acts of individual discrimination. Carmichael (later Kwame Ture) and Hamilton coined the term *institutional racism* to regard how racism is embedded in laws, organization practices, and deceptive social forces underlying the racial hierarchy (Carmichael & Hamilton, 1967, p. 4f).

These volumes are two of numerous examples of social critique in the black thought tradition that indicate the complex nature of racism. Infused with an organic relation between academic knowledge production and political activism towards black liberation, W. E. B. Du Bois, the Black Power Movement, and many others emerged to unravel the intricacies of race and racism. The radical view in distinct manners aimed to disclose how racism has been considered a *longue durée* within institutions and culturally shaped practices that legitimate social hierarchy, as distinguished in long-term observations of historical patterns in industrial employment, public policies, and racist legislation. In an array of black public spheres involved in heated discussions about race and racism in the aftermath of the civil rights era, one can speak of critical race theory. The unfolding of the critical heritage of an organically tied relation between intellectual knowledge production and political activism aims at disentangling the complicated nature of racism with other mechanisms of oppression.

Social critique committed to examining how racism works provided a valuable toolbox to comprehensively make sense of how the ingrained racial inequality still haunts the United States of America despite the utopian dream of palpable transformation in black living. Furthermore, the ongoing knowledge production bears ethical, epistemic, and political repercussions in public spheres and opinion formation. Critical race theories have fueled lively controversy and encouraged counter-publics to rethink the causes behind the

persistence of racial inequality and reinvigorate the dream of social justice. To understand the reasons for the loud quarrel, I shall first note what critical means in critical race theory.

The broad meaning of critical race theory follows an intellectual legacy of black thought grounded on aims and goals of interpreting not only the causes and ideologies undergirding racism but also the reflective impulse to transform social reality tangibly. This far-reaching characterization of a tied relationship between social analysis and the normative impulse to prompt reflection and social change can be commonly associated with a mode of thinking initiated by German philosophers and social theorists of the Frankfurt School, who programmatically termed Critical Theory in capital letters.

In a broad sense, a range of social theories and critiques interrogating the social construction of race and the logic of racism to shape social domination resembles Max Horkheimer's definition of critical theory. The concept of critical theory highlights the emphasis on theory-making that acknowledges how material and historical conditions encapsulate agents in the alienation of their living circumstances. Moreover, critical theory-making examines the historical processes and economic activities in which knowledge and social practices are embedded, revealing how power relations, structures, and institutions are the outgrowth of economic organization.

Horkheimer's formulation, published in 1937, outlines the transformative value of constructing social critique that recurs to philosophy and empirical social research. Critical theory is rooted in the eminently interdisciplinary method of economic investigation, whose self-critical status of accounting for its historicity and material conditions constitutes a central difference from traditional theory-making. The adjective *critical* characterizes the simultaneous satisfaction of three criteria: explanatory evaluation of forms of domination, practical standards for criticizing social reality in concrete and historically situated terms, and normative suggestions for tackling problems and impediments to human flourishing (Horkheimer 1988 [1937]).[5] Thus, critical social theory takes on the emancipatory task of a

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[5] James Bohman provides an insightful overview of the philosophical tradition of Critical Theory, considering the vitality of the philosophical project opened up by a rich normative inquiry across interdisciplinary fields (see Bohman 2021). Notice that Bohman contemplates the Critical Theory's philosophical development and subject matters until the 1990s generation since Critical Theory consists of a work-in-progress theory-making whose self-critical instance borrows from social practice. New thinkers have continuously revitalized Critical Theory's aims over the last years. Robin Celikates (2018) provides a complementary view on epistemic challenges and potentials within the Critical Theory's mediating theory and practical enterprise.

theoretical drive toward human liberation from enslavement, recognizing social actors as conscious subjects and "producers of their own historical form of life" (Horkheimer, 1988, p. 207).

A first resemblance pops out when we notice conceptualizations of race as a social construct and racism as a mechanism to exercise domination in the US American society. To a certain extent, conceptual interpretations in these lines shared by intellectuals, social theorists, journalists, and political activists share methodological grounds with the Frankfurt Critical Theory and, ultimately, the normative goal of social emancipation from conditions of domination. Of course, these simplified abstract parallels meet their limitations once one concretely regards geopolitical context and historically situated conditions. In other words, a tentative genealogy of the critical *modus operandi* found in the US American academic and public spheres committed with the critical exam of race and racism comprises several details ranging from specific intellectual legacy to solid connection with civil society, social movements, and subversive practices in black public spheres.

One caveat is necessary at this point. In general terms, any effort to relate the unfolding of social critique in black thought with the horizon constructed by the German Critical Theory and its reverberations elsewhere must do justice to the given limits of any conceptual relation in terms of noticing the historical and material constraints, positionalities, geopolitical situation, and post-colonial condition (cf. Allen, 2017). So, the intellectual lineage that evolved through the unfolding of critical thinking deeply entangled with historically situated matters of the racialized social order in the United States bears conceptual similarities with the Frankfurt concept of Critical Theory in epistemic terms and political aims. At the same time, attentive awareness of knowledge production embedded in historical conditions reveals numerous dissimilarities. In many cases, distinctive factors underlying critical scrutiny of social reality from the viewpoint of existing social actors characterize *critical theories of race and racism*.[6]

Nonetheless, I will make the case for critical race theory in general terms. Two assumptions in the epistemic flourishing of a critical theoretical framing of race and racism deserve close

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[6] In many volumes, a wide-ranging meaning of the tied relation between knowledge production and life experience can be identified in the shared effort of building up social theories seeking to unravel the racialized social structure and, at the same time, to envision emancipatory social practices and public institutions to promote racial justice. That is the case of Lawrence and Matsuda's publication about affirmative action.

attention. The first concerns the analysis of racism beyond the hegemonic perspective held by race liberalism, racism viewed mainly as individual racism. Roughly speaking, the interpersonal prism takes racism as ethnic-racial prejudice and beliefs grounding negative behavior attitudes some individuals express against ethnic minorities, persons of color, expressly Blacks.

In contrast to the *racial prejudice approach*, there has been a slow by consistent development of academic work that vigorously interprets racism used to secure power and wealth through diverse channels, from an industrial organization that ensures cheap labor supply to public policies that benefit some to the detriment of others. This vantage point can be seen in a number of critiques often linked to the practical and activist demands of social justice and equal citizenship (e.g., Douglass 1999 [1848], Du Bois 2010 (1899), Carmichael & Hamilton, 1967). Particularly grounding the paramount stakes of improving economic conditions, social standing, and enfranchisement, activist intellectual engagement of Black visions has commonly shaped opinion formation and public spheres, as Michael Dawson exposes both empirically in terms of how black worldviews affect African American political behavior, and in the ties between different thought traditions in black ideologies (2001: 316ff).[7] In the sense of social theory, critical race theory broadly explains the social circumstances underlying racial hierarchy—that is, the social reality in which race has been instrumentalized to engender power and subaltern conditions through the color line in economic, social, and political spheres.

Secondly and interrelated with the first premise, normative anchoring, and emancipatory visions come into play in social critique and political thoughts to scrutinize power relations and material conditions and *pragmatically work towards* transforming the social reality of racial positioning. In other words, the critical social theory of race carries an emancipatory imagination seeking liberation and the transformation of the racial status quo that underpins a set of institutions and social texture of ethnic-racial behavioral attitudes. Three streams of ideas can be underscored in the attempt to delineate critical race theory in a broad sense, albeit critical social and political theories engaged in unraveling race and racism in system-related matters should not be reduced to this scope: (i) the emancipatory quest for equal citizenship,

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[7] In *Black Visions: The Roots of Contemporary African American Political Ideologies*, Dawson traces the historical evolution of black political thought and social movements from militant to pragmatic.

(ii) critique of the dominant ideology underlying race as a legitimating tool; and, finally, (iii) the normative impulse in critique that embodies political activism. Some of these remarks will be developed in the next chapter, especially considering the feasibility of implementing emancipatory discourse into progressive policies, albeit circumscribed by the constraints of reality. I shall turn to each of these points.

(i) The primordial matter concerns *the quest for equal citizenship* found not only in the law but in other spheres that shape the social practices and institutions of the US American society. The cheerful hope that constitutional entitlements and policymaking in the wake of civil rights legislation would give people of color equal citizenship and requirements for participation has been a motive in many critiques and the black community. The moral demand for equality has been framed in the light of the Civil Rights Establishment with an optimistic assumption that political and legal rights to Blacks and Browns would bring about, notwithstanding, in the long run, tangible changes in beliefs, attitudes, and behavior, dissipating racism. Legal scholar and activist Kimberlé Crenshaw refers to the ideological positioning of the Civil Rights Establishment as "organizations and civil rights leaders who embraced an integrationist ideal, that is, a commitment to staying the course of civil rights reform by bringing social practices throughout American society into alignment with the nation's ideals" (Crenshaw, 2017, p. 2298). Similarly, civil rights acts and legal reform would ideally eliminate racial discrimination and ensure the improvement of economic conditions, social mobility, and political participation in the US American polity.

Of course, there are competing inflections about the meaning of equal citizenship within the black struggles for equality and liberation. For some, equality consists of equal rights and the recognition of social standing achieved through inclusion and integration as remedies to segregation. Others understand equality rather than the allocation of material resources in black communities. Particularly considering the post-civil rights era, critical race theory takes account of the material and ideological interests intertwined in institutionalizing the Civil Rights Movement's social demands. In this way, the ideological battle in interpreting the meaning of equality regards economic conditions and power relations and the aftereffect of legislation and policymaking underlying the civil rights enactment in the social landscape in the understanding of race and racism. This notion brings me to the second tenet.

(ii) With an acute awareness of the material force of racism, a tradition of black resistance in social critique organically connected with political activism, further on, emboldened social movements and civil rights organizations that mobilized interests of subordinated racial groups to press for rights and economic redistribution, as well as the deep concern with the transformation of the cultural logic of US American life that undergirds racial discrimination. In this sense, the intellectual and activist black resistance of writers like Frederick Douglass and W. E. B. Du Bois has constructed a *critique of the dominating ideology of racial hierarchy*, dismantling race as a social construct to legitimate the systematic asymmetries between whites and non-whites via oppression and distribution of resources by the US American polity.

Douglass and Du Bois spell out structural components of racism in perpetuating the system of domination in the established ethos of discrimination. Douglass points to how the cultural domain naturalized the idea that Blacks were not entitled to liberty, unveiling the discrepancy between *de jure* and *de facto* forms of discrimination in states where Jim Crow laws were not issued. "In Northern states, we are not slaves to individuals, not personal slaves, yet in many respects, we are slaves of the community" (Douglass 1999 [1848]: 119). Du Bois, in turn, lays out how racism functions in maintaining wealth accumulation and political power. Du Bois's *The Philadelphia Negro* (2010 [1899]), an empirical inquiry considering the geographical, racial segregation and the social relation to keep Blacks away from economic opportunity, outlines how systemic constraints of labor and living conditions have entrapped African-descended people away from social mobility and political participation (cf. Chap. 1.1 above). Du Bois exposes how racism works as a controlling mechanism to perpetuate social stratification and culturally legitimate the inequalities in the color line.

(iii) Finally, *the activist aspect in critiques* attentive to racial minorities' viewpoints and experiences plays a distinctive role in criticizing and transforming the system of racial domination. The historical development of a critical discourse accounting for the improvement of Blacks and people of color has been commonly intertwined with activist engagement. Many intellectuals concerned with normative principles at the heart of the quest for social justice for African-descended people were involved in the struggle for civil liberties, economic opportunity, equal health care, education, and enfranchisement.

A wide range of civil initiatives, social movements, and grassroots activism illustrate the political engagement of intellectual activity and the creation of a political plank to lure public attention and articulate racial minorities' interest in seeking liberation. Examples abound in the history of black political ideologies. The Niagara Movement (1905-1910), for instance. Frustrated with the decline of the reconstruction (1865-1877), a group of lawyers, entrepreneurs, and activists led by W. E. B. Du Bois, Mary Burnett Talbert, and William M. Trotter founded 1905 the Niagara Movement, an association that stood for full civil, political, and social rights for Blacks and persons of color. The Niagara Movement laid the foundation of the National Association for the Advancement of Colored People (NAACP). By its turn, the NAACP was fundamentally important in exposing criminal justice steered by the white supremacist agenda (Francis 2014, see also Chap. 2.1 above).

The practical involvement of intellectuals in social contestation and the struggle for civil, political, and social rights points out two crucial aspects in developing normative scope in the ongoing critique. From the methodological standpoint, theoretical formulation of the normative demands was drawn from social practice and experience with the color-lined reality of subjugation. In this sense, critical inquiry gives rise to an epistemic and pragmatic question with political implications that reverberate in public spheres. What sort of knowledge does it generate to rethink normative ideals and redesign existing institutions in light of the demands of racial minorities? From a social-theoretical angle, as elaborated within the framework of Critical Theory that concerns positionality and scientific privilege in critical social inquiry (cf. Celikates 2009, especially part 1),[8] One can examine another issue. What gives emancipatory validity to the newly framed demands for change in principles and institutionalization? Chapter 7 sketches an answer to this set of questions. The remainder of this chapter introduces the meaning of critical race theory in a narrow sense.

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[8] Robin Celikates (2009) insightfully explores the epistemic challenge within the enterprise of critical social theory in constructing theory and, thus, deriving normative impulses from social practice. Celikates identifies a tension between theory-making, reflecting the role of a theorist who takes up a standpoint that raises the awareness of the condition of subordination and theory from the social agents' side seeking emancipation. In his investigation, Celikates concerns three distinct theoretical models of critical social theory: the model of the "break," the model of "epistemic egalitarianism," and the reconstruction model. In the end, *Critique of Social Practices* proposes a non-paternalistic and, thereby, pragmatist vision of critical theory, which recognizes the potentials of social practice and, yet, concerns the constraints of institutional, structural, and social limitations that restrict the agency of those subjected to multifold domination.

In a narrow sense, critical race theory is distinguished in capital letters and consists of an organized and programmatic theoretical framework with an initial origin in legal studies. Critical Race Theory represented a collaborative intellectual collective deeply attained with activism whose efforts gained more visibility by the mid-1980s. Contrary to traditional civil rights discourse and the stress on the progress made in the 1960s civil rights enactments, Critical Race Theorists question the foundations of liberal democratic institutions, raising radical inquiries at the heart of the US American values and normative premises of equality and neutrality of constitutional law. The critical component has its roots in the skeptical stance on the hegemonic view of race and racism employed in public reasoning and institutional arrangements whose innocuous principles of colorblindness, merit, and fairness hide privileges and perpetuate conditions of injustices in the problem of the color line. The critique feature in the theoretical enterprise seeks to expose these fractures through the historical appreciation of neglecting instances in a myriad of channels that disregard crucial dimensions of systemic racial inequality.

After implementing affirmative action in universities in the 1970s, discordant debates about race boiled up. A cohort of topics brought up by students of color, scholars, and social movements such as the Black Power questioned how the relationship between knowledge and power is embedded in racial disparities. Critical Race Theory was born in an ideological battle about framing post-civil rights academic reform. Kimberlé Williams Crenshaw, one of the leading scholars of critical race community, reflects on the historical formation of the movement inflamed by reformist agendas reactive to civil rights demands. In her words,

> Critical Race Theory and intersectional feminism/antiracism emerged from (…) [the relationship between knowledge and racial power that had surfaced in other sites across the university into critical discourses about law] as a product of ideological tension between race liberals and their left-leaning critics (Crenshaw, 2017, p. 2299).

By the 1970s, Law schools constituted intellectual channels in which many scholars articulated an alternative discourse to "race liberalism," the leading ideology that framed the problem of the color line and defended the implementation of colorblind norms to eradicate discrimination.[9] Initially interested in underpinning the centrality of race in the US, Critical

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[9] Notice that in this chapter, I borrow the meaning of ideology as applied by Dawson (2001, ChapChap. 2), that is, ideology in the descriptive sense as a worldview, a set of ideas (for the conceptual anchoring of ideology applied in this dissertation see part iii in the introduction).

race scholars in the American legal academy and law practices set in motion an academic and activist counter-discourse that questions the liberal understanding of the race category and racism. The last section of this chapter concentrates on Critical Race Theory in a narrow sense. It identifies two conflicting trends within the scholarship.

6.3 A Philosophical Dichotomy within the Critical Race Scholarship in a Narrow Sense

Since the early 1990s, scholars and commentators have noticed a philosophical turn in Critical Race Theory. What follows sheds light on two directions within the Critical Race framework concerning the normative implications. Historical reconstruction of the Critical Race scholarship holds that Derrick Bell and Alan David Freeman set the ball rolling for the critical race scholarship under the premise that new approaches were required to come to grip the entrenched variety of racism that remained despite the advances of the civil rights era (Delgado & Stefancic 1999: xv; 2017: 5). Derrick Bell's writings laid out the premises for the first line of thought concerned with material determinism and the slow-paced reforms in the wake of the civil rights legislation.

Desolated with the slow pace of the legal reforms after the civil rights law enactments and depressing Supreme Court decisions in racial disputes, Bell and Freeman shrewdly observe an *interest-based inflection in legal reasoning* notwithstanding the advances following the anti-discrimination law. "The supposedly shared values that are asserted always turn out, even when presented sincerely, to attempt to rationalize self-interest through appeal to universal criteria," ponders Alan D. Freeman (1978: 1052). The blunt argument reads as follows. The manipulability of court decisions and legal doctrine grounded on the convincing belief of normative universality and shared values ignores the actual status of African Americans and ultimately validates an unjust system.[10] Freeman's analysis investigates the reasons behind the enactment of the civil rights enactment and the evolution of anti-discrimination over time, that is, legal reasoning in subsequent litigations in developing the anti-discrimination law starting from the 1954 Brown decision.

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[10] In Freeman's words, "[t]he doctrine cannot legitimize unless it is convincing, but it cannot be convincing in the context of anti-discrimination law unless it holds out a promise of liberation. Simultaneously, the doctrine must refrain from delivering on the promise if it serves its function of *merely* legitimizing. And finally, the doctrine must occasionally offer at least illusions of reconciliation and resolution, lest it collapses in obvious self-contradiction" (A. Freeman 1978: 1052, emphasis in original).

Freeman suggests that the development of the anti-discrimination law cannot be dissociated from social structure and that the interplay of class and race offers a large-scale lens to understand the flawed picture of fairness in court decisions and legal reasoning that remain hidden in the legal doctrine and "the myth of equality of opportunity" (1978: 1119). Taking account of social and political context, Freeman underscores how constitutional amendments in the legal protection of discriminatory practices and formal equality "before the law" fall short of producing better conditions for African Americans.

The limits of the anti-discrimination discourse appear in the exercise of legal doctrine, that is, in the body of the US Supreme Court, chiefly composed of conservatives who mirror political power (Freeman mentions Ronald Reagan's view of racial issues), whose legal reasoning and court opinions bear opposition to civil rights enactments such as affirmative action and preferential treatment. In addition, the Supreme Court uses implied equal conditions in Black-white relations without considering the "intractable permanence of racism" and the substantive inequality that disproportionally characterizes the reality of African Americans (A. Freeman 1990: 1434f).

Furthermore, the agenda of anti-discrimination law is constrained "from the outset by abstract principles of formal equality that surely would reassert themselves in time" (A. Freeman, 1990, p. 1409). That is precisely what happened in the policy development of affirmative action in higher education, as reviewed earlier. Freeman emphatically suggests a *structural determinism* in jurisprudence and how the legal practice of the Supreme Court perpetrates the status quo constituted of racial hierarchy reflecting dominant political institutions and the inertia of cultural assumptions underlying racially identifiable inequalities.[11]

Besides internal pressure within formal jurisprudence, conservative ideological forces have reshaped affirmative programs. A short remark is worth mentioning here. While I was writing this doctoral dissertation, a recent Supreme Court deliberation in June 2023 stated the unconstitutionality of race-based university admissions. After years of pressure against race-conscious measures, a conservative Supreme Court majority declared the end of affirmative action in higher education.

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[11] Freeman illustrates the claim of validation of the unjust system in legal practices with strategic use of Supreme Court decisions to uphold affirmative action in hiring and promotion or strike down affirmative action in layoff cases (1990: 1438ff).

Now, I shall come back to Critical Race theorization. The historically situated formation of Critical Race Theory scholarship, highly influenced by social movements and political activism in the Black tradition, constitutes an alternative discourse to race liberalism. Impeded by activist practices in juridical disputes concerning racial inequalities from a struggle with state sanctions, Critical Race Theory took up radical visions of the Black Power Movement, among other political ideologies in black public spheres. It emerged within academic struggles in law schools in response to "rollbacks of race-conscious policies and the narrowed scope of equal protection doctrine" (Crenshaw, 2017, p. 2318).

Critical race theorists' core of knowledge production confronts the liberal maxims, values, and jurisprudence of neutrality, colorblindness, and the merit principle. In contrast to liberalism, Critical Race Theory assumes realist scrutiny of historical and social conditions as central to the epistemic standpoint concerned with the quest for racial justice. Additionally, the scholarship defines a programmatic and pragmatist program deeply tied to political activism. It constitutes an invigorating scholarship that paves the way for counter-public spheres to challenge hegemonic conceptions of the relationship between public institutions and racism.

The argument of structural determinism obtains another dimension in Derrick Bell's theoretical groundwork. Two fundamental points characterize the material determinism that impedes the achievement of equality struggled by activists, social movements, and scholars concerned with racial justice. The first claim conveys an understanding that the onerous reality of racial power in the United States would remain the same through legal reforms of civil rights enactment. "Black Americans are by no means equal," argues Bell, "[and] racial equality is, in fact, not a realistic goal" (1992: 363). Despite the promised land envisioned by the civil rights legislation and the reliance on strict implementation of law in which a priori maxims govern, Bell argues that "abstract principles lead to legal results that harm blacks and perpetuate their inferior status" (1992: 369).

To develop this claim, Bell recalls the paradigm Bakke decision, in which the formalistic value of the fourteenth amendment, the equal clause, overweighs the substantive equality of affirmative action. The court resolution overtly ignored social advantages and economic power in academic competition for higher education seats. In the face of legal reasoning, Bell (1992) formulates an account of *racial realism*, which holds law as an instrument for maintaining and perpetuating a racial caste system. To avoid the instrumental use of law in

favor of elite whites, a racial realist argues that court decisions *should critically assess* historical patterns and the existing social landscape of African Americans for just and fair decision-making.

The second foundational argument in the realist account concerns the *interest convergence thesis*, which seeks to explain the gains in legal rights and the slow-paced progress in law enforcement and social change in the struggle for racial justice in reality dominated by racial hierarchy. Bell (1980) contends that advancing Black interests means finding legislation and policymaking only when they are associated with the vested interests of whites. Black-and-white interest convergence shifts depending on the historical conditions of economic and societal forces. In this sense, Bell continues, in times of economic crisis, racial anxiety grows, diminishing the interest of whites in pushing forward legal reforms for the benefit of (US) African Americans. To support his thesis, Bell alludes to how historical patterns undergird political power instrumentally used by interest groups stretching racial issues contingent on economic instability.

For Bell, racial interest convergence may fade depending on the political atmosphere. Notably, in times of economic crisis with loss of jobs and scarce resources, political power instrumentally has often explored and reinforced racial inferiority to justify unfair social distribution and concentration of wealth. Residential segregation sponsored by government housing policies in the New Deal government programs constitutes a historically situated example of depriving Blacks and people of color of access to welfare services. The creation of the Home Owners Loan Corporation (HOLC) – a federal agency designed to expand home-buying opportunities during government programs after the Great Depression – drew housing segregation in city maps that remain up to our present (see Chap. 5.3).

The normative suggestion in developing the interest-convergence dilemma, reiterated in other moments in Derrick Bell's body of work, indicates the need to shift the "equal educational opportunity" away from school desegregation to improve material resources and the quality of schools in predominantly black neighborhoods. Improving education opportunities would, accordingly, better serve the interests of Blacks and, by extension, persons of color marginalized in ghettos, improving the societal status and economic prospects.

Indeed, Bell was perspicaciously right in arguing for racial equality with demands for material redistribution rather than the integrationist commitment. Today, after busing programs have ceased and flawed integration attempts have fallen short, residential segregation conditions give ghetto residents a precarious life. The interlocking system-related forces and intersectional markers condition Blacks and browns to systematic inequality. Existing schools in poor neighborhoods continuously entrap people of color into a powerless and poor prospect of social change.

In addition to the demand for economic redistribution instead of integration in Bell's interest-convergence theory (1980), Alan D. Freeman calls for the redirection of legal activity in the face of overruling economic interest in matters of redistribution and the hopeful revitalization of other political institutions in the service of democracy, if federal courts turn out to be reactionary vehicles "for the existing order" (1990: 1441). I resume this idea in chapter 7, making a case for the normative potential of translating critical discourse of the critical theory of race (broadly) into feasible policymaking that could empower racial minorities.

A second host of scholars in the Critical Race Theory suggests a different standpoint in transforming racial relations and racism in general from a distinct angle. Contrasting to the material determinism argued in the corrosive realism about legal reasoning and political instances in race-related court decisions and policymaking; the other camp has been called an idealist.

Idealists hold that racism and discrimination are attitudinal behaviors, cultural patterns, and ways of thinking that can be allegedly tractable (e.g., Harris, 1994; Delgado, 2003; Delgado & Stefancic, 1999). Considering other facets of race as a social construct, the idealist school of thought in critical race scholarship advocates for the encouragement of critical discourse about race (and racism) could pave the way to "unmake it and deprive it of much of its sting by changing the system of images, words, attitudes, unconscious feelings, scripts, and social teachings by which we convey to one another that certain people are less intelligent, reliable, hardworking, virtuous, and American than others" (Delgado & Stefancic, 2017, p. 21).

The idealist line of thinking in Critical Race Theory suggests ethical and politically driven remedies and accounts for the representation of ethnic-racial minorities as normative proposals to cope with racism and discrimination. In poststructuralist fashion, critical

deconstruction of words, symbols, images, and categories such as decoding speech codes, media stereotypes, and racist representation characterizes stratagem to *unmake* negative connotations associated with people of color and ethnic minorities culturally discriminated. Considering the potential of transformation, Richard Delgado writes, "we may purge discrimination by ridding ourselves of the texts, narrative, ideas, and meanings that give rise to it and that convey the message that people of other racial groups are unworthy, lazy, and dangerous" (2003: 123).

The perils of assigning the critical potential of deconstruction in the commitment to unmaking ethnic-racial meanings have been questioned within the critical race scholarship. The problem is the conceptualization of subjectivity, whether a black subjectivity should use philosophical resources developed by white European thinking tradition. Tommy Curry reflects on the inclinations of rational thinking in the deconstruction enterprise as idealist critical race theorists undertake.

> While the idealist school is aware of the danger in appealing to "reason," these theorists have nonetheless assumed that "universal reason," rooted in the *Anthropos* of the European persona and reared on the bosom of modernity, can, in expressing its postmodern discontent with itself through deconstruction, be a critical instrument in distancing "reason" from its White imperial past—a past driven by the very racialized reasoning CRT [Critical Race Theory] seeks to combat (Curry 2011: 3, emphasis in the original).

Curry adverts to "constructions of the world" rather than reason as central in the matter at stake. The skeptic concerning the assumption of the transcendental subject to postulate a critique from a black positionality, some critical race crits, as they are often called, ultimately return to the idea of cultural determinism of reason reinvigorating a train of thought found in Black ideologies that African-descended people should interpret norms, laws and values "in the light of their own cultural perspectives" (Nunn, 1997, p. 370).[12] Concerned with contextual and historical descriptions of power asymmetries, the reaction to the idealist wave within Critical Race scholarship challenges ahistoricism and adopts a stance that presumes racism has fundamentally "contributed to contemporary manifestations of group advantages

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[12] Curry argues that the idealist shift exposes two problems in the current critical race movement. In his words, "[t]he first is the idealists' focus on the critical methods employed by CLS, especially deconstruction, in their study of race. The second and somewhat more dangerous problem resides in the use of White philosophical figures as the basis of idealist scholars in both philosophy and contemporary CRT literature on jurisprudence which urges Blacks to become liberated thinkers, molded by the inclinations of Hegelian, Kantian or Freudian personalities, in an attempt to balance modernist faith with postmodern discontent" (Curry 2011: 6f).

and disadvantages along racial lines" (Matsuda et al. 1993: 3). Furthermore, the opposite view within Critical Race Theory insists on knowledge production tied up with particulars of social reality and experience of "people of color" to examining law and society (cf. Delgado & Stefancic 2017: 48, Matsuda et al. 1993: 3).

The division between economic determinists and idealists in developing Critical Race Theory is of little importance to comprehending the epistemic development within the scholarship and its political implications in public spheres. This philosophical dichotomy indicates fundamental distinctions that concern the epistemic positioning to grapple with the conceptualization of race-related topics. However, this ideological divergence within the scholarship has been praised positively. Critical race theorist Angela Harris interprets the dichotomy within the critical race theorists as a source of strength rather than weakness, using the tension between the modern faith in the "universal reason" and the discontent in creative ways (1994: 743).

Notwithstanding the relevance of a detailed discussion about the gains in the ideological tension, in terms of different ideas, far more significant than examining the nuances in the critical undertaking, Critical Race Theory, in addition to other academic, political, and social activism in the development of critical practices questioning the permanence of the problem of the color line set out a new moment in the discourse about race and racism. The repercussions of invigorating and vibrant ideological conflicts about the meaning of Critical Race Theory can be seen in numerous channels in mainstream media; government agencies recently issued laws, and the like.

This chapter explored a historical legacy of critical race theorization, whose normative repercussions represent challenges and potentials for further theory, public spheres, and policymaking. It introduced a broad and narrow definition of critical race theory, presenting a brief overview of the background of Critical Race Theory in capital letters, a distinct black radical scholarship. In particular, I recalled the *historically situated setting*, taking account of an array of components that triggered students' contestation such as curricula, academic teaching body mostly of white male professorship as well as the *ideological tug of war* between race liberals and left-leaning critics of legal institutions in the backdrop of the unfolding of Critical Race Theory.

Some critical race scholars took up a stance of legal scholarship developed by Critical Legal Studies, arguably the deconstruction agenda of scrutinizing the entanglement of jurisprudence, power, and ideology. The pejorative meaning of the term is how the doctrine of law and legal reasoning convey legitimation for conditions of inequality and subordination.[13] Furthermore, this chapter recalled a dichotomy within the critical race intellectual community: the materialist standpoint and the idealist one. Despite the conflicting views between these two theoretical strands within the unfolding of Critical Race Theory, the discussion purported by critical race scholars has a normative implication in the unfolding of public spheres concerned with political formation about racial issues.

Of course, the rise of new discussions about old problems related to race and racism recalls challenging questions in the current explanations for disproportional racial inequality in the United States and elsewhere. In addition, the new discourse with radical critical appeal revitalizes utopian potentials for change in new institutionalizing experimentation.

Critical Race Theory raises doubt on liberal problem-solving, a set of legal reforms and policies whose strategy eschews the grounding question of whether public institutions have been entangled with racial inequality. The focus on founding principles tackles the historical repercussions of the disparity of principles and ideals in the worldviews of ethnic and racial minorities without wading into structures and mechanisms of concentration of wealth. In so doing, critical race scholars reiterate radical thinking that fundamentally contests widely held preconceptions of liberal institutions.

Critical race theories' unfolding paves the way for insightful debates about hegemonic views and the possibility of reforms. In light of this understanding, the last chapter broadly concerns critical race theory's meaning in challenging prevailing conceptions of principles underlying institutional arrangements. It tackles the methodological challenge of constructing a critical theory that wrestles with race and racism. Furthermore, the last chapter reiterates the political implications of rethinking normative principles, reimagining agenda-setting responsive to the

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[13] The centrality of how legal discourse shapes court practices and, ultimately, social beliefs has been reiterated in Critical Legal Studies. Scholars concerned with these matters in the line of *a critique of liberal legalism* draw attention to theoretical and empirical problems related to the mediation of legal practices, court decisions, and legal reasoning. Specific interpretations of the law are privileged to the detriment of others. Considering the mediation issue, Alan Hunt holds that "legal ideology is itself a product of a dominant or hegemonic political culture that directly produces the population's forms of mentality or social consciousness" (1976: 13).

problem of the color line, and, finally, reframing racial justice.

7. The Normative Potential of Critical Race Theories

Critical race theory has become a flashpoint in public discussions in recent years. Ever since the intellectual cluster's early origins in the 1970s, led by legal scholars and activists, the scope of critical race studies has aroused growing attention in distinct spheres, including spin-off scholarships and discussions beyond the academic border. In a broad sense, the critical race framework embodies a blueprint at the heart of contesting voices dedicated to unraveling the complex dynamics and complicated structures of racism and power. The arena for ideological contestation includes an ongoing teaching agenda in schools and universities, heated debates in social media and street protests, political activism in grassroots organizations, and many other places. In short, the critical race framework incites social agents and collectives to raise fundamental questions about the entanglement of racial hierarchy with power, economy, and values across society, including ethical foundations, social institutions, cultural norms, beliefs, and practices, and complex web of institutions that hold social arrangements together. This chapter draws on the capacity of critical race discourse to contest hegemonic discourse about race and racism.

The blasting debates aroused by critical race theoretical tenets confront the hegemonic view of public institutions and foundational principles of the US American democracy. The deep dissatisfaction with public institutions expressed by critical race discourse and growing protests in recent years obtained high visibility in public spheres. Contesting discourse in distinct domains, including streets, newspapers, and classrooms, has raised doubts about the foundational ethical and normative premises of liberal democratic institutions of the United States of America. Critical race theorists, in heterogeneous ways, condemn liberal democratic institutions and norms such as the criminal justice system, current state regulations, and public services for being compliant with racial hierarchy.

The angry and noisy expression of disagreements about the relationship between several social domains, such as school, labor market, real estate development, and racism, leads to ideological divisions. The backlash and opinion formation lead to impactful consequences that reimagine racial justice. In the face of the ideological tension in public opinion, this chapter explores normative questions raised by critical race theory, which is defined in a broad sense and comprises fundamental questioning of social institutions in upholding

privileges and systemic functioning underlying inequalities in the color line. The discussion delves into a nuanced dimension in the unfolding of disputes aroused by critical race theory as a window of opportunity to rethink racial justice and empower social actors to strive for better conditions.

With this in mind, the following underscores the political implications of the ongoing formation of the critical theory of race, contemplating the virtual potential of contesting the existing institutional response to ingrained inequality and injustices in the color line. Conceptualization and political activism within critical race theory point to the possibility of empowering marginalized groups and engendering channels for the enforcement of the interests of those affected by racial discrimination.

This chapter discusses the unfolding of critical discourse about race and racism in the last decades, as proposed previously. Taking account of contemporary disputes prompted by the effects of contesting scholarship and epistemic and political reverberations in public spheres, the following underlines three interrelated aspects in the critical race theory-making outlined in methodological, political, and pragmatist terms. First and foremost, the analysis regards the *epistemic and reflexive gains* of paying close attention to the experience of those discriminated against. In this sense, philosophical content is tied up with inherent challenges within the methodology of critical theory to bring together social practices with a normative appeal. Two questions arise. What sort of knowledge does critical race theory engender to rethink racism and galvanize minority communities to take action against racial inequality? Assuming that social institutions and, thereby, institutional patterns in schooling, housing, criminal justice, and the health care system have been interwoven with racism, what are the ethical and political consequences of this assumption?

With the focus on these two leading topics, what follows displays how the critical race theoretical line of thinking reassesses social stratification in racial lines by reconsidering structures, logic, and dynamics through which asymmetries of power and wealth accumulation in the color line have taken form in the contemporary US American society. The current controversy propelled by the unfolding of critical theories about race and racism has *normative and political implications* for rethinking race and racism in terms of reshaping racial politics and policymaking. The current debate embodies an opportunity to reimagine political strategies to cope with systemic racial injustice.

This chapter concentrates on the following issues: a few aspects of the ethical reverberations, the epistemic validity, and the normative suggestions for institutionalization. The discussion is divided into four sections. Section one briefly overviews the intense debates triggered by critical race theory in recent years. It outlines the ideological conflict consequential of different worldviews and emotionally laden subject matters underlying the racial divide. Distorted reception of critical race discourse has been extensively explored in raving demagoguery in the last few years. The section introduces a few grounds for the polarizing effects of critical race theory in public institutions, illustrating how current laws have been issued to ban critical race theory from school curricula. Furthermore, the

Section two concentrates on the nuance of equal citizenship, as argued in the materialist view of Critical Race Theory. It presents a systematic review of some tenets and remarks shortly mentioned in previous chapters to accentuate two normative implications concerning the example of education: an attentive consideration of the material demands from Blacks' standpoint, which appeals to investments in schools to upgrade education quality and improve chances and prospects in life quality; moreover, a proposal of enforcement mechanisms via institutional configuration and practices that would substantially benefit racial minorities.

Section three addresses the question of the normative validity of critical race theory's tenets. Reiterating a line of thought within critical theory broadly, it explores the emancipatory potential of self-reflexivity from the social agents' viewpoint to evaluate social institutions. Furthermore, the section suggests a pragmatist idea of policymaking stimulated by social action.

Section four presents a few challenges within the promising horizon of social self-understanding of vulnerable people towards liberation politics. It regards challenges within the three normative features of the critical theory of race aforementioned in section three: (i) the empowerment of the subordinated, (ii) the statement that social institutions such as the criminal justice system, and rational structures such as the free market are embedded in racism, and (iii) the virtual possibility of institutional experimentation attentive to challenges and potentials of critical theory of race towards social change.

7.1 Public Reaction to Critical Race Theory: Backlash and Political Opinion Formation

The cultural and ideological conflicts around discussions about racism represent a window of opportunity to rethink the old problem of the color line through the lens of structural racism. The interpretation of the natural causes of racial inequality lies in the foreground of ideological disputes and public opinion. Critical race theory stirred up controversies about the perpetuation of racial inequalities. The strong public reaction shows its face in schools and training programs in US American government agencies. This section explores the up-to-date tension of this dispute to underpin the meaningful contribution in the wake of structural racism in two points: (i) reassessing how social institutions laced with racism produce different outcomes for racial groups and (ii) the empowerment of social actors subordinated in a domination structure.

Since I am interested primarily in the epistemic and political effects and outcomes of the ongoing debate of critical race theory, the following remarks take up the meaning of the critical theory of race instead in a broad sense (as outlined in the previous chapter, see section 6.2), that is, social theories that advance the conceptual prism of racial power to understand social stratification in the race line. By this means, the following pages focus on the impact of current discourse in public spheres as a result of widespread assumptions of critical race theoretical framework, which many scholars and activists, although not necessarily affiliated to Critical Race Theory in capital letters to some extent undergird the leading idea of questioning the entanglement of primary institutions with racism. Thus, I employ the term critical race theory, which is not rigorously related to the scholarship in a narrow sense. What follows explores why critical race theory has become the "boogie man" in public spheres due to adverse repercussions of central claims.

The argument for *the permanence of racism in social institutions* is essential to understanding the public solid reaction to critical race theory. Similarly, one can make sense of the claim that liberalism has been complicity with pervasive inequalities to which racial minorities are subordinated, a claim found in the lines of critical theory of race in a broad sense. I should remark that the reasons for the backlash against critical race theory in public spheres comprise other tenets of critical social and political theories engaged with understanding racism on structural terms (see section 6.2).

The claim of *the endemic character of racism within institutions and social practices* in the US American society produces adverse reactions engendering group-blaming impressions and

racial resentment. One reason for the heated racial division in the wake of recent discussions lies in the inflection within the argument of the ideology-critique of liberalism and that social institutions perpetuate racism. Understanding the nuance within the critical analysis that produces resistance is vital to grasping what critical race theorists criticize. I noticed before how the unfolding of models of social theory interested in understanding race as a social construct and racism beyond the racial prejudice approach (see Section 1.3). Critical race theory strives to take the race from a standpoint skeptical that the present configuration of the US liberal democracy does justice to the presupposition that every member of the polity is equal. On the contrary, critical race scholars state race as a central tool in legal reasoning and institutional rules that have established a social stratification whose hierarchy was long written by law in *de jure* discriminatory maxims (Haney López 1997) and later on. However, these norms were outlawed in the civil rights era, and the perpetuation of injustices and inequalities along the race line remains blunt in institutional inertia and social practices.

In the last decades, extensive literature in social sciences has engaged with decoding and explaining the mechanisms, structures, and patterns that perpetuate racism despite the efforts to eradicate racial discrimination. In other words, racism continues to exist regardless of the legal progress made in the civil rights era. Sociologists identify at least three traits. The argument has been traced from racialized social structure (Omi & Winant 1994: 59). Another complementary facet in this assumption concerns *de facto* discrimination identified in new behavior patterns and attitudes that often hide prejudice in more subtle forms, reproducing and perpetuating ethnoracial inequalities and relations (Samson & Bobo 2014). The post-civil rights era characterizes what Eduardo Bonilla-Silva terms a "new racism," concealed in a colorblind network of social, economic, and political entities that mask injustices with abstract liberalism of colorblindness (2014: 74ff). What he means by colorblind racism or *racism without racists* consists of intricate mechanisms underlying the persistence of asymmetries of power and resources along the racial line, that is, the institutional underrepresentation of racial minorities in terms of political and social power, on the one hand. The evasive linguistic manners and strategies of many refrain from acknowledging the fact that racism still impacts people's lives, on the other hand (Bonilla-Silva 2014, chap. 4).

The bottom line of empirical studies engaged with the conceptualization of social anchoring of racism in structures and behavior patterns exposes dimensions of ethnic-racial inequalities that were not contemplated by the hegemonic discourse of the dominant ideology of race

liberals. Race liberals' framework of racism as prejudice, hatred, and bigot on an individual basis as the primary illness that perpetuates racial discrimination focuses on personal dispositions and interpersonal relations. Economist Gunnar Myrdal, in the paramount empirical study underlying race liberal framing of the race problem, underscores, "[o]ur central problem is neither the exploitation of the Negro people nor the various effects of this exploitation on American society, but rather the moral conflict in the heart of white Americans" (Myrdal, 1944, p. 215). Myrdal identifies the naturalization of the "color bar," racial exclusion that obstructs Blacks from the labor market, as the internalization of racial prejudice (Myrdal, 1944, p. 389ff).

By contrast, critical race scholarship insists that the US American social institutions such as the labor market, education system, criminal justice system, real estate development, and social welfare policies are embedded in racism. Racism is understood in terms of power as an ideological mechanism to uphold social hierarchy. Critical race theoretical framework aims to shed light on the intricacies of the race problem, unraveling how social institutions often inconspicuously perpetuate poverty and powerlessness in the race line. Additionally, it has significant potential to reconceptualize and redirect corrective policy implementation responsive to racial minorities' action demands.

Despite the normative potential, current reflections about structural racism spark serious discussions. In the front stays the critique that social institutions and inertial systemic patterns produce inequalities in the color line. This criticism constitutes a source of a misguided reception on the level of subjects. Take the example of the alarming repercussions of applying critical race theory and the claim that social institutions are embedded in racism in schools. Teachers interested in contesting other views of history addressing economic and social subordination even after slavery's abolition have garnered the reputation of ideologues, argue opponents.[1] Notably, a misguided inflection in the argumentation of critical race tenets causes a wave of fear and resentment, escalating racial division. The critical view of the systemic perpetuation of racism within the institutional functioning ends up leading many to think that

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[1] Historians, social scientists, legal scholars, and activists seek to understand what constitutes the continuity of racial inequalities in the complexity of interwoven structures of economy, legal system, and social organization, as Chapter 2 above has revised this matter (e.g., Blackmon 2008, Bonilla-Silva 2014, Fields 1990, Haney-López 1997). Despite distinctions in conceptual argumentation and the overt political purpose in academic interests, a number of heterogeneous accounts share the rough assumption of the complicity of public institutions in mapping the racial hierarchy that pervades today.

critical race theory classifies social groups into polarizing groups of privileged whites and hopelessly victimized Blacks.

This gross exaggeration of theoretical tenets of critical race theory, in general, has damaging effects that often distort the reflexive thinking about race and racism within structures and dominant interest groups. Moreover, the distortion creates institutional barriers for future debates in public spheres. Besides admonishing critical race conceptualization, conservatives and demagogues reprimand the critical race theoretical framework through the legal ban. The idea that the United States is inherently racist prompts a robust ideological resistance in the legislature. Several State actors passed legislation banning training and re-orientation based on critical race scholarship, such as persistence of racism, unconscious bias, white privilege, or institutional racism. So far, Arizona, Idaho, Iowa, New Hampshire, Oklahoma, South Carolina, Tennessee, and Texas have passed laws prohibiting ideas associated with critical race theory from US classrooms. Idaho is the only state that explicitly refers to critical race theory,

> The Idaho legislature finds that tenets (…) often found in "critical race theory" undermine [dignity and the right to non-discrimination in public education] and exacerbate and inflame divisions based on sex, race, ethnicity, religion, color, national origin, or other criteria in ways contrary to the unity of the nation and the well-being of the state of Idaho and its citizens (House Bill n. 377, 2021).

Note that the state legislation of Idaho holds that the conceptualization of critical race theory advocates for individual responsibility the present generation should allegedly have on the grounds of past wrongdoings. The remaining text of the state law reads:

> No public institution of higher education, school district, or public school, including a public charter school, shall direct or otherwise compel students to personally affirm, adopt, or adhere to [the tenet that] *individuals*, by sex, race, ethnicity, religion, color, or national origin, *are inherently responsible for actions* committed in the past by other members of the same sex, race, ethnicity, religion, color, or national origin (House Bill n. 377, 2021, emphasis added).

To understand the state's reactionary reasoning, we should recollect critical race theory's remarks about social institutions. Recall that critical race theory states the inherent racism within the US American society questioning the fairness of rules, formal procedures, and liberal rationale whose institutional disparities befall Blacks and Browns in the interwoven consequences of structural forces identified in criminal justice, education, housing, and health care policies, to name a few (cf. Rose 2013).

The legislature of the State of Idaho infers the tenets of critical race theory, such as the claim that social structures laced with racism lead to disproportional outcomes visible in racial groups as discriminatory against white groups. In other words, state actors responsible for drafting the law interpret inherent racism in institutional functioning, and the operationalization of *implicit bias* in addition to deeming critical race theory as blaming tools for critical race theorists would allegedly hold whites culpable for past actions. Notice that this line of thinking often appears among conservatives, libertarians, and many liberals whose hostility toward reparation programs or group-based policies evokes the formal legalism of constitutional equality. To give one example, the moral, legal, and political reasoning in opposition to affirmative remedies rests on the formal conceptualization of an equal moral clause and individual accountability for actions and decisions.

There are other grounds for admonishing critical discourse about race and racism. A thorough analysis of other reasons exceeds the purpose of my analysis here. I believe the scrutiny of the common notion instigated by the claim that US American social institutions are embedded in structural racism suffices to have a picture of the backlash to the ongoing discourses prompted by critical race theory. Hence, after identifying the central reason for the misunderstanding, euphemistically speaking, or even the distortion of the critical race conceptual framework in allegedly forging a *screen* to blame whites and victimize subordinated racial and ethnic groups.

In the remainder of this text, I shall draw attention to the normative potentials for theory-making and the construction of contesting discourse across social practices seeking equal standing in the social order. The remarks made so far illustrate how the reprimand of critical discourse about race constitutes a misrecognition of the opportunity to review the present effects of the historical legacy of racism in the current configuration of social institutions. The blaming view in the interpretation of inherent racism distorts the critical aspect evoked in the unfolding of reflections interested in dismantling the pervasive mechanics that endure the reproduction of racial inequality until today.

The legal ban on debates about how racism operates institutionally and via system-based mechanisms ignores the benefits of exposing the historical legacy of an unfair system of racial power that endures even after civil rights legislation outlawed legal discrimination. The unfolding of the ongoing conceptualization of institutional, systemic, and structural racism

urges public spheres to gloss over material conditions and ideological dominance underlying the perception of racism to understand the persistence of economic disparity and injustices between whites and other racial groups.

The controversies brought by critical race theory catalyzed profound discussions about the complex nature of racism. In this sense, it represents a chance to cross-examine common patterns of injustices in the color line. Moreover, the conceptualization questions liberal thinking that isolates individual accountability while reiterating reasonable principles and rational procedures in legitimizing public institutions. The focus on individual responsibility misjudges the stake of the perpetuation of power and wealth asymmetries in racial hierarchy. Contrasting to the hegemonic view founded in liberal principles and cherished values, critical theoretical discussions of race and racism seek to contest the merit-based and colorblind framework to ground fairness. In addition, critical race conceptualizations reexamine the assumption that the mere legal equality warranted in the 1954-1968 civil rights enactments sufficed to enable equal status to racial minorities and deny the need to improve social institutions.

Critical race theory-making spells out how the perpetuation of structures undergirds social and economic relations that systematically generate compounding disadvantages for African-descended people in the past and the present. In addition, the understanding of race as a social construct and the functional aspect of racism in preserving power, as proposed by critical race scholarship, reaches broad communication circles, leading to reflexive thinking and political opinion formation. In this spirit, diverse information channels such as scholarship, media, subversive social practices, and many public spheres reflecting the conceptual framework of structural racism prompt the increasing visibility of contesting discourse.

As a result, unraveling racism on structural terms opens the possibility of *rethink*ing the permanence of numerous inequalities and injustices in the color line. In philosophical terms, the conceptualization unlocks the imagination for racial justice beyond the justificatory reasoning of liberal values and integration-centered rationale. In this spirit, epistemic and political effects carry elements of ideology, such as criticizing hegemonic views and unmasking how cultural conditioning about racial matters is heavily affected by cherished individualist values.

A first consequence of unfolding the interpretation of race and racism in public spheres constitutes a window of opportunity to examine the race problem from other perspectives. The comprehensively conceptual wave prompted by ongoing demands to confront the inherent racist traits in the US American society concerns the questioning of social institutions in their underlying presuppositions and operational stability. Additionally, the state of affairs in the political landscape indicates an emancipatory call for responsive action to the need for change.

The remainder of this chapter addresses two issues within the scope of the normative consequences of the ongoing formation of public spheres as an aftereffect of current debates evoked by critical race theory: the empowering of subaltern voices and an interpretation of a pragmatist possibility of reconfiguring policy implementation that is responsive to racial minorities' demands for action. The first issue to tackle regards the implication of the reflexive construction within the discourse, which takes up a distinct inflection of equal citizenship in the civil rights struggle. Two roads to fulfill this purpose stay in the foreground: the critical conceptualization and organization advocating for economic improvement rather than the integration goal to enhance the empowerment of social actors who experience racial subordination. The second issue, which is correlated with the first one, concerns the normative aim in policy designs that consider the expectations of the program addressees. The subsequent section takes a grip on these two matters.

7.2 Understanding Equality Beyond the Race-Liberal Prism

Up to this point, the analysis has made a case for political opinion formation due to the ongoing epistemic and political formation of the critical theory of race. Moreover, critical race theory advances a contesting discourse of reconceptualization and activism towards equal citizenship in the civil rights struggle in which equality is highlighted in terms of the interests of *social actors* subordinated in racial domination. The conceptual framework heightens enforcement mechanisms responsive to Blacks' demands rather than pursuing the integration goal. This section outlines the reflexive dimension in the inflection in the struggle for equality by recapitulating the hegemonic conceptual understanding of the race problem as a moral issue and institutionalizing problem-solving via integration. In reviewing two nuanced

understandings of equality as formulated in civil rights enactments, the following pages recapitulate the content of previous chapters.

Two remarks considering this understanding of equal citizenship are worthy of reconsidering the position of powerless actors in the conceptual framework and reassessing the set of policies in the wake of the civil rights legislation. The first observation consists of the nuances in pursuing equal citizenship compared to state efforts toward integration. Since the 1863-1877 Reconstruction Era, Blacks were promised means to achieve citizenship through access to power and resources to participate in all spheres of civic life as equals. March 3rd, 1865 Freemen's Bureau Bill became a bidding document. At least, it was the expectation. Essentially, the legislative authorization provided Blacks with every civil right belonging to white people. In addition, free enslaved people were entitled to land, food, clothing, and advice on labor contract negotiation. The biding force of law was a faire tale in the hands of white supremacy. In June 1872, congress shut down the Civil Act completely.

Black economic citizenship has been time and again erased by legal and institutional racism. Through systematic exclusion, ex-enslaved people were continuously banned from civic and political life. Today, "40 acres and a mule," once part of a military order to ensure economic justice and social upward mobility to formerly enslaved people (particular field order n. 15 issued in 1865), has become a phrase to recall the broken promise of racial justice in the 1865-1877 Reconstruction reform. Nearly a century after Reconstruction, the civil rights era revitalized the broken hope of achieving equal citizenship.

Integration was the moral compass and blueprint of social programs to cope with the social demands the civil rights movement mobilized. The hegemonic discourse reached segments of the Civil Rights Movement, state decision-making, and other actors in the black struggle for equal citizenship; for instance, the NAACP – a civil association striving for equality – pushed forward civil rights legislation and laid out policy designs with the integration goal. To recall, the predominant vision of the historical development in the civil rights era, including the set of laws and programs, has been identified with race-liberal ideology. The dominant politics of race under the integration dome and the legal framework of citizenship were shaped by two main assumptions: (a) racism is allegedly a moral issue; (b) racial discrimination could be tractable through integration (see section 2.3).

Contrasting to the race-liberal model of racial justice, integrative policies to eliminate racial discrimination, critical race theories draw attention to agenda-setting concerned with the material nuance in the long struggle for equal citizenship. In making a case for the distribution of political and economic power attuned to black communities' interests (Bell 1976: 514f), This vantage point raises doubt about whether integration policies could improve the conditions of African-descended people in the US American society.

Pondering about his experience as an NAACP staff member from 1960 to 1965 and from an analytical viewpoint, Derrick Bell (1976) notices a conflictive character in the legal litigations led by NAACP lawyers representing various interests of black communities striving for school desegregation in the aftermath of the Brown decision in 1954. The conflict consists of black communities' interest in pressuring for better conditions in schools located in black neighborhoods, that is, the enhancement of infrastructure, qualified teaching body, material resources, and demands for educational improvement, on the one side, and attempts to promote integration placing Blacks in "white schools," on the other side. In his analysis of desegregation of education litigations, Bell claims that the black parents' priority of calling for economic redistribution was unmet by civil rights attorneys (1976: 515f). Instead, the commitment to desegregation seeking racial balance overweighed the client's interest.

The persistence of inequality in the color line has numerous factors. Blacks and browns' economic subordination exposed the flawed racial justice drafted in the civil rights legislation. Today's state of affairs, with the permanence of school segregation and impoverished infrastructure in ghettos, suggests the need to evaluate the development of integration efforts in schools and recapitulate the old demand for redistribution. Systemic elements of district-oriented economic investments hinder the academic quality of schools located in poor neighborhoods. Furthermore, a brief glimpse at the unfolding of integration policy efforts in successive decades since the 1954 Brown decision proved to be educationally impotent and resulted in more hostility from many sectors of American society.

Making a case for the material improvement of Blacks sheds light on another avenue in the discussion about equal citizenship that curiously occupied minor importance in the appreciation of the fundamental and civil rights enactments in the 1960s: the mobilization of Blacks' claims considering self-organization and self-determination to achieve better living conditions, social standing, and political participation. Blacks' interests in the school

desegregation litigations received minor attention from civil rights attorneys' representation and court decisions. In the end, agenda-setting sets the policy for integrationist programs.

A short outline of the background helps us grasp what is at stake. The legal triumph in the 1954 *Brown v. Board of Education* determined "equal educational opportunities." The NAACP advocacy in the desegregation litigations and legal reasoning in court decisions understood the essence of "equal educational opportunities" as the compelling right for Blacks to access white schools and, thus, receive the same education quality (Bell 1976: 478). The highlight of Blacks' demands for better material conditions concentrates on an inflection in formulating progressive rules for including nonwhite groups as equals in schools, employment, housing, welfare, and constitutional entitlements.

The second remark in advance of alternative discourse engaged in distinguishing other dimensions of racism in the allocation of social goods concerns the explanation of how the interplay of economic and social structures, on the one side, and policy implementation to address the demands for action on the other, confines chances to compete in the US American society. In light of Bell's materialist view, Critical Race Theory strives to evaluate nuances in the long-standing struggle for equality in the Civil Rights Movement. The critical scrutiny exposes the economic dimension of race in historical terms and draws attention to manifold factors at the bottom of racial injustice.

Following the legacy of the Black Power political organization and the Black Panther Party, the analysis embodies elements beyond legal recognition and pays close attention to the conflicting interests of black communities. More fundamentally, radical analysis spells out how the economic disadvantages of ghettos with a high majority of Blacks and communities of color perpetuate racial subordination today.

In a nutshell, the divergent views of *equal access to* and *redistribution of revenue to enable equality* can be bluntly put in this way. Race liberals and the predominant integrationist agenda aimed to desegregate by bringing nonwhites to well-equipped schools, claiming that integrated schools would morally fight the poisoned nature of racial discrimination with equal access to education. The strategy of integration to the detriment of black communities' claim to allocate material resources to schools located in black ghettos was, moreover, reinforced in the dominant focus on the moral character of integration.

By contrast, numerous black communities opposing the integration maxim demanded economic redistribution into black neighborhoods and pragmatically addressed the economic inequality of poor districts mirrored in schools. This latter interwoven reality of infrastructure leading to the education pipeline (high-quality schools, good education, and prospects of labor market) exposes the structural character or interplay between race and class inequalities and, thus, disclose mechanisms and dynamics that still condition racialized groups such as Blacks and Latinxs to poverty.

The historically situated examination of how structures and processes have shaped conditions and circumstances opens up two entangled ways to reconsider the interdependency of racial equality with economic equality. These interrelated normative consequences of the contextual and historical analysis of the struggle for equal citizenship consist of (a) taking seriously the demands from the perspective of the subaltern voices, whose appeal for racial justice accounts for the interplay of racism and material discrepancy, and, additionally, (b) a call for alternative institutional configuration and practices conscientious of implementing rearrangements that substantially benefit racial minorities. Since previous chapters worked extensively on affirmative action in college admission, what follows carries on the discussion focusing on education. It refers to the correlation of material factors in conditioning equality of opportunity and empowerment of powerless voices in self-determining policy implementation.

(a) The contextual and historical analysis uncovers the interdependency of school quality and economic revenue to illustrate entanglements of unequal conditions and relationships and the requirement of rethinking and redesigning structures to address the inequalities in the race and class lines. A glimpse of how goods distribution is deeply tied up with economic inequality of racialized districts ever since the redlining mapping illustrates the case. Education quality replicates the economic rate of city districts in the USA because local taxation determines school investments. In this logic, the snowball effect of poor conditions entraps racialized minorities in wrecked ghettos. Poor neighborhoods with no investments and infrastructure result in small revenue for improving school facilities, qualified teaching bodies, material resorts, etc. In short, although racial discrimination was outlawed in legal and institutional practices, racial inequalities in intersection with class and other factors inertially endure. By stressing how economic discrepancies disproportionally affect persons of color, critical race analysis calls for a good critique of systemic factors and scrutiny of a historical approach that

is attentive to the dynamics and mechanisms to determine a more effective set of policies that enhance substantial equality.

The unfolding of Critical Race Theory, in particular, the materialistic view concerned with economic inequalities and disparities of power, takes an opposing stance about the liberal problem-solving reactive to the civil rights movement's demands—in its principles and policy development—and far more radically with the political claim that race plays a functional role in the constitution and perpetuation of power. The predominant formulation of equality in the civil rights legislation advanced by liberals was insufficient to deconstruct mechanisms underlying injustices.

Reacting to the legal reforms and the dominant ideology of integration, Derrick Bell claims, "[i]t is time we concede that a commitment to racial equality merely perpetuates our disempowerment. Rather, we need a *mechanism* to make life bearable in a society where blacks are a permanent, subordinate class" (Bell 1992a: 377, emphasis added). In the wake of civil rights enactments and a set of programs such as affirmative action, housing policy, and government equality, Bell alludes to radical thinking of black visions that relentlessly advocated for economic reforms and were willing to pursue black interests rather than an integrationist agenda.[2] This call for a responsive mechanism brings me to the second matter in this section, an insight proposed in the light of radical tradition in black ideologies (cf. Dawson 2001, chap. 2).

(b) The second aspect refers to *enforcement mechanisms* and accountability of public institutions to address members of black communities' demands for action. A twofold question to be answered in any attempt to institutionalize policies that remark the participants in the deliberation body concerns *what* the policy arrangement comprises and *the content* of the normative guidance. Political ideologies within radical black thought concerned with the ideological and material obstacles commonly accentuate the self-determination of black communities and the dismantling of social institutions. The Black Power political movement had a response to this problem with the idea of community-centered organization. Many

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[2] Bell's skeptical view raises doubt about improving Blacks' social standing as a result of civil rights reforms. For Bell, the legal reforms in favor of Blacks resulted from the interest convergence of dominant groups that allegedly saw an opportunity to benefit from the legal changes and African-descended people who were afterward legally acknowledged as equals (I revised Bell's claims in Chapter 6, especially section 6.3). Considering the historical context, Bell questions the ideological nuance of purporting equality on legal terms that underplayed the demands for material resources and power in the light of Black radicalism.

intellectuals and social movements also endorsed the idea of community control over policy implementation. However, integration was the moral compass led by the hegemonic view of race liberalism. Integration became the leading reason in normative thinking, which drafted the blueprint of social engineering in the civil rights era.

The predominant view within civil associations and institutional attempts to address the race problem after the civil rights struggle inferred that integration was the best shot to satisfy the aims of human liberation and combat racial discrimination. Chapter 2 emphasized the example of the NAACP's plea for integration and the design of equal employment opportunity through affirmative programs in Executive Order 11246, issued by LBJ in 1965, expressly the college admission (whose policy development was investigated at large in part two). Both cases illustrate how the efforts against entrenched inequalities in the civil rights movement were steered through the integration goal.

Two main reasons explain why integration stayed in the foreground of civil rights advocates' representation in school litigation. The first one is a mere inference of race liberal ideological persuasion in asserting racism identified in individuals observed in belief, attitudes, and actions behind racial prejudice would be eliminated through integration. The second reason, interrelated with the hegemonic discourse, is grounded in the leverage of economic actors who funded civil rights associations. Since the dominant discourse of race liberalism was mentioned substantially, the following delves into the latter explanation, focusing on material grounds that support the integrationist agenda of civil associations such as the NAACP.[3]

The ideological reason for the NAACP's engagement in the integrationist agenda has been associated with the interests of actors involved in the association's funding. Political scientist Megan M. Francis (2019) resorts to archival documents to claim that white funding wedged influence on goals and strategies of NAACP's activism and cause lawyers.[4] Francis contends

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[3] Critics noticed a deep tension in school desegregation litigation and the definition of policies addressing racial injustice after the civil rights era (1954-1968). Notice that I use the timeframe 1954-1968 with the mainstream historical Reconstruction of the civil rights era in mind. Nevertheless, the use of this period still bears in mind the reference to the predominant narrative of the civil rights movement, which centralizes state institutions and elite-driven agendas. The discordancy consists of the integrationist ideal of bringing blacks to white schools, on the one side, and the educational improvement as an economic goal of desegregation following demands of members of the black community who pressed for economic investments in schools located in black neighborhoods, on the other. In the end, the juridical representation mobilized by the NAACP in desegregation litigation subjected the interests of community members in improving school quality to the plea for integration (see Bell 1976).

[4] Francis seeks to "challenge the benign narrative of the NAACP/Garland Fund alliance and demonstrate that something more akin to capture occurred between funder and grantee" (2019: 283). Garland Fund provided

that the economic leverage of white funders, particularly the Garland Fund, drove civil rights legal mobilization of black NAACP leaders away from "the protection of black lives" in a timeframe anteceding the 1954 Brown decision. Indeed, there is a considerable shift in the NAACP's effort from criminal justice reform with the anti-lynching bill towards pressure for racial desegregation in education (cf. Francis 2014). Despite the legal triumph in the Brown decision, Francis suggests that white funding caused the loss of "an economic-centered civil rights movement" (2019: 279f). Consequently, the economic leverage of funders constrained the NAACP's autonomy as a grassroots civil rights organization, forcing a change in the agenda-setting from that point on in the early 1920s, and pledged to exclusively promote education. The bottom line of Francis' claim concerns how the agenda-setting of the NAACP was steered, even "captured," in her words, by white funders of the Garland Fund grant.

At this point, it becomes much clearer that the political value within critical race theory is identified in the deep meaning of social actors in critical practices. The involvement of social agents in seeking a solution to the problem of the color line was of utmost importance to unravel the much-needed economic redistribution to enhance equality of opportunity and fight racial subordination. That understanding lies in the black struggle for equal citizenship, a revisited trope in the black intelligentsia and civic activism. Martin Luther King Jr. (1984a [1967]), for example, by the end of his life, envisioned the need to purport racial justice through substantial redistribution (cf. Section 2.3). Disillusioned with public policies drafted to redress demands for black emancipation in the legal inclusion employed by the US government in 1964 (with equal access to public accommodation and equal employment) and the Voting Act in 1965, King has concluded that the economic system reinforces the concentration of wealth, causing injustices to different racial groups, including whites (1986 [1967]: 250). In short, the plea for racial justice was deeply intertwined with economic redistribution.

Competing interpretations of the problem and proposed solutions have been part of the ideological landscape and history of public reasoning to cope with racism. This philosophical discordancy becomes evident in the unfolding of the solution to the "equal but separate" constitutional doctrine in education that aimed to legally segregate Blacks without infringing

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financial support for "[t]hose in the economic field closest to the interests of the producing classes – namely the industrial workers and farmers; Those which deal with the interests of minority groups, particularly industrial or racial, disadvantaged under present conditions; Experimental movements in the field of education" (Statement of Policy 1922 cit. by Francis 2019: 285).

equal protection under the law. Previous chapters reviewed how the integration ordeal wielded the court's reasoning to eliminate racial segregation in schools. This section illuminated another reason at the bottom for the ideological reinforcement of integration. At the outset of the *Brown v. Board of Education* mandate of "equal educational opportunities," NAACP aimed to achieve racial balance in schools. The enforcement of this goal came at the expense of improving schools affected by poverty and deplored conditions. Contrasting to the appeal to school integration, militant scholarship in critical race theory draws attention to the needs regarding existing demands of social actors subjected to domination and the call for appropriate responses to voice those concerns. Distinct views in black thought traditions raise awareness of other policymaking nuances to enhance "equal educational opportunities." Instead of integrating US African Americans into white schools with good infrastructure, black thinkers and political activists have underscored the need to improve the material conditions of schools in black communities and enduring efforts to preserve black culture and knowledge about its past (e.g., Du Bois 1975).

7.3 The Emancipatory Validity of Critical Race Theory

The development of critical race theory took up a long-standing legacy of liberation struggle. The close relation between social critique and political action has been part of numerous thought traditions in black radicalism. In particular, the reassessment of education in the aftermath of the civil rights era within the scope of the struggle for equality in the Civil Rights Movement, as concerned by radical visions, has two distinct features worth mentioning. The critique points out the *epistemic advantage of investigating* the integrationist agenda's motivation and policy development. Furthermore, *in normative terms*, the materialistic standpoint with a focus on economic justice suggests how exercises of critique and activist engagement could form alternative thinking for the black liberation of subordinated conditions: (a) in the reflexive practice of marginalized groups in the existing racial hierarchy vis-à-vis the material requirements without disregarding the autonomy of social actors involved in policy implementation and (b) within institutional practices of endorsing mechanisms.

It is fair to say that many critical race theories assume the role of militant critique striving for human liberation. The normative goal of social change inferred in critical practices in the

militant theory-making calls into question the issue of emancipatory validity of a critique that claims those affected by the system of racial domination. This section delves into this matter by exploring elements that make critical theorization of race towards the emancipatory goal conceptually persuasive. A fundamental question within critical thinking and political activism arises. What gives normative validity to the critique and social practices seeking the evaluation of dominant ideology and articulating interests with the emancipation goal?

The puzzling matter of elaborating a critique of domination from the perspective of subordinated actors without falling into the trap of *another ideology*, that is, another worldview that would essentially obliviate emancipatory critique and liberation, constitutes a conundrum in the enterprise of critical theory in a broad sense. The following takes grip with this inquiry considering the efforts of the critical theory of race with the following in mind: the emancipatory potential in the self-reflexivity of social and institutional evaluation from actors' viewpoint. My follow-up goal is to propose policymaking inspired by social action in a pragmatist fashion. Concluding this section, what follows introduces a few challenges within the promising horizon of social self-understanding of vulnerable people towards politics of liberation.

The following borrows from the central reflection proposed by Robin Celikates (2009). Celikates is concerned with the normative potential of critical self-understanding of social actors to appreciate the normative potentiality in the emphasis on the black community organizing in the struggle for "equal educational opportunity," as argued by critical race theorists (e.g., Bell 1976, 2004). The section begins by overtly remarking on my interest in recurring to critical social theory.

This section grapples with one facet of thought-provoking method and methodology in the critical theory program: the methodological tension between the underestimation of ordinary actors' capacity to exercise critique and the overestimation of their critical stance to extract normative content from social practices identified in critical social theories. However, I aim to avoid digging into the methodological discussion in the scope of the philosophical undertaking of models of social theory engaged with social actors' standpoints.[5]

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[5] Especially considering Bourdieu's emphasis on objectivity and a critical view without the burdens of social conditions to construct a critique of social practices, Celikates underlines the one-sided quality of critical social theory framed away from agents' positionality (Celikates, 2009, p. 95ff).

Furthermore, what follows eschews the questions in epistemic, political, and normative terms triggered by the discussion of the premises of critical social theory. Nonetheless, three models of critical social theory concerning the ordinary actors' standpoint are shortly noticed. The section takes on the conclusive inference of Celikates' contribution in the analysis of different social theoretical models that critical theory embodies a critical stance that captures the epistemic tension of *objectivist and scientific understanding* of social reality entangled with ideologies in the pejorative sense of the word, and *agent-centered view* aware of their actions intertwined in contexts of everyday practices of justification. Social critique in this latter form finds its anchoring in social practices. Celikates defines these two models as the *asymmetry* between social scientist observation and ordinary laypersons on the one side and *the symmetry* between those experts who outline social analysis and agents who act in social reality on the other side (2009, parts 1 and 2 see his introduction: 35ff).

A third strand of thinking in *social theory as reconstruction* grounds social critique as self-reflexive understanding whose practice embodies, in the spirit of the *pragmatic turn*, the needs of self-critically revising its status of social critique, thereby recognizing ordinary agents' reflexivity (Celikates 2009: 227f). In assuming the critical stance from social practices, critical theory acknowledges social actors' ability to adjust within and despite structural constraints. In other words, critical theory-making remains concerned with how structures and social practices condition ordinary agents subordinated in systemic domains that limit the mechanisms of reflection and social action in the struggle for emancipation on the one hand. On the other, the critical theory acknowledges the reflexive power of actors in their constant social practices and endeavors to strive for better conditions.

My goal in turning to the methodological aspect of critical theory concerns the normative implication of critical race theory's emphasis on the experience of oppressed agents to build a critical view and to foster institutional arrangements designed to improve conditions and transform social reality. The methodology of critical theory ascribes ordinary actors to the quality of self-reflexivity and critical adjustment in diverse contexts, albeit constrained by structural domination. This line of thinking tackles the central question of this section by contending criteria to give normative validation for a critical race theory engaged in social practices and institutionalized forms to cope with demands for racial justice.

The first statement to reason the normative potential of agent-centered perspective lies in fostering self-reflection in social practices and institutional configuration. Social self-understanding of racial minorities in the implementation of policies draws attention to openness to corrective reassessment. This pragmatist nature of critical practices of ordinary actors and their willingness to institutional improvement carries an inherent difficulty in any case. Critical race theory and models of critical theory in general terms (cf. Bohman 2021, Celikates 2009) highlight the critical capacity resultant from the experience of oppressed social actors who strive for liberation. The twofold question in the foreground of a social critique from the standpoint of racially discriminated actors who seek to frame policymaking responsive to social demands from their perspective can be formulated in the following way.

Even with the normative potential of critical social practices in identifying conditions of subordination and exercising ideology critique, which parameters ensure actors of the critical and unrestrained stance from ideological control in the exercise of critique and the institutional functioning? In a pragmatist fashion, critique outlines a justification of an affirmative view of the normative force of self-reflexivity intertwined with experimentation. The answer addresses three arguments, considering how the contestation outlined in the historical formation of critical race theory suggests a normative direction toward contesting political action and progressive policy intervention against systemic racial inequality. What follows outlines the arguments and expands the explanation more completely.

(i) A first attempt to address this inquiry lies in the self-reflexivity in social and institutional practices in the likely *empowerment of ordinary actors subjected to domination*. The critical assessment of conditions of subordination from community members affected by domination illustrates how self-reflexivity virtually goes along with the potential empowerment of subordinated social agents. Of course, the optimistic assumption of critical venture from the agents' view involves several complications that will be noticed later in this text. The strand of thought underpinning the participation of social actors who strive for racial liberation demanding resourced and responsibly managed mechanisms to yield better conditions appears in many black thoughts and political organizations from the theoretical edifice and reframing of the civil rights struggle in the Black Power Movement up to the unfolding of critical race theories.

(ii) In addition to the self-reflexivity bit, the critical stance tied up with the concerns from the bottom, as social agents who experience domination formulate their demands, calls attention to *a reinterpretation of racism* and, thereby, the focus on complementary dimensions to personal prejudice, that is, racist behavior, belief and attitudes underlying the racial subordination system. According to this view in distinct nuances, racism often remains unseen in the complex social texture of a web of institutions, laws, structures, procedures, rules, social practices, language, and so on. In that sense, a vast academic literature and public spheres speak of structural racism, a framework to unmask the patterns of systemic reproduction of inequalities in the color line.

The concept of structural racism lies in the center of the assumption; racism is a quasi-matrix underlying the perpetuation of the powerless status of racial minorities in social institutions such as police regulations, health care, the criminal justice system, wealth accumulation, media, education, housing, labor market (Rose, 2013, p. 454ff; 2014). The conceptualization of structural racism unveils the crude reality of how *race* is still a distinct category that, even when not explicitly instrumentalized for exclusion, causes unfair treatment of racialized people and harm in many forms. It is not my purpose here to sketch the epistemic outcomes and political implications of structural racism thoroughly, for I elaborate on this subject elsewhere, considering the consequences of the concept in terms of social ontology (see Borges 2023b).

In addition, structural racism reinterprets how racism operates beyond individual relationships via system-related rationales. In that sense, understanding racism in structural terms is antithetical to the colorblind ideology. This framework reasons for race-neutral policies to eliminate discrimination and establish fairness in the treatment and distribution of goods. The path of ideological vision has become apparent in the historical Reconstruction developed in this dissertation.

One crucial part of the problem concerns the moral and cultural hegemony of the race-liberal interpretation of the problem of the color line and how race-liberalism gave the contours to problem-solving that civil rights legislation put into practice. The predominant view in the interpretation of the problem and the blueprint for state-institutionalized solutions in the civil rights enactments and derived policies constituted an ideological maneuver and agenda-setting to immobilize radical visions within black communities and black thought traditions,

which give more attention to demands of social distribution to dismantle the ghetto. In short, dismantling the Jim Crow was a massive triumph for the US American democracy. However, many segments of the Civil Rights Movement could not hide the defeats and frustration in the face of the negotiated compromise. John Lewis, leader of the SNCC during the civil rights negotiation, reflects in his autobiography the hope that the "system would listen, the system would respond" (Lewis & D'Orso cited in Dawson, 2013, p. 101). In the end, black communities' economic demands were rejected. The civil rights movement "was buffed by the nation's liberal white leaders" (Dawson, 2013, p. 102).

One aspect to cope with the problem at hand concerns adequately responsible policy implementation, awareness of the complex entanglement of racism with economic subordination and numerous exclusion forms in institutional and structural terms, as asserted in a vast literature (Du Bois 2010 [1899], Carmichael & Hamilton, 1967; Bell, 1992). This point brings me to the third compelling element of the self-reflexivity of political action from the bottom.

(iii) A third aspect within the normative strength of self-reflexivity brought about by ordinary agents concerns the possibility of rethinking and redesigning *corrective mechanisms* within institutional functioning *that embrace the social participation of those affected by disparities*. Let us get back to the education issue mentioned in the prior section. Regarding the school desegregation program, the court reasoning of the 1974 Boston case (*Morgan v. Hennigan*) suggested a *racial-ethnic council* in each school to improve school quality and be attentive to the community's needs and more appropriate solutions (Bell 1976: 483). Initially proposed by Judge Garrity, advisory committees would communicate problems to government agencies responsible for improving education quality. Despite the meaningful problem-solving of implementing a racial-ethnic council attentive to the community's demands, the court decision issued busing and redistricting as problem-solving tactics to de facto segregation by 1972 in Boston.

The conceptualization of the direct involvement of subordinated racial groups in social and political policy institutionalization to forward agenda-setting and satisfy the interests of the public bears resonance with institutional evaluation based on the direct participation of social actors in social arrangements. In practical terms, that was the case for black organizations such as the Black Panther Party, which had community-based projects and political education

programs (Dawson, 2013, p. 105f). From a theoretical prism, the suggestion of direct participation in the construction and institutional functioning within radical theoretical assumptions concerned with the viewpoint of social actors in the exercise of critique constitutes a common trait in early pragmatist thinking, which grounds the functioning of public institutions deeply embedded in social action. In epistemic and normative terms, the involvement of participants in institutional channels represents a horizon of possibility for a promising development of emancipatory vision through policymaking via social participation and action (cf. Dewey 1984 [1935]: 12f). This aspect constitutes a promising avenue to develop a normative venture of critical race studies with political implications in social experimentation towards improved conditions for racial and ethnic minority groups.

In a pragmatist fashion, the critical theory of race, in a broad sense, indicates the need to be seriously concerned about the permanence of racial hierarchy in contemporary US American society and work towards the transformation of social practices and social policy apparatus to ameliorate the hardship of impoverished conditions that perpetuate the legacy of racial domination. Hence, the complex wave of theories and social practices that articulate the contours of how racism in intersection with poverty operates beyond intersubjective relations accentuates the urgency of firstly identifying the intricacies of the problem and secondly urging for community-based policy implementation to overcome the problem of inequality in the color line. In other words, firstly, social practices and critique take seriously how structural, systemic, and institutional components engender pervasive racial inequality. Secondly, there is advocacy for self-critical practices to cope with ingrained injustices. The contesting discourse fostered by intellectuals, scholars, political activists, black arts, and subversive cultural manifestations points towards the need to build up community-based policies and social experiment*s* to incite critical opinion formation and galvanize social agents to mobilize forces toward progressive social change.

Self-reflexivity constitutes a key concept in normative thinking and historically situated social practices in the struggle for black liberation. Self-reflexivity, understood in a pragmatist fashion, can bring about far-reaching effects for social cooperation prone to racial justice. One can think within black thoughts and political movements like the Black Panther Party and the Detroit-based League of Revolutionary Black Workers. Both advocate for " organizing alone" a black Marxist league to fight for black liberation and socialist revolution. Black organizations were reluctant to construct multiracial alliances because, in their views, whites

were too reactionary to fight with Blacks (Dawson, 2013, p. 5). Thus, there is an emphasis on organizing independently despite working with white workers against common enemies in the fight for better living conditions.[6]

What deserves particular accentuation in the configuration of numerous political ideologies in black organizations and black thoughts concerns the emphasis on self-organizing and self-determination. Dewey's theory of democracy explains fundamental elements of the importance of the direct participation of social agents in institutional functioning. Institutional configuration opened to actors' autonomy carries a *reflexive understanding of the ends and goals of the democratic public institutions* (Dewey 1984 [1935]). Dewey's conceptual framework illuminates the construction of social institutions in liberal democracy internally connected with social cooperation and the construction of publics via civil associations. In this sense, one can infer an emancipatory goal through social critique and institutionalized forms responsive to the struggle for equality from the perspective of those affected by injustice carries a democratic ideal associated with social cooperation from community members.

Of course, the idea of social cooperation within a community brings up challenges. After making a case for the appreciation of the critical race theory attuned with revolutionary practices of social movements and political organizations, which in my interpretation carries self-reflexivity and bears an emancipatory goal in the long-standing struggle for equal citizenship in the ideological legacy of radical thinking of Black Power (cf. Curry 2013), I shall turn to some challenging issues within the assumptions outlined in this section. To recall, I asserted three aspects to the estimation of the critical theory of race in a broad sense: (i) the empowerment of subaltern voices, (ii) the reinterpretation of social institutions embedded in racism, and (iii) the virtual possibility of institutional experimentation attentive to challenges and potentials towards liberation. The following section addresses these three aspects in turn.

7.4 Challenges within the Emancipatory Attempt of Critical Theory of Race

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[6] Dawson makes a relevant observation to understand political strategies within black organizations, particularly the League of Revolutionary Black Workers. "The league's view on race and organizing did not prevent its cadres from having extremely effective working relations with white workers and activists within the plants as well as more generally in radical coalitions in Detroit" (Dawson, 2013, p. 5).

The emancipatory force of focusing on ordinary actors' perspectives brings various challenges. This section pinpoints the peril of remaining ideology for structurally subordinated actors who may not envisage critique and social emancipation. Additionally, the following exposes the dichotomy of normative potential from the agent's view and the entrenched nature within the domination system, assessing tools to operate the emancipatory goal in critical practices through social activism and redefinition of institutional arrangements. What follows explores the opposing arguments to the three aspects associated with self-reflexivity as mentioned above in (i), (ii), and (iii). The argumentation outlines responses to each item in turn.

(ad i) Theory-making and activism engaged with the appraisal of the critical capacity resulting from racial domination suggest empowering subaltern voices. An epistemic and normative challenge here concerns the disparities within the mobilization channels for empowering members of subordinated groups. Enforcement mechanisms that embody black representation are no guarantee of racial justice, for mechanisms of exclusion and hegemony in power relations unfold in democratic disputes and distinct interpretations of demands. Mobilization of minority groups in mini-publics, community-based associations, and intellectual movements often mirrors power relations and hierarchical organizations in the dominant social order.

Black feminists have emphasized blind spots in social movements engaged with the civil rights struggle, for they are entangled with social practices embedded in power structures and relations across intersectional lines of asymmetry. Legal scholar Kimberlé Crenshaw paradigmatically ponders how antiracism and feminist discourses are ineffective in contemplating the full dimensions of racism and sexism. "Because women of color," she writes, "experience racism in ways not always the those experienced by men of color and sexism in ways not always experiences of white women, antiracism and feminism are limited, their own terms" (Crenshaw 1991: 1252). Crenshaw points to boundaries within the narrow-focused articulation of identity categories, which tend to ignore the experience of vulnerable agents affected by disadvantages across sections. With this matter in mind, she delves into the two tracks of racial discrimination and sexist wrongdoings, observing that race and gender are typically thought in frameworks grounded in distinct categories. While the anti-racist approach often disregards patriarchate-related problems, feminism recurrently fails to acknowledge racist discrimination in representation and agenda-setting. Considering how

these two tracks, racism, and sexism, can interrelate, Crenshaw terms intersectionality as a metaphor to understand how multiple forms of disadvantage compound themselves, engendering obstacles for members of marginalized groups. In her words, "intersectionality might be more broadly useful as a way of mediating the tension between assertions of multiple identities and the ongoing necessity of group politics" (Crenshaw 1991: 1296).

In the face of unacknowledged nuances in social critique and social associations engaged in struggles for racial justice, a twofold challenge arises. How does the empowerment of African-descended people encompass the interests of members of diverse groups within a given community that shares the experience of racial domination? This question refers to the need for critical practices to draw on how the convergence of disadvantages (such as racial, gender, migration-related prejudice, to name a few) play out in the existing unjust reality. Intersectional critique represents an attempt to address inquiries in this fashion. It seeks to capture the intricacies and nuanced dimensions of marginalized groups affected by myriad forms of injustice. As a powerful analytical instrument, the concept of intersectionality may inspire critical practices, progressive legislation, and policymaking concerned with how resistance to mainstream mechanisms of exclusion frequently reproduces dominant conceptions of hierarchy within many forms of social critique.

The intersectional prism ultimately constitutes an analytical tool to understand how certain disadvantages often operate, reinforcing other forms of weakness in the struggle for social justice. Thus, such a critical avenue provides a basis for the reconceptualization of identity categories and dealing with other marginalizations in the advocacy for social justice in the color line (cf. Crenshaw 1991: 1299). Efforts to embody in the institutional forms of implementation the intersectional critique through representation and openness of social institutions grounded on the conception of social self-reflexivity constitutes a pragmatist attempt to address the challenge, as mentioned earlier, of an adequate conceptualization of empowerment of marginalized groups in social critique and the potential institutionalization of moral demands in state legislation and policymaking.

(ad ii) The interpretation that social institutions are deeply embedded in racism triggers skepticism for many reasons. Among other reasons for discomfort with the statement, the ideology critique of liberalism proposed by segments of critical race theory-making questions normative principles and individualist beliefs that glue the US American liberal democracy

together. This defining trait of critical race theories lies in conflicting understandings of the existing social order and its foundational justifications. Critical race theory, particularly academics associated with Critical Race Theory in a narrow sense, contests the alleged fairness of liberalism in circumscribing laws and institutional functioning through the innocuous categories of colorblindness and allegedly fairness closely tied up with merit principle and meritocratic social practices.

The hegemonic discourse founded in liberal principles and individualist values and beliefs often impedes our observation of how social stratification deeply embedded in economic patterns and institutional policies obliviates the satisfaction of equal citizenship that the Civil Rights Movement has strived for ever since the abolition of slavery, formally documented in the 1865 13th Amendment. Racial hierarchy has pervaded the criminal justice system, real estate policies, public services, and distribution programs.

The challenge here comprises the peril that social critique of race and racism would forward ideology and spread political propaganda. This accusation, already noticed in the first section of this chapter, constitutes a crucial trait of reason-giving in the counterattack to critical race theory in public discourse. To give one example in education, critics contend that teaching critical race theory's tenet in schools breaks the law. The claim that social institutions are, in the view of critical race scholars, ingrained in inherent racism and white privilege is allegedly full of dangerous regressive ideas. Opponents argue that teaching critical race theory would embody ideological indoctrination without the opposing views. The first section of this chapter already exposed reasons for the misunderstandings and emotionally charged debates about racial issues triggered by the unfolding of critical discourses about race. Another explanation to debunk the accusation of ideological manipulation concerns the twofold component of nuanced interpretations of equal status and related myths of racial equality achieved in the wake of the civil rights era, in addition to the shift to individual responsibility for social mobility in the neoliberal political view.

One feature includes the nuanced interpretation of equality of opportunity and how inequality emerges. Within the liberal framework, particularly the hegemonic vision prevailing in policymaking, legal entitlements would give formerly oppressed peoples an equal say in democracy and equal opportunity in the distribution of social goods. The credo of the close relation between legal entitlements to ensure freedom and equality and the merit of one's

action has been constantly reiterated in legal reasoning and state institutionalization in the wake of the graduated legal triumphs in the struggle for equality of African-descended people in the USA. Numerous academics and media channels voice this viewpoint. From economist Thomas Sewell up to Fox News, conservative trends infer social inequality through entrenched individualist values and formalist tenets of equality, reiterating success or failure resulting from personal effort and meritocratic rewards.

What might surprise us in further conversations about the relationship between race and inequality concerns how entrenched liberal principles and values frequently shape public opinions and perceptions about race and social inequality. Survey data illustrates how Blacks and whites, in general, have wholly different views and perceptions of what causes racial inequality (Bobo 2011: 34). The distorted understanding of the causes of racial inequality of a broad ideological spectrum predominantly conservative can be explained through widespread myths that ideologically give the contours of discrepant perceptions of why inequalities in the racial line persist in the post-civil rights era. Which are these myths?

The first myth concerns the assumption that Barack Obama's election as president of the United States indicates a post-racial era. There are many interpretations of the term post-racialism. In the most straightforward and least controversial form, Harvard sociologist Lawrence Bobo writes, "The term post-‑‑racialism is intended merely to signal a hopeful trajectory for events and social trends more than an accomplished fact of social life. It is something toward which we as a nation still strive and remain guardedly hopeful about fully achieving" (Bobo, 2011, p. 6). The term infers a false assessment of how institutions, organizations, and public services are still embedded in racism. The belief is that the grievance of inequality, injustice, and discrimination are, since the civil rights legislation, water under the bridge, for there is no legal segregation anymore. In that sense, the persistence of racism in public services and abuse of power, such as police killing of Blacks, constitutes cases of abnormality. Some "bad apples" who misuse power.

The second myth regards the religious credo of meritocracy, which sustains the belief that individual achievement depends on personal agency in terms of talent and effort. Although several disadvantages hamper the meritocratic principle, merit constitutes a founding ideal and public recognition that undergirds a sense of fair reward without claiming birth, social position, or any "natural endowments" in terms of arbitrariness and inequalities such as

personal talent, material resources, intelligence, and the like (Rawls, 1999b, p. 89). Moreover, merit works historically as a grading standard to rank social positions. Historian Joseph Kett traces how merit constituted an institutional measure of behavior to justify achievement in public institutions. By "slicing merit into measurable units," school tests began in the 19th Century to identify forms of IQ, abilities, and occupational aptitudes (Kett, 2013, p. 127f). The merit principle and its cultural embracement yield a justifiable legitimation for exclusion in highly desired social goods and position of advantage. The notion of merit opposes the distribution of advantages based on luck or arbitrary ground.

Everyone who works hard merits achievement. There is nothing wrong with the causal assumption. However, we must take notice that meritocracy's rhetoric masks privileges. Standards to measure merit are narrow and imprecise in ways that fall short of identifying "the full range of what we might justly identify as meritorious." Critical race theorists Lawrence and Matsuda shrewdly continue the demolishment of the merit myth, "[w]e must take stock, first, of the real world, the one in which status and wealth too often determine outcomes" (Lawrence & Matsuda, 1997, p. 94).

Finally, a third myth constitutes the assumption that colorblindness can overcome the race's cleavage. The colorblind claim advocates for normative criteria and ethical standards to treat people equally in norms, procedures, public policies, and relationships. Colorblind norms and ethical principles would enable a colorblind society, free from racial bias and unburdened by racism. Indeed, racially neutral reasoning of colorblindness has been a common ground vastly used among conservatives to justify economic processes of "fairness," for in economic terms, we rationally hold that equality of process leads to equality outcomes. Economist Thomas Sowell, for instance, insistently reiterates this line of thinking (Sowell, 1975b; 1984, pp. 73-90).

Furthermore, colorblindness constitutes a solid argument to justify public reasoning. For example, conservative court reasoning states that the constitution is colorblind in the 14th Amendment, which provides equal protection for the law. This justification constitutes a strong pillar in controversies related to race-based programs. However, despite its apparent reasonable meaning and formal value of impartiality, the colorblind argument fails to acknowledge the crux of the problem of inequalities. A close analysis shows that colorblindness comprises an ideological tool to shield the perpetuation of disparities. Chapter

3 of this dissertation noticed the 1978 Bakke decision changed to the course of affirmative action in higher education. Supreme Court deliberations prove that colorblind principles worked against the interests of disadvantageous racial minorities, particularly Blacks. Court reasoning in the Bakke case, later restated in Grutter v. Bollinger in 2003, was that affirmative action that fosters a diverse student body is constitutional, provided that the admission process takes account of individual review. The constitutionality of race-based admission came to an end recently. In June 2023, the Supreme Court's ruling struck down the use of race-conscious college admission on the grounds of violating the 14th Amendment.

These are more myths grounding the discrepant perceptions of why inequalities in the racial line still exist. These myths shield the negation of the reality of systemic racial inequality. In heterogeneous ways, these ideological thoughts work as justificatory tools for privileged people and many nonwhite US Americans to disdain how an array of structures, mechanisms, and power relations underpin the permanence of racial hierarchy today. The challenge within the contrasting interpretations of the chronic persistence of racial inequality on institutional, systemic, and structural levels concerns the charge of a potential peril of ideology developed by critical race theories.

Not only does the conservative wave of political demagogues help make sense of the ideological disputes and why critical race theory has been blamed for raising crucial questions that destabilize social institutions and well-established systems in the core of the liberal social order. Individualist views' moral and cultural hegemony helps illuminate the twisted view of the racial problem.

The hegemonic view of individualist ideological trends endorses the belief that present disproportion in the economy, scarce social mobility, and lacking representation in highly-ranked employment and political fields in the line of race lies in the responsibility of racial minorities who should pull themselves up by their bootstraps. Recall that the predominant narrative of race liberalism at a certain point, conjointly with the take-over of neoliberal economic policies and the dominant ideas to trust the marketplace, overstressed individual responsibility for one's success or failure. However, how did political rhetoric manufacture the powerful narrative of responsibility for oneself?

The narrative of self-responsibility might be complicated to explain in simple lines. However, public reasoning and political actors may show one way to look at this issue. The political

economy of the neoliberal agenda exaggeratedly implemented in Ronald Reagan's office in the 1980s shifts the accountability for social mobility and explains inequalities grounded on individuals rather than the failures of economic policies and social and political conditions perpetuating inequalities of already marginalized racial and ethnic groups. In this sense, matters such as school grades, free will, personal effort, and performance are stressed from an individualist point of view without the scrutiny of co-dependent factors that often constrain individuals to systemic traps. Of course, that does not mean that agency does not play any role in fate, nor that structures cannot be changed. Nonetheless,

The descriptive line of argumentation of critical theories of race points to how structures were formed and still pervade in the present configuration through the inertia of economic and social mechanisms (cf. Lebron 2013) and the dominant narrative that steers political behavior of minority groups away from the liberation goal of radical economic reform. The hegemonic narrative deflected the demands from economic changes, accentuating the legal status of equality and reiterating a very narrow conception of conditions for equal citizenship for Blacks' informal civil status and law (as Chapter 2 alluded).

Particularly in the face of specific changes in terms of racial representation in the last years, many raise doubts on the argument of structural racism referring to meritocratic beliefs and the conception of equality of opportunity granted in a set of laws and policies of civil rights enactments suffice to correct the problem of race. In other words, these two tenets ground assumptions among conservatives such as: "slavery is not an excuse anymore;" "the fact a Black has become chief of state of the USA, referring to former President Barack Obama, proves that structural racism is a lie;" "I work hard while Blacks get state handouts;" "other immigrant groups can get out of the ghetto within one generation, why can't Blacks make it?" So, why should Blacks and Browns play the race card?

Notice that despite their multi-layered complexities and differences, these thoughts share two components in common: the stress upon the individual responsibility and the disregard for the economic side of racism, that is, how racism has been etched in institutions perpetuated throughout generations. I have argued in this dissertation that understanding the intricacies of other dimensions of race and racism depends on a reconstruction grounded on a historical approach. Furthermore, the historical contextualization helps us understand the complexity of what racism embodies. The example of the analysis of policy outcomes in the assessment of

affirmative college admission in Chapter 4 illustrated a critical interpretation of social data beyond the mere statistical description of discrepancies along the race line.

The claim of structural racism seeks to analyze the race problem from a different stance. The line of thinking applied to concern racial inequality is grounded more significantly in unraveling the processes, organizing structures, and systems that have been molded by racial hierarchy and, in the systemic exclusion, conveniently reiterate the cultural outlook of racism. Thus, social theory and normative suggestions aroused from critical race theory take a grip on the historical unfolding of policies, institutions, and mechanisms that amounted to the racial hierarchy and perpetuate disadvantages up to our present. In addition to raising critical historical awareness, the framework of structural racism radically questions the status quo. It philosophically challenges the foundational principles of liberalism, relocating conceptions of equality within historically contextualized circumstances and material and ideological domains.

In practical terms and, by this means, institutional experimentation, the contesting discourses about race and racism constitute a window of opportunity for potentially building up new forms of institutions or revitalizing existing arrangements through contestation. I alluded above to a pragmatist account of community-based experimentation to contemplate the normative potential of alternative views to hegemonic discourse within the liberal framework. That was the case with radical black organizations such as the Black Panther Party and the League of Revolutionary Black Workers in Detroit (Dawson 2013, chap. 2).

In the wake of how critical discourse about race and racism arouses political and opinion formation, the route to eschew the peril of ideological control lies precisely in the self-understanding and the experimental character within public channels opened to critique of social agents. The pragmatist version of critical praxis points to a strand of thought that embodies critical instances and practical effects. In this sense, the vital attempts to construct new policy implementation or invigorate existing institutions with corrective reactions to criticized aspects are rooted in open experimentation and self-reflexivity. This understanding comprises an optimistic direction to turn contesting discourse into liberating institutional arrangements, provided the self-critical commitment embodies resourced policy implementation and hands-on democratic organization attuned to the empowerment of marginalized minorities.

(ad iii) Implementing new institutional arrangements or policies to produce tangible social change obviously constitutes a challenging venture. This challenge becomes more difficult once the policy implementation embodies the conceptualization of structural racism to address racial inequalities. First and foremost, institutional experimentation that not only seeks racial justice but additionally acknowledges racism on institutional, systemic, and structural levels causes numerous repercussions. The first concern is destabilizing the institutions founded on liberal principles and social practices.

In theoretical and normative terms, the foundational stability of the existing institutional blueprint grounded on a liberal framework constitutes an essential justificatory argument at the heart of social and political practices constituted of a deep relation between normative principles and entrenched individualist values. Individual rights and procedural justice play a constitutive role in shaping attitudinal beliefs in matters related to social engineering to tackle the problem of racial injustice. In the second part of this dissertation, I have recalled how laws and policymaking of race liberals in the civil rights legislation (1954-1968) sought to correct inequalities in the race line by arguing for the constitutionality of equity-aimed policies such as affirmative programs. The character of liberal attempts to pursue racial justice can be summarized in the following way. Egalitarian liberals criticize proper appreciation of equality of opportunity and merit-based reward in guaranteeing individual rights and justify substantial equality in abstract constructions such as the Rawlsian original position (for a review, see my Borges 2023a).

The reason for contention here lies in the reason-driven assumption that moral and political subjects fail to contemplate how structures and dominant ideologies have shaped and have been shaped by underlying social patterns of racial inequalities. As a result of the reconciliatory policy of race liberals advocating for integration and affirmative programs of inclusion, institutional efforts to enhance redistribution and redress injustice comprise inadequacy in their conceptualization and inefficacy, albeit with some ambivalent outcomes (cf. Bowen & Bok 1998) in the institutional implementation as chapters 5 and 6 dived into the policy development of affirmative action in higher education.

The flawed problem-solving of race liberals identified previously was grounded on the prominent view of racism strictly as an interpersonal matter and, thereby, a moral issue to be corrected through integration. Besides this simplified conceptualization of racism,

disregarding its institutional and systemic dimensions, the evolvement of affirmative programs through reshaping did not leave up to the equity-aimed claim, as initially conceived. In other words, although affirmative policies were designed in the 1960s civil rights enactment to redress structural inequalities of historically disadvantaged racialized groups as a response to urban unrest in the struggle for equality in Black uprisings (cf. Matsuda & Lawrence 1997: 13ff), the policy development suppressed the initial aims in the 1978 Bakke case until its collapse in 2023.

Accounts of structural racism (e.g., Bonilla-Silva 1994, 2003; Rose, 2013), as suggested earlier in this chapter, seek to challenge individualist ideology that stresses one's responsibility for poverty and inequalities in the color line. Instead, the structural racism framework explains the permanence of racial hierarchy in terms of economic and power-related dimensions. To reiterate the claim made so far, one aim of philosophical visions in the line of the historical formation of critical race theory in a broad sense lies in unveiling how the race category remains a marker in social institutions and rational systems.

Racism operates systemically and frequently without explicit racist behavior and constitutes an ongoing critique in contesting public spheres and academic knowledge production, advocating critical race theories. The conceptualization of racism in structural terms to understand how historical processes and well-established institutions have built up current economic circumstances and the social texture faces a hostile opposition. The reverberation of radical ideas through education, for example, allegedly encourages a one-sided interpretation of history, inducing discrimination against white people. The bottom line of this ongoing hostility visible in public discourse and state legislation to ban critical race theory from schools points to the peril of talking and institutionally acting on race and equity, acknowledging and, thus, redressing systemic, structural, and institutional racism would cause de-instability.

To recollect the official formulation in the legislature passed in the State of Idaho quoted above, tenets "often found in 'critical race theory' undermine [the dignity and the right to nondiscrimination in public education] and exacerbate and inflame divisions" (House Bill n. 377, 2021). Besides the "incentive" to social division, institutions would supposedly lose their credible rationale and principled standards of right to dignity and nondiscrimination, as purported in liberal principles and values of equality framed in reciprocity and generality and

arguably sedimented in social and political practices that find reasonably acceptable institutionalized forms in legitimate order, as a liberal political theorist states (Forst 2011: 48f).

This strand of thought within the liberal framework, which overtly carries on the Kantian legacy of normative thinking, places public reasoning as a regulatory standard. There is a fundamental problem in this assumption once we take seriously the positioning of many nonwhite minorities in public reasoning. Rational justification of institutions in liberal political theories includes the reason-giving claim founded on universal reason assumptions. Rawls's theory, a paramount source in liberal thinking, holds a rational constructivist assumption of what is reasonably accepted by moral and political agents. In his own words,

> justice as fairness aims to uncover a public basis of justification for questions of political justice, given the fact of reasonable pluralism. Since the justification is addressed to others, it proceeds from what is, or can be, held in common. So, we begin from shared fundamental ideas implicit in the public political culture in the hope of developing from them a political conception that can gain free and reasoned agreement in judgment, this agreement being stable in virtue of its gaining the support of an overlapping consensus of reasonable comprehensive doctrines (Rawls 1993: 100f, emphasis added).

Another line of argumentation for liberal justificatory structure purports a theory of rational justification that considers historically situated and context-based demands for justice. Habermas' discourse theory provides the theoretical anchoring for the procedural inclusion of political agents at the root of legitimate public reasoning. Comparing both major philosophies concerned with public reasoning, a scholar states the following. While Habermas applies proceduralism to bridge cultural differences and comprehensive doctrines, Rawls's political constructivism, in turn, provides a blueprint for reasonable disagreements among reasonable actors (McCarthy 1994: 56f).

The problem with the assumption of "shared fundamental ideals implicit in the public political culture," highlighted in Rawls' citation above, and public reasoning unfolded in the public sphere in Habermas's theory concerns the vital distinctions of public perceptions of social reality between racial groups. Liberal normative theories confront challenging questions in the real world. The normative assumptions associated with public reasoning become more complicated once one adds identity features such as race and even more intricacies when addressing racial issues. As Rawls highlights, the "shared fundamental ideas implicit in the public political culture" as the departure point in "the hope of developing from them a political conception that can gain free and reasoned agreement in judgment."

There is a reasonable sense of realism in this assumption. Nonetheless, there are reasons for skepticism to the liberal conceptualization of public reasoning entangled with "shared fundamental ideals implicit in the public political culture" that are worthy of mention. The main reason concerns how distinct differences in the political conception of some black political ideologies fundamentally shape the disagreement. In conceptual terms, the ideological tradition of Black Nationalism comprises an enduring philosophical rival to liberalism, robustly unmasking how liberal theory, in practical terms, has systematically excluded US African Americans. Black Nationalism constitutes a set of ideas historically widespread in black communities since Frederick Douglass, Martin Delany, and other black abolitionists praised black pride. Black Nationalism still shapes political attitudinal behavior and contours the normative imagination of polity among many Blacks, for the "nationalist vision evolves [and] (…) adapts to different historical epochs" (Dawson 2001: 86).

In empirical terms, data reports on public opinion and political behavior show another vantage point opposing the liberal premises. Empirical findings highlight a puzzling aspect in such discussions: Blacks and whites have entirely different worldviews and public opinions about racial matters such as socioeconomic inequality and welfare policies. Race shapes US African Americans' public opinion about social reality so radically that, in the political landscape, it often leads individuals to link fate in terms of the vote. Dawson concludes that "as long as African-Americans' life chances are powerfully shaped by race, it is efficient for individual African Americans to use their perceptions of the interests of African Americans as a group as a proxy for their own interests" (1994: 61).

Adding to the understanding of the cognitive mechanism conducive to political action triggered by race-determined interests, the conceptualization that social institutions are deeply embedded in racism helps draw a fuller picture of the social reality of Blacks in the United States. Unraveling how racism in structural and relational terms still constrains individuals in the post-civil rights era constitutes a guideline to gauge the conflictive discrepancy between racial groups. In particular, a close examination of the interplay of racism and capitalism offers a prism for analyzing the historical processes and structures of economic domination and social subordination that conditioned US African Americans and other racialized social groups to have scarce changes in the economy and diminish political participation.

Critical race theory, in a broad sense, has undertaken the task of exposing the pervasive disadvantages through structural arrangements, reviewing the history, and radically questioning the normative foundations of the existing social institutions. The historical unfolding of counternarratives in the wake of current historical circumstances in which critical race theory tenets have become more visible constitutes a window of opportunity. The opportunity for critical reflection in the face of institutional framework corresponds to a robust contestation. The backlash against critical race theory in many channels holds the claim that existing US American social institutions legitimately do justice to the principles and values of a fair, liberal, and democratic society. In contrast, critical theories of race deeply merged with activism seek to give voice to subordinated groups and rethink the old problems of race and racism through different prisms that challenge color blindness and meritocracy.

One promising direction in contesting hegemonic narratives calls for novel institutional responses that embody a different conceptualization of racism beyond the interpersonal line. This understanding contemplates institutional, systemic, and structural facets of racism. The question in the foreground rejuvenates the hope within the black struggle for equal citizenship. One question arose in diverse moments in history, in distinct geopolitical contexts, and repeated in the practice of grassroots movement: How can contesting discourse be translated into contesting political action?

The unfolding of critical race theories constitutes a promising prospect for rethinking the translation of contesting discourse and galvanizing social agents to social organizations and political action against inequality. The concept of counterpublics helps visualize how the exchange of ideas unfolds and matures from social organization to political articulation. The critical strength of counterpublics in the contention for different narratives has been addressed in social philosophy and social sciences, emphasizing its normative force of social critique of the status quo and dominant structures (Fraser 1990, Dawson 2012b). Philosopher Nancy Fraser highlights how "subaltern counterpublics" of similarly-situated social agents form "parallel discursive arenas" to politically articulate their voices with the aspiration to "disseminate their discourse to ever-widening arenas" (1990: 67).

In this spirit, in addition to the ideological disputes to understand racial inequality, the repercussion of critical race discourse arouses a novel impulse to reanimate hopeful thinking and subversive cultural practices. The formation of counter-discourses of critical theories of

race engaged in analyzing intricacies and limitations within the process of institutionalizing progressive discourse about racial justice persevere despite the regression of recent demagogic offensive of right-wing politics. The unfolding of critical race theories in diverse ways appeals to reflection about the apparent legitimacy of institutional channels and their practices. Moreover, in the conclusion of the normative suggestions in this chapter, the transformative potential of translating contesting discourse into political action and implementing progressive discourse about race-related matters embodies ideology-critique that dismantles dominant social self-understanding.

Circulating critical race ideas in diverse public spheres, civil society, social media, academia, arts, and so on encompasses conceptualizations as a work-in-progress endeavor to do justice to the complex nature of forms of exclusion and social reality. Today, critical terms such as intersectionality (Crenshaw 1991) propagate in discursive platforms to raise awareness of blind spots in critical practices. In this way, the exercise of critique that normatively aims for emancipatory goals and seeks the empowerment of subordinated agents opens a self-critical terrain and enables social actors to retrace the route to cope with discrepancies and disparities of power across identity features that often remain unacknowledged in social movements and political associations.

In terms of critical theory in a broad sense, the critical and Herculean task within a social landscape in which contentious discourse arises from structures of domination carries the permanent need to raise questions about the conditions of possibility of social critique and institutional improvement. Inspired by the Black radical tradition of thinking and hands-on activism such as the Black Power Movement, critical race theory reinvigorates the possibility of transformative discourses and policies toward a better social reality for oppressed agents and seems to be, in this sense, inherently pragmatic and pragmatist. This chapter underscores most notably the political repercussions in public spheres of knowledge production and the calls for experimentation inspired by and, at times, explicitly galvanized by critical race theories. Of course, the dream of substantial structural changes through political action and policymaking remains far-fetched in a horizon consolidated by systemic functioning that pervasively reproduces inequalities and often injustices in the color line. Critical opinion formation constitutes one among many efforts in the liberation struggle.

Whether the interplay of racism and capitalism can one day be broken persists as an open question for theory, social critique, and subversive practices. The current state of affairs in the political landscape prompted by heated contentions aroused by critical race theory constitutes a chance to rethink and experiment. This chapter sketched an appreciation of the multifaceted formation of critical race theory in a broad sense, or perhaps even more adequately critical race theories, pointing out the normative strength of the ongoing reflection about race and racism. A reflexive discourse that takes structural racism seriously to unravel systemic racial inequality. This robust discourse in distinct channels constitutes a chance to revitalize the feverish imagination of transforming structures in the quest for equality for racial minorities beyond formal constitutional entitlements.

Of course, the old struggle for equal citizenship of racial minorities encapsulates an array of challenges within the unfolding of emancipatory discourse and institutional efforts. Critical race theories, in their heterogeneity, represent a visible possibility to circulate ideas, strike discussions, and agitate public arenas towards consciousness-raising ideals to rethink racism and redesign problem-solving strategies, policies, and social practices despite fierce resistance, pungent resentment, and manifold commotions. Contestation and ardent debates can reinvent the hope to challenge the permanence of the problem of the color line in pervasive inequalities and ingrained injustices. There is a chance for utopian thinking. Even if the chance is small and slender, there is a chance. The prospects of ongoing critique and re-imagination prompted by critical race theories embedded in self-reflexivity constitute a catalyst to rethink and stimulate experimentation towards tangible change in the racial line.

Black radical thoughts have been challenging normative commitments of the US democratic public institutions in various and complex manners. The present juncture of critical theories of race and racism, to some extent, resembles a great deal of black radical thought tradition in the amalgam of social critique and emancipatory efforts. Roughly speaking, black radical visions echoed in different channels accentuate the enormous distance between social institutions of the United States of America and Blacks, who have experienced the bitterness of second-class citizenship in the past and still experience injustices in the present. The shocking disproportional incarceration rate and the insane reality of impunity of police killing of Blacks exhibit the permanence of injustices in the race line. In the face of that crude reality, the scathing and memorable speech held by Frederick Douglass in 1852, "What to the Slave is the Fourth of July?" still makes sense.

Douglass raises awareness of the pivotal matter from a black radical standpoint: the dissociation with the US American public institutions. Frederick Douglass accurately denounces the disparity between Blacks and whites at the institutional roots of a social hierarchy. His remarkable speeches condemned the hypocrisy of institutional practices in the US American democracy that have systematically ignored cultural thinking and equal social standing of (US) African Americans. Differently from those who endorse the normative force of liberal principles and values in including and transforming the polity, institutions, and ethical life, Douglass identifies the source for the inconsistencies in the normative principles of the US American constitution – that is, freedom, equality and democracy – and the social and political reality experienced by US African Americans. Douglass, reiterated by a long legacy of organic intellectuals and many forms of political activism, appeals to the poignant need of the black struggle for emancipation.

Frederick Douglass and Martin Delany - for his robust call for black pride, considered the father of Black Nationalism (Painter, 1988, p. 149) - co-founded the liberationist newspaper *The North Star*. Supported by anti-slavery Newspapers and militants, the abolitionist initiative urged public spheres and opinion formation to fight for black liberation, women's suffrage, and the education of people of color (Chesebrough, 1998, p. 36). Neither angry nor so witty as Delany, yet incisive and shrewd, Douglass' rhetorical power expressed what many Blacks sought and, up to the present, still struggle for Black liberation and equal citizenship.

Critical race theories disseminate that motivation within the struggle for black emancipation. The struggle takes distinct paths in the philosophical landscape, either with the idealist optimism of advancing the unlearning method of rhetoric remedies to redress racial discrimination in language, representation, schooling, ways of thinking, and attitudinal behavior. Idealists take race as a social construct and advocate that "we may unmake it and deprive it of much of its sting by changing the system of images, words, attitudes, unconscious feelings, scripts, and social teachings essentially depriving it of its sting" (Delgado & Stefancic, 2017, p. 21f). Contrasting, the realists hold that racism works in the USA as complex mechanisms to allocate power, privilege, and status. Although there are inevitably racist attitudes that shape the social texture, racism is embedded in economic structures. In that sense, racism functions to justify economic subjugation. Its cultural veil of demonization in the form of racial prejudice, discrimination, segregation, and violence are outcomes of exploitation and economic coercion. Materialist Critical Race theorists take the radical stance that this dynamic of racism in institutional and structural ways has existed since the transatlantic enslaved-people trade system up to the present perpetuation of racial hierarchy in economic subordination.

Either optimistically or realistically, Blacks and other racialized minorities have struggled to reach the dreamed unmarked equal citizenship status. The characterization of the struggle and what black emancipation encompasses has been a matter of contention in institutional efforts to translate demands and political articulation in black communities and social movements. The question of what black emancipation means today remains a point for contention in a broad ideological spectrum stimulating ideological disputes in the horizon of theories and practices of social critiques. In a broad sense, critical race theories entail assessment practices in many channels and public spheres. From academic and popular knowledge production up to cultural expressions, the development of epistemic and political views of black emancipation abound, visions beyond the reduced account of legal provisions to ensure civil and political participation.

Inconclusive lines remain relevant to recall the resonance of black radicalism. Distinct segments of black radicalism, exemplified by W. E. B. Du Bois and Derrick Bell argued that material resources should be reallocated in black communities. Besides the repercussions in public spheres in the potential to form a critical opinion, critical theories of race seek to reevaluate the racial order in the post-civil rights era, offering a different interpretation of the

permanence of inequality in the racial line beyond the parameters of personal responsibility in the competitive labor market. Reframing the entanglement of unequal access in the set of institutions urges a critique ultimately to the liberal line of thinking, exposing how colorblind and meritocratic view misses how race has played a conducive role in historically developed economic prosperity. In a broad sense, critical race views have set the ball rolling to rethink and debate the state of affairs of inequalities in the color line. Moreover, the affective and at times reflexive wave propelled by current controversies around race and racism in the USA may ultimately encourage reanimating reflections about black emancipation and the long search for equal citizenship, making overt how the flawed nature of the second reconstruction in the 1954-1968 race-sensitive legislation and social policies in producing equality of opportunity and social standing for Blacks.

This dissertation aimed to spell out the reinvigoration of that fundamental questioning can be traced historically and ideologically with political repercussions in public spheres to galvanize social agents to take action. In particular, radical thought traditions in complex and competing visions frame racism and racial hierarchy beyond the racial prejudice prism focused primarily and often simply on racial prejudice and discriminatory interpersonal relations. Besides the question of racial justice and the division in the meaning of equality of opportunity, integration, and the range of race-conscious programs, the 1954-1968 civil rights era brought many divisions in the philosophical landscape, intensifying the differing views of what racism means and how we can get rid of it. Recall that for race liberals and for many liberal egalitarians who endorse the integrationist vision, such as Elisabeth Anderson (2010), integrated settings, in addition to the instrumental and ethical benefits of social networks of information, are essential tools to forge democratic social cooperation in the deconstruction of maltreatment, disadvantages, and stigma that characterize discrimination of racialized groups.

Contrasting to the belief that the integration maxim could ameliorate racial relations and enhance equality of opportunity for racialized groups – particularly US African Americans– black radicalism was skeptical of the integrationist ideal and problem-solving in multiple ways. Integration ideal was reinforced in different, though complementary manners. Integration for many black radicals endangered members of minority groups not only to succumb to assimilation but perhaps subtly to the acceptance of premises and the construction of institutions without participation in the foundation. Black radical thinking and

social movements have advanced a conceptualization of racial hierarchy as power. In some cases, black visions have raised the question of how mainstream social institutions are embedded in racism.

A central element in the ideological division of these contrasting epistemic matrixes from today's juncture point concerns the perception of the problem of the color line, that is, the persisting reality of racism and the permanence of inequality in the racial line, and the ideal underlying the set of policies to correct the injustices. The two contrasting conceptualizations explored in this dissertation have roots in different worldviews that form public opinion and have been shaped by ideologies in the descriptive sense (for a conceptual anchoring of ideology, see the third section of introductory remarks). Of course, race liberalism and critical social theories of the racial hierarchy are not monolithic in their conceptions. They represent complex fields that historically evolved in manifold discourses and multifaceted visions of how race and racism can be defined. Nevertheless, the chapters above have underscored a few typical traces in understanding race as a social category. In the study, the interplay of race with other sources of disadvantage, most significantly underclass economic status, stays in the foreground.

Attention to the discrepancy between normative ideals and concrete social reality throughout history constitutes a grounding feature for black radical critique. In addition, the focus on the historical configuration of US African Americans' conditions of subordination and the consequence of the racial hierarchy for economic growth in the USA represents a commonality in social critique and theoretical formation of critical theories of race. These two co-related, perhaps even co-determining features draw a convergence in the complex web of channels and practices of social critique of race in black critical theories of race I want to restate in these final considerations.

Now, I can return to Douglass' denunciation of the bitter perception of exclusion in the foundation and institutional practices of the US American democracy, as mentioned at the beginning of these conclusive remarks of part 3. Douglass and many other authors and militants associated with black radical visions refer to the disillusionment of Blacks with public institutions that have hypocritically justified racial domination while committing to high principles of equality and liberty for its citizens. The acknowledgment that the US American democracy did not live up to its normative commitments to all its citizens has dismayed radical segments of the Civil Rights Movement and black activism with a radical

consequence for Blacks' philosophical conceptions and political behavior in the United States.

Most black radicals, recurrently labeled nationalists, contend that domination and exploitation of the racial order impinged upon the perception of social institutions, polity, and civil society (cf. Dawson 2001 Chap. 3). Differing from the rationalization of normative principles of universality and reciprocity essentially abstracted from any identity quality as enlightenment philosophy suggests, black radical thinking sees race as the utmost vital category to grasp political positioning embedded in the historically constituted reality of racial hierarchy. In other words, black radicals, in particular black nationalists, hold *race and racial oppression* as central features of modern world history (Dawson 2001: 86). For these reasons, this cultural and moral vision in distinct varieties contends that Blacks should stick together building racial solidarity to improve their conditions and social standing.[1] In any case, race represents a crucial feature *for political positioning* in public spheres and a constitutive and fundamental *benchmark of diverging worldviews*.

The centrality of race in the construction of social critique and normative theorization can be traced through documented data expressing how the definition of normative principles of freedom and equality have been long entangled with blackness. The chapters above assembled examples and elements of a critique of racial hierarchy that have scrutinized how race has provided justificatory grounds for exploitation and oppression (see Sections 1.1, 5.3, 6.2, 6.3, 7.2). Moreover, a large body of surveys, reports, and empirical research corroborates the assumption that race constitutes a defining category to make sense of social and political reality and to grapple with central aspects in the psychological foundation of black public opinion and political behavior (for overview and reflection about the issue see Dawson 1994, Samson & Bobo 2014).

In a nutshell, epistemic tendencies of black radicalism and empirical research engaged with unraveling past and present behavior patterns of US African Americans coincide in the conclusion that Blacks consider race a central factor in thinking about politics. Today, the attention brought to racial issues in the wake of current controversies propelled by critical theories of race in distinct manners, as chapter 7 has referred to, recapitulates a vital nuance

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[1] Black Nationalism in many forms marked many visions across black communities. One might raise doubts that most tenets find less reverberation in public spheres today. Core ideas of self-determination, political and economic power within black communities, and a deeply skeptical view that racism remains endemic despite efforts to correct it.

of Douglass' questioning of the relationship between the US American democracy and Blacks: the fundamental question of whether social institutions have been complacent with the permanence of inequalities that disproportionally affect Blacks and other racialized groups in the USA.

The visibility of reflection about race in public spheres due to overt violence and public controversies reassures that racial hierarchy still endures despite the slow-paced progress in the aftermath of the civil rights era. The reconceptualization of institutional, structural, and systematic racism constitutes a window of opportunity to rethink the permanence of the problem of the color line in the present. Discussions propelled by the redefinition of racism invite us to reassess the understanding of the reasons for inequality intertwined with race. In this spirit, a nuance in the contesting discourse about race and racism regenerates the legacy of the black radical tradition, recapitulating old questions about the US American public institutions and black citizenship. Furthermore, the unfolding of a non-monolithic critical race framework embodies particular circumstances for opinion formation and counter-public configuration, as Chapter 7 suggested.

Despite fierce resistance and resentments, the current debates constitute a favorable occasion to expose the fractures of the rationalization of color blindness and meritocracy to justify inequalities, the failures of the hegemonic vision of race liberalism up to the policy-making in the civil rights era, and the repercussions today. Additionally, ongoing knowledge production and discussion prompted by critical race theories incite social agents engaged in the struggle for emancipatory liberation to reevaluate the potential of social practices and institutions' self-reflexivity.

i.   *A Brief Overview*

This doctoral study has delved into two crucial conceptual and political axes that have grappled with the problem of the color line in the United States of America. Despite the diverse discursive landscape, the research has underscored two contrasting views of how the crux of the problem underlying the racial divide in the US is perceived and how the racial liberal perspective has become predominant in the public reasoning and social policies of the 1954-1968 civil rights legislation. These findings are of utmost importance in understanding the historical and contemporary dynamics of race relations in the US.

Race liberalism frames racism in relational terms, considering the cultural, economic, social, and political subordination of Blacks and other racialized groups as a consequence of racial prejudice, thus conceiving racism primarily as a moral issue. The chapters above outlined how race-liberal tenets have become the cultural and moral hegemony of the understanding of racism and the elaboration of problem-solving in an array of channels and institutions. From scholarship about racial issues to leaders and political organizations tied up with the Civil Rights Movement, race-liberal beliefs of moral commitment and liberal rationalization constituted the dominant view in the rule of law and social institutions operating integration as a normative ideal and problem-solving stratagem in legislation and public policies. Since the civil rights era, race liberalism dictated the dominant interpretation of race and racism in policy-making and still wields enormous influence in public opinion about racial matters.

Contrasting to the race liberal hegemonic perspective, a predominant understanding of racism in relational terms, this dissertation has presented the unfolding of the contesting discourse of the critical theory of race. Critical theorization of race and racism raises questions beyond the racial prejudice prism, questioning how race constitutes a crucial category and how social privileges and economic stratification are historically and systemically embedded in racial hierarchy. Critical race theories hold race as a social construct and spell out the interplay of racism and capitalism underlying the deep-seated power hierarchy in the color line. Roughly, the social texture and, thereby, the racial order is critically deciphered in terms of power. Moreover, in a broad sense, critical race theory asserts, either explicitly or through inference,

how race liberalism and the implications of the conception of the racial divide on moral terms fall short of grasping the intricacies of race-related matters in the US American society.

With this subject matter in mind, the research pinpointed how race-liberal tenets constituted the cultural and moral hegemony in diverse channels, including segments of the Civil Rights Movement and the legislation and policy-making of the 1954-1968 civil rights legislation. Moreover, the investigation drew attention to critical social theory, which is concerned with disentangling how racism operates structurally and bears effects on the social texture. In this sense, the research accentuated the epistemological gains of a historical approach and empirical data in social sciences. This approach allows for a more nuanced understanding of the complex dynamics of race relations and the impact of race-liberal tenets on public policy. The investigation was developed in three distinct, albeit related parts.

Part one has delved into the overriding view on race and racism that gave contours to an ideological usage of the Civil Rights Movement's claim to equality. In so doing, the analysis identified racial liberalism as the predominant ideology, in the sense of a set of ideas, that has galvanized public policy in the civil rights era to legislation to eliminate racial discrimination and draft programs towards integration.

Part two concentrated on one example of integration and inclusion in the wake of civil rights enactments. It has undertaken an in-depth analysis of affirmative action in higher education, demonstrating how affirmative college admission, reshaped by dominant forces in court reasoning, carried ambivalences in the policy development and policy outcomes up to its prohibition in 2023.

Finally, part three of this study has sought to address the unfolding of the conceptualization of racism in structural and systemic terms, advocating for a rethinking of the complex reality of how social institutions perpetuate inequalities in the color line. The contesting framework contains a normative strength to remold and redraft attempts of racial justice that rejuvenate critical opinion formation and emancipatory impulses in alternative public spheres attentive to the interests of members of marginalized racial groups. These insights offer a beacon of hope for a more just and equitable society.

The remainder of this conclusion delineates a few thoughts, considering the discursive clash and the repercussions of race liberalism and critical scrutiny of race and racism. It sets out

possibilities for further thinking and conversations in deciphering why and how the problem of the color line has remained despite the demolishment of racial segregation with the outlaw of legal racism. The notes in these last pages have three intertwined aims. One, it envisions the critical strength embedded in the rise of critical theorization of race and racism, recapitulating elements of black radical vision. Two, it purports the significance of the critical race theory in a broad sense to reevaluate the roots of the problem of the color line in the existing social institutions, the foundational principles, and social practices in our society. Finally, it accentuates the epistemological gain and political potential of the critical race conceptualization, a framework for analyzing other phenomena of racial injustice in systemic terms and racial relations perceived in distinct contexts. In what follows, I remark on each of these issues. I begin with a contrasting nuance in the understanding of Blacks' inclusion in the primary institutions of the USA and the incredulous view of black radicals that come to grips with the discrepancy between the normative foundations of the set of institutions of the US American democracy and the reality of racial exclusion.

ii.   *Social Critique, Political Organization and Experimentation*

This dissertation recollected how the historical unfolding of the 1960s civil rights enactment brought up hope and desolation. The chapters above drew on social critiques critically attentive to explaining the causes of inequalities in the color line as a moral issue, as insisted by race liberals and the implementation of anti-discrimination laws and integrationist social policies. Essentially, the dream suggested that the rule of law and the institutionalization of race-sensitive programs would eventually harness the struggle into the hopeful transformation of conditions and social relations. In the background of this vision, the confidence in government as a moral agent and the force of law-making in impinging social changes were leading aspects in the rhetoric and the imagination of many leaders of the Civil Rights Movement. Martin Luther King Jr.'s Memorable speeches explicitly lay the belief in public reasoning and government agents in the hope of fulfilling the democratic promises for Blacks and people of color. In particular, "a recognition of the potentials of federal power is a primary necessity if the fight for full racial equality is to be won" (King 1986a: 158).

Against the backdrop of the language of rights and the faith in normative premises of laws and public institutions, race liberalism has played a crucial role in framing the problem of the

color line as a moral issue and underscoring racial relations. In the face of disenchantment with state reaction to social demands of the Civil Rights Movement, Black Radicalism in myriad forms of resistance such as civil associations, arts, religious congregations, and activism of organic intellectuals insisted on shaping racial justice, giving more autonomy and resources to US African Americans, thus, involving principles, values, and strategies contrasting to the integrationist agenda. Notice that the ideological landscape of black radical visions embodies diverging opinions, tensions, contradictions, and possibilities. The chapters above emphasize the reallocation of material resources in black communities and political self-organization inspired by the Black Power and the Black Panther Party (cf. Section 2.2 above).

Black radical movements, radical individuals, and scholars shared a profound disenchantment with the course of civil rights enactments and policies. Reactive to the state of affairs dominated by race-liberal accounts and integrationist problem-solving, many radicals have underscored community-based solutions that would engender social participation and bottom-up organization. In this spirit, complementing the social critique of race-conscious politics and the dominant conception of what racism means, as the unfolding of critical race theorizations has shown, social scientist Michael Dawson reanimates the call for black *political organization*.

In the face of the current state of affairs marked by the bitter desolation in the wake of the 1954-1968 civil rights era, Dawson (2013) makes a point towards the pungent necessity of Blacks to rebuild an independent political organization that seeks the full promise of liberation through institutional change and reassessment of existing social practices. The political organization should take up the challenge to actively criticize and rearrange a set of social and political practices embedded in patterns that reinforce questionable assumptions of inequality and injustices that disproportionally affect Blacks and racialized groups without regarding how race still dictates much of the reality and the political imagination to come to grips with existing problems.

A stratagem to combat the staggering reality of injustice and inequality in the color line through insightful critiques evolved from competing black ideologies associated with black communities comprises the operationalization of political channels and organizational networks across multilevel state apparatus structures. In this sense, Michael Dawson envisions

a "black critical theory," whose theoretical framework is grounded on a "flexible approach," combining the set of ideas at disposal and applying the potential through existing platforms in the polity. After exposing in a massive historical reconstruction and empirical database the unstable landscape of ideological conflicts that impede cooperation within the black community, Dawson highlights *the need for democratic debate on race* as a reconstruction of the public sphere that includes *counter-public spheres* in the struggle for equality and better conditions, whose outcomes may motivate progressive policy-making towards racial issues.

Two normative requirements in the institutional application of black public spheres in this line of thinking stay in the foreground. Firstly, political leaders must be willing to engage in dialogues about race without "resorting to race-baiting to gain votes." Secondly, the public, notably "white Americans," must be inclined to participate in such a debate and seriously question the source of privileges and the legacy of white supremacy in public institutions (Dawson 2001: 322).

Furthermore, Dawson's conceptualization proposes a "black critical theory" consisting of an amalgam of competing ideological traditions that have historically evolved in contemporary black thought. In his words, a theory that

> draws on and combines liberalism's concerns with individual rights and autonomy, republican concerns with community, socialist concern with an egalitarian society and economic justice for all, feminist traditions such as resistance to suppressing intragroup differences in the name of a false and oppressive unity, and blends these with recognition of the need for autonomous organization and cultural pride. No single worldview accommodates all of these. Nevertheless, a critical theory can – and such a theory must be *political.* We had a black aesthetic, power, and many black public policy pronouncements. However, a black political theory has to embody a theory of state, power, human nature, and the good life. Such a theory must be based on the hope for and potential for improving human nature while recognizing the world's wickedness. (Dawson 2001: 322, emphasis in original).

By this token, the a need for theoretical models that strive for something better through an activist and inclusive democracy whose institutional channels and practices must be willing to challenge the privileges of resources and power. Inspired by this line of thought, I have interpreted how the discursive wave of critical race theories holds strengths to rethink and hopefully, in due course, contribute to the rearrangement of institutional designs legitimate interested in purporting the stakes of black communities. Of course, the critical impulse aroused by the controversy of ongoing efforts to reconceptualize race and racism entangles many difficulties. The chapters in this volume alluded to some predicaments in conceptual

theorizing institutional, structural, and systemic racism, as accounted in objections.

Moreover, the normative requisites of willingness for the democratic debate about race, noticed by Dawson, seem to be contingent on, depending on the definitions, the moral disposition of social actors or the ethical life of engaging in political debate governed by rational arguments in the cooperative questioning of privileges and power deep-seated in constituted racial hierarchy. Of course, the existing disputes and conflicts are marked by several elements that constitute imbalances in moral disagreement, such as unequal access to state apparatus, media support, and cultural props to convey a message in favor of the dominant opinion, among other things. Ultimately, the unfolding of counterpublics suggests an answer to the imbalance between hegemonic views and emancipatory social critique.

Chapter 7 evoked the appreciation of the critical force of disclosure of the flawed social engineering of 1954-1968 grounded on race liberal tenets and raising opinion formation (Section 7.1). On the other hand, the discussion above has recalled a few misunderstandings and ideological reasons (in the pejorative sense of the term) for the current backlash in diverse public spheres. My emphasis on the discursive potentiality for public opinion aware of historically developed racial hierarchy and intricacies of structures that perpetrate asymmetries in the racial line has reinsured normative claims of pragmatist account of social cooperation and experimentation, restating an old dictum inspired by Dewey's social philosophy, that institutional practices finds democratic legitimacy in the co-participation of social actors involved (Dewey 1984 [1935], cf. Honneth 1998). Essentially, the argument appreciates the reflexive exercise of social cooperation via exchange and participation in institutional practices, which enhances *democratic will formation*.

One could raise the question in the spirit of many authors associated with segments of black radicalism, in particular Black Nationalism, those deeply suspicious or even convinced that attempts of interracial cooperation would fail for many reasons grounded in the racial order. If these presuppositions hold any practical truth, the assumption of reflexive cooperation would consequentially fall short in conducting social actors to reflexive acceptance of the existing institutional designs and social arrangements. Dewey's conclusion of *reflexive understanding of the ends and goals of the democratic public institutions* points to direction nuance depending on (i) the understanding of public institutions from the perspective of racially discriminated groups (in particular Blacks) and, on the other hand, (ii) how social institutions take a stance on racial matters as formulated by social critique and various forms of activism

including critical race theories, the subject matter focused in the analysis previously. I shall address each of these two points in turn.

The first issue can be considered in understanding a co-relation of institutional practices historically traced up to the present and the permanence of inequality in the color line. It raises doubts about how the post-civil rights functioning of public institutions still bears harmful effects on racialized groups, particularly Blacks (the subject matter of this research). The argument of racism operating in enduring mechanisms and intersecting forces of institutions sheds light on different angles to grapple with the puzzling question about disproportional inequality in the distribution of social goods and the function of criminal justice without recurring to the colorblind and merit-based ideology.

Suppose we accept this line of argumentation questioning the well-functioning institutions in the existing social order. In that case, we might consider the compelling need to rethink the set of economic, political, and societal structures historically constituted through exploitation and oppression. Thus, rethinking race and racism beyond the racial prejudice prism represents a challenge for democratic public institutions in the USA today. I have alluded before quoting Michal Dawson's appreciation of black visions that black radicalism, mainly Black Nationalism, holds racial oppression and the black plight as central elements to comprehend the development of modern history (2001: 86). In this spirit, for many radical thinkers and activists who contend that one cannot split *democratic public institutions* from race, the liberal assumption of color blindness and entrenched individualist values assume an unsatisfactory meaning.

The conceptual and discursive framework of institutional, systemic, and structural racism and theoretical tenets of critical race theory have boosted controversies and commotions in diverse public spheres. Recall that many critical race scholars hold that the definition of racism beyond individual bias, bigotry, and prejudice bears consequences for understanding foundational principles at the heart of public institutions in the liberal democratic society.

The chapters above accentuated the epistemic and political strength of critical theorization of race that takes up an alternative framework to grapple with the problem of the color line in the past and its perpetuation in the present. Furthermore, this dissertation reinforced a line of theorization that embodies the questioning of discrepancies of power in economic, social, and political terms intersectionally, which is co-determined by race and other disadvantages

produced by markers of subordination in dominant domains, such as class and gender. The radical questioning suggests that public institutions should scrutinize how the functioning maintains subalternity, even though *de jure* oppression has been outlawed. Ongoing critical theorization of race raises doubts about how health care, the criminal justice system, housing policies, and schooling perpetuate inequalities in the color line. Chapter 6 has drawn attention to how critical social theories of race and racism, in particular the Critical Race Theory in a narrow sense, sets forth a thought-provoking claim of the *entanglement* of institutional norms, social practices, and racism, on the one hand, and how the deep co-relation of disadvantages, as a result of intersecting forces, operate in reproducing and maintaining conditions of pervasive inequalities, marginalization, and powerlessness.[1] In short, the unfolding of multifaceted social critiques—in most cases perhaps intertwined with political activism— addresses a reconceptualization of racism and analytical efforts to grapple with inequalities in the color line by considering contextual elements, historically developed structures, and the co-relation of various factors underlying racial prejudice.

The second matter at stake regards how social institutions react to the criticism wedged in the wake of protests and the conceptual framework of institutional, systemic, and structural racism. Moreover, the description of the actual state of affairs embodies the normative nuance of how institutional arrangements *should react* to the accusation that deep-seated racism still haunts institutional practices of our present. Chapter 7 tackled aspects of this discussion by holding the poignant need to rethink and redesign racial justice, as the normative force of forms of contestation suggests. In the context of racial division, a question arises. Can the public stance about structural and systemic racism revamp and expand democratic principles, or does it instead reinforce racial division? The contribution here stated as positive outcomes during the controversy about critical race theories and the possibility for public opinion that raises radical questions about the entanglement of existing public institutions with the perpetuation of inequalities in the color line.

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[1] I have recalled the rise of Critical Race scholarship deeply tied up with activism concerned with legal practices, initially as a spin-off movement following Critical Legal Studies (Section 7.2). For critical race scholars, the relationship between law and power is instrumental in preserving societal racial asymmetries. Furthermore, the ideological interest within the constitution of institutional bodies constitutes another relevant aspect to understanding the entanglement of power and interests in racial matters. Despite the advances made in diversity programs in the wake of the civil rights era, even with the nomination of Blacks and persons of color, some cases have frequently reflected the permanence of conservative ideology that constrains the possibility of change within the institutional scope. For example, since 1991, Justice Clarence Thomas was previously chairman of the US Equal Opportunity Employment Commission (EEOC) under Ronald Reagan's administration (1982-1990).

Critical theories of race and racism constitute a window of opportunity to reassess our social institutions from different angles, considering enduring patterns of inequality produced by intersecting forces behind the systemic operation and power relations in the highly hierarchical social order. A critical exam of the problem of the color line in this manner takes seriously the historically constitutive elements *from the outset* and how existing intertwining mechanisms perpetuate unequal conditions. Understanding how the economic growth of the United States of America and the formation of individualist values were deeply entangled with a system of racial domination constitutes a crucial task to come to grips with the problem of the color line and its maintenance up to the present. In this spirit, critical race schooling and open debates on how social institutions buttressed by leading tenets in the liberal framework, that is, dominant rules and values of neutrality, color blindness, and meritocracy, endorse the existing system without regarding how material conditions and historical factors that have shaped the very same system.

Dismantling how public institutions founded on highly normative principles have come to exist through moral contradictions and hideous hypocrisy of justifying racial oppression and celebrating equality for all constitutes a challenging and emotionally laden issue. They claim there has been the ideological complicity of public institutions and political actors in mapping racial hierarchy, which has roots in different conceptualizations of race and racism (see Sections 5.2, 7.1 above). This dissertation has ultimately advocated for how social critique dismantles race liberalism and rethinks race and racism, encouraging social agents in discursive and political contestation practices.

Moreover, the chapters in this volume reiterated how race works as a social construct that has long grounded unequal structures *from the outset* and even after the "civil rights triumph." Despite the outlaw of *de jure* racism and institutional steps in the enfranchisement of Blacks and Browns in the 1964 and 1968 Civil Rights Acts, race still catalyzes divisions and leverages political power. Haney-López examines how race has been used and abused to galvanize white voters' support in reactionary campaigns along with history, considering the presidencies of Richard Nixon, Ronald Reagan, and, recently, Donald Trump (2014, chap. 2; see also the definition of *strategic racism* above in Section 6.2). In so doing, the investigation here has noted how the cultural and moral hegemony of framing racism as mere racial prejudice falls short of understanding the intricacies of the racial order. Racism has been deeply intertwined with capitalist exploitation in different periods.

The reevaluation of history and how race has been fundamental in the configuration of material conditions constitute two central characteristics in the ongoing building of critical theories of race, as Chapter 7 has argued. The proliferation of alternative public spheres as a result of Black Lives Matter discussions and Critical Race Theory controversies speak out loud about how the riddle of black citizenship, that is, the flawed inclusion of Blacks as equal citizens in the USA, continues to be a crucial issue that affects many members of marginalized racial groups. Moreover, the visibility of contesting voices makes publicly visible the rousing appeal and political need to reassess the conceptualization of racism and reconsider how public institutions still perpetuate racial hierarchy despite the downfall of white supremacist mechanisms at the state institutional level to shore economic, political, and social domination in the Jim Crow period. The problem of the color line understood as the perpetuation of inequality, cannot be grasped as a racial issue isolated from other sources of powerlessness and marginalization. Race as a social marker for subalternity operates in tandem with socioeconomic inequality.

This line of thinking reinvigorates a crucial point of convergence of black activism during the Civil Rights Movement: black inclusion in civil and political rights should encompass material redistribution. By the end of his life in 1968, Martin Luther King Jr. concluded the interplay of racial oppression and capitalist exploitation, curiously reiterating Malcolm X's scathing criticism of the hypocrisy of the high-principled promises of equality and liberty of the US American democracy to all its citizens. This dissertation aimed to disclose how race liberal view of the racial problem in the US imprinted the leading discourse in an array of societal platforms, including segments within the Civil Rights Movement and legislative actions and policies in the 1954-1968 civil rights era. Race liberalism framed the problem of the color line primarily as a moral issue and is concerned with relational grounds that cause asymmetries as consequences of racial discrimination.

Race liberal tenets constituted the cultural and moral hegemony in many public spheres. The chapters above spelled out how critical race theories' discussions about other dimensions of race and racism produce counter-public spheres. Critical theories of race and the discursive proliferation in a wide range of channels can potentially enhance the reflexive force in the advocacy for liberation strategies against the racial hierarchy. With fierce criticism of the entanglement of ingrained racial inequality and preserving privileges in wealth accumulation and perpetuation of structural patterns in housing, labor market, criminal justice, education,

and public services, critical race theories spark controversies in the political landscape. Besides the diagnosis of the roots of the problem of the color line, critical race spurs the public to *rethink* institutional responses to racial injustices and inequalities and *re-imagine* problem-solving strategies and programs that, with the self-determinant and self-reflexive guidelines account for the conflictive nature of interests of people of color.

In addition, the dissertation made the case that the institutional responses to the civil rights demands of racial justice and equal citizenship took a path paved by race liberalism after critically assessing how the understanding of race liberals of the problem and the elaborated set of solutions constituted the hegemonic view. The emergence of critical race scholarship sketched further dimensions in critical discourses about racial matters in the making. The present moment represents a significant mark in the discursive landscape. It opens up possibilities in discursive activism to confront structural forces (Rose 2013); simultaneously, it encourages normative directions in the ongoing political opinion formation that includes within its core the reconceptualization of race and racism. Moreover, in advocating for self-determination, radical critical race theories incorporate social actors affected by the existing domination system in the draft and construction of social experimentation against racial injustice. The self-reflexive impulse of political ideologies under the umbrella of Black Power can galvanize social experimentation that hopefully eliminates the reproduction of subordination patterns.

iii.   Reconsidering Community-Based Organization

Many critical race theories incorporate the ideology critique of the demand to redirect public policing of redistribution within the black community. Roughly, Blacks and people of color should determine their own path to economic and political emancipation. Although this dissertation approached the critique of the integrationist ideal and set of policies implemented in the civil rights era from critical race theories in a broad sense strongly undergirded by black radicalism, the pragmatist vision argued in the footsteps of Martin Delany, W. E. B. Du Bois, Derick Bell, the Black Power, and others suggest the potential for transforming the discursive landscape and community-based policy experimentation. Of course, the design of institutional experiments is contingent on a range of conditions of possibility, to which the argumentation in this research was sketchy.

The sketchy argumentation is due to the epistemic decision grounding the research question. The discursive reconstruction of two opposing frameworks of the problem of the color line, race liberalism and non-monolithic visions within critical race theorization. Of course, several questions remained unanswered at the end of the big-picture analysis. Some questions regained another thrust for further reflection. Others appeared following the repercussions of critical race theories in public spheres.

Regarding the sketchy argumentation, adding a caveat to the dissertation seems appropriate after the first formal reception. I reacted to two questions echoed by the Ph.D. Committee that surely deserves a proper explanation. The two subject matters at stake concern the conceptual distinction of the *intertwinement of race and class subordination* and *what structures do in terms of social ontology in the perpetuation of racism*. The decision to eschew a detailed discussion in the chapters here lies in the scope of the research, and I have addressed these two issues elsewhere (see Borges 2023b).

Instead, the decision of discursive reconstruction aimed at and underscored the normative strength in the repercussions in public spheres and political opinion formation, thereby bracketing the virtual potential of galvanizing social experimentation. In this sense, the chapters above framed a rather minimalist scope of community-based decision-making. The dissertation advocated for the materialist redistribution that accentuates the reallocation of material resources to black communities, considering the interpretation of equality of opportunity in the 1954 Brown decision. Accentuating the autonomy of members of marginalized groups, pragmatist experimentation occurs provided discriminated social actors have real opportunities to co-determine the norms and parameters for the functioning of social institutions. This view reassures accounts of radical democracy in which social agents can articulate their interests and participate as equals in the actual constitution and functioning of public institutions; in this way, democratic social cooperation emphasizes reflexive procedure within the political community. The research was borrowed from literature outside of black political ideology. The reason lies in the philosophical explanation to some extent more systemically (Dewey 1984, Honneth 1998, Chapt. 7 above).

One might think that community-based administration of resources and, thus, a radical democratic conceptual solution could eventually work to some extent, with economic constraints. Nevertheless, the question raised above remains open. Can the public stance about structural and systemic racism revamp and expand democratic principles, or does it instead

reinforce the existing racial division?

The unfolding of contesting discourses in the wake of critical race theories, in a broad sense, constitutes a subject matter that, in many cases, fuels heated divisions underlying racial animosity and resentment intensified during race-sensitive legislation and programs. Furthermore, the conceptual framework suggesting racism as an ingrained matter of the US American society triggers misinterpretations and misleading conceptions, some of which Chapter 6 expressed above, let alone ideological instrumentalization of demagogues and populists exploring economic anxiety and racial division (cf. Haney López 2013).

Whether discussions about race and racism can expand democratic values depends, among other things, highly on the self-reflexive quality of exchanges and the building of interracial solidarity. On the one hand, self-reflection embodies intricacies endogenous and exogenous to institutional domains and communities at stake. The complex challenges for political dialogues remain contingent on social cooperation through politics and practices. Chapters above recalled, alluding to Michael Dawson's suggestions of willingness to talk about race and the deconstruction of privileges in the racial line assuming a rational standpoint, perhaps inspired by Habermas' discourse ethics (cf. Dawson 2001: 322), as a normative directrix to improve institutional practices constructively.

On the other hand, the building of interracial solidarity, once founded on the fight against the class oppressor, has failed to organize working-class camaraderie for ideological and oppressive reasons. Blaming the turn of black radical movements and scholarship to identity politics as the reason for the downfall of black leftism portrays a false picture of what could point to substantial changes and eventually enhance interracial solidarity. This diagnosis disregards how repressive coercive mechanisms of procession implemented by the state have erased political organizations through persecution and prosecution through the criminal justice and government agencies and marginalization motivated by racist assumptions within labor unions (Dawson 2013, chap. 2; Kelley 2008, chap. 3).

For all these reasons summarized here, the problem of the color line in the post-civil rights era still requires our attention. In particular, the reconceptualization of the reasons for the problem, as the discursive development of counteracting visions of critical theories of race illustrate, contributes to rethinking the stakes of race and racism in our time, bearing in mind its complexity beyond the relational prism. Besides the potential of critical discussions in

raising awareness in public spheres, the question of political organization concerns political tactics and strategies to empower black communities and strengthen the interest representation of racialized groups.

In terms of a long journey in the struggle for black emancipation, political and social movements constitute a channel to achieve visibility and political articulation. In this regard, Michael Dawson asserts that building a successful political movement across differences in black ideologies "means building overlapping counterpublics and public spheres which *reach across the racial and other divisions* that plague the American political landscape" (2001: 322, emphasis added). The normative vigor implied in the possibility of *reaching across the racial and other divisions* underpins the possibility of improvement of existing institutions through critical positioning about racial matters. In this sense, the modern hope of pragmatists – in the line of Dewey – that communication through democratic channels would eventually enhance social cooperation and, additionally, satisfy the democracy not only as a government form ensured by legitimate formal rules but, more significantly, it can live up to the ideal of political culture embedded in social cooperation.

This doctoral research claimed that social cooperation attuned to Black Nationalism takes place not through an integrationist approach but instead through redistribution and empowerment of black communities at the micro level. Encompassing the emancipatory vision to produce changes, certain theoretical enterprises of critical theories of race, deeply tied up with practical activism, embrace the pragmatist *modus operandi* of experimentation. The chapters here alluded to how social critique in this manner departs from agents' view and constitutes a working-in-progress per se. Additionally, for the normative potential in the wake of the discursive evolvement of the conversation about race, critical race theories indicate a window of opportunity to reconsider the old problem of the color line and how hegemonic discourse and policy-making addressing racial inequality in the USA so far has failed in the adequate understanding the problem and the design of solutions that would incorporate social actors' demands for racial justice and equal citizenship beyond the formal status of civil and political rights.

    iv.   *A Note for Further Thinking Beyond the USA*

This doctoral research circumscribed the scope of study in the United States, considering the

historically situated development of discourse and state legislation. In so doing, the account developed here approached the unfolding of two ideological traditions in the dispute about the understanding of the problem of the color line. The analysis exposed how the hegemonic view of race liberalism shaped the government's problem-solving in-laws, and social engineering settled in the 1954-1968 civil rights legislation and social policies. Contrasting to the dominant view of the problem of the color line and the conceptualization to redress racial injustices, the chapters above remarked how W. E. B. Du Bois's social theory and a rich and heterogeneous intellectual legacy of black radicalism have shown how the intersections of racial prejudice and structures of racial inequality interwoven in the class-race dynamics impeded the incorporation of Blacks in the constitution of national identity.[2]

With the scope of study in mind, one might raise whether this doctoral research holds a conceptual value for analyzing racial matters outside the historically situated context of the United States of America. My answer to this inquiry is optimistic based on two interrelated grounds, somewhat noticed earlier in these conclusive remarks: (i) the historical and conceptual debate draws attention to *the epistemological and political nature of how one understands racism*; (ii) the normative impulse embedded in critical theories of race in the formation of public spheres and, eventually, encourage the translation of critical discourse into institutional transformation. I consider each of these issues in turn.

(i) Firstly, the concept of systemic and structural racism as developed in the unfolding of critical theories of race, as principally chapters 7 and 8 have noticed, are *conceptual tools* to illuminate the complex intersectional forces and discursive power that maintains levels of profound disadvantages of racialized groups. As such, these theoretical instruments explain how institutional functioning and social practices are embedded in distinctions associated with racial and ethnic belonging. In this sense, conceptualizing structural disadvantages opens up a promising and prolific field of theoretical contention against liberal viewpoints that ground justificatory principles that obfuscate situatedness in terms of history, material conditions, and diverse elements of ethical life to explore and interrogate the co-relation of sources of inequality. Many sources of inequality are entangled with racial and ethnic differentiation, traced in the foundations of public institutions and maintained in an array of institutional practices. Indeed, social critiques announce the relevance of this discussion in public spheres

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[2] The list of social scientists and scholars inspired by Du Bois's enterprise is long. In this dissertation, I borrowed from the contributions of Lawrence Bobo, Michael Dawson, Megan Francis, Tricia Rose, and Melvin Rogers.

conceptually and politically.

The challenge to liberalism in conceptual and political terms should be understood with a theoretical assumption. I should outline a caveat to this issue. The argument of structural and systemic discrimination constitutes a window of opportunity to rethink and reconsider inequalities and injustices from a non-ideal theoretical angle that concerns how intersecting forces in a web of domains and resources of many kinds conjointly enable social actors to enter the competitive labor market. In this manner, the theoretical approach assumes the historicity of institutions as a *conditio sine-qua-non* to wrestle with its foundational principles and grapple with power relations and successive contestations. Moreover, in theoretical terms, historical materialism plays a central role in understanding the cultural hegemony and socioeconomic dynamics of racial relations and power structures. The argumentative strategy in this framework focuses on how the distribution of social goods in the racial line hinges on the accumulation of material resources and how hegemony inculcates social actors with legitimacy and cultural conditioning.

In *conceptual terms*, race and ethnic differences are crucial markers for decoding power structures in this non-ideal world determined by asymmetries. The theoretical contribution of this dissertation has pointed to the historical formation of race-liberal tenets about racism. The chapters here noticed how moral and cultural hegemony of race liberalism has wielded influence in the course of civil rights organization, state negotiation and, at last, determined the blueprint of legislation and set of policies concerned with the civil and political inclusion of US African Americans in the civil rights era. In the end, the discursive reconstruction traced here has reassured other contributions in the academic debate about the cleavage between black radical thought tradition and liberalism. This gap between black radicalism and liberal views has been summarized by acknowledging a fundamental difference in philosophical assumptions about social institutions. I agree with Dawson that the black nationalist vision represents the biggest challenge to liberalism. Differently from the rational abstraction for the conception of the social contract to which ideally all rational citizens would reasonably abide, as John Rawls and Donald Dworkin argue (cf. Section 3.2 above), Black Nationalism sees the modern world and, thereby, the construction of institutional arrangements of the existing social order through black plight and racial oppression (cf. Dawson 2001, chapter 3).

From a philosophical vantage point, the strain of thought that takes up race as an essential

category to think about public institutions distances radically from discussions in the egalitarian tradition concerned with the justifiability of a regime of equality of welfare. Perspectives of this sort have reappeared in the discussion about the reason-giving of affirmative action – chapter 3 alluded to some authors in the normative and court reasoning concerned with tangential issues to the constitutionality of race-sensitive measures to remedy inequalities. While many normative accounts in the *distributive paradigm* engage in debates about natural endowments, equal share, desert, and merit-based standpoint concerned with personal accountability due to own efforts as well as efficiency and economic productivity, the conceptualization of institutional, structural, and systemic forces concern instead how historically developed economic structures and entrenched individual values are deeply rooted in the racial hierarchy. In a nutshell, the legacy of Black radicalism did not sign the social contract of the rational principles in justifying reciprocal and universal maxims.

Black radicalism played a central role in developing critical practices in scholarship and the civil rights struggle. Considering the programmatic academic movement and political activism in black radical views, I illustrated how Derrick Bell's materialist view restated Du Bois's vision of redistribution policies into the black community over integrationist policies (cf. Du Bois 1975, Curry 2011: 24). The unfolding of critical theories of race and racism entangled with various practices of social critiques can be seen at the present moment in the USA and elsewhere. Conservative backlash has taken a hard stance against Critical Race Theory, trying to squash conversations about race and racism in various channels. Donald Trump ordered the suspension of governmental funding and contractors of programs that drew upon race-based ideas.

In the face of controversies propelled by critical race theories in other political and social contexts, current reflections draw attention to vehement questioning of normative premises and social institutions of the liberal order. The rise of critical theories of race has developed a trenchant critique of liberalism as a philosophical framework, which entails the criticism wedged to liberal assumptions of the universality of laws and inclusion promise. The scope of up-to-date debates about the racial divide, the radical questioning of social institutions, the conceptualization of structural racism, and the backlash of reactionaries have been shaping public spheres across many countries. For instance, Critical Race Theory has attracted attention in the UK in academic research, intellectual networks, and education. On the other hand, it has become a flashpoint for conservatives who vehemently repel any attempt to

engage with questions of structural inequality based on race and ethnicity (cf. Warmington 2020).

In terms of critical strength, critical race scholarship has elaborated a fruitful questioning in this regard, considering different groups' historical circumstances and diverse domains. Today, the initial scope of questioning legal reasoning and court handling of race-related issues has developed into a far-reaching conceptual framework. Treated by the reception as a "stark challenge to the liberal ideal of the rule of law" (Rosen 1996: 26), Critical Race Theory grapples with a myriad of themes from a critique of liberalism to the inquiry of internalized racial oppression (e.g., Crenshaw et al. 1996, Delgado & Stefancic 1993, Pyke 2010). For these reasons, the academic movement has inflicted contentious debates in academia and a broad range of public spheres reconceptualizing racism beyond racial prejudice. As a result of academic knowledge production and various efforts of alternative discourse about race and racism, critical race theories advance conceptual contestations to decode the permanence of inequalities in the racial line beyond the relational prism and challenge entrenched individualist values like personal accountability and merit-based awards.

Of course, many may rightly question the reconceptualization of oppression entangled in the pervasive system of white supremacy. One might also debunk the conceptual arsenal to reconsider racism. Moreover, current controversies driven by the retheorization of race and racism are still contoured by hegemonic views of race and racism, let alone constrained by coercive power in legislation as it occurs in the USA (see Section 7.1 above). In any case, the sweeping disputes in the wake of critical race theories, teaching about race and ethnicity in schools, and the endeavors of reframing fixed categories and understanding history insist on the poignant need to reconsider racial justice. The reflection on critical social theory recapitulates the recurrent definition or description of the problem in the social reality and the emancipatory force to engender the improvement of conditions for social actors and the liberty of subordination. This venture point brings me to the second related matter in the fueled debate sparked by contesting voices in education environments and a myriad of counterpublics.

(ii) The conceptual framework of institutional, systemic, and structural racism represents a toolbox that unravels how *the race category* operates in different settings. In this sense, theoretical research associated with emancipatory impulses in communicative channels for activism can benefit and broaden critical social critique. Current discussions about race and

racism bring forth questions about inequalities entangled with race and ethnic belonging. On the other hand, stimulating and, at times, controversial debates contest dominant visions of how to cope with crucial issues in highly pluralist societies whose polity seeks to wrestle with normative matters about an adequate set of policies to address moral disagreements and political interests around the relation of cultural differences and social distribution.

A fundamental question in the foreground of critical social theory about race has been put in this way. How can we regard the ideology critique of race and racism without importing the conceptual framework developed in context-dependent practices of critique? Chapter 6 formulates a methodological answer to this inquiry, identifying social agency and self-reflexivity as central features for theorization and political organization. The discussion here suggested the critical discursive enterprise in general terms observing resemblances comparatively with other traditions of critical theory built from normative impulses within practices of social critique (Section 6.2, see also Celikates 2009). Furthermore, the chapters above argued for the positive publicity of critical race theories in raising awareness about different conceptualizations of problems at stake, considering counterpublics and alternative visions to grapple with injustices and inequalities, and urging decision-makers to empower minority groups.

With this observation in mind, the theoretical operationalization of the reconceptualization of racism in other contexts hinges on two crucial things: the specific historical configuration and the juxtaposition of systemic conditions and mechanisms. Analyzing the configuration of historically and materially constituted power structures and relations requires critically examining the constitutive aspects of a given historically situated reality. On the other hand, the assumption of intersecting forces that generate severe disadvantages systematically suggests a conceptual strength for examining asymmetries and disparities of power in diverse contexts.

Provided the theoretical framework of structural racism and related conceptual tenets hold any truth in different geopolitical contexts, practices of social critique engage with unraveling the discursive and intersecting structural forces at work in producing or reinforcing inequalities and injustices tied up with race and ethnicity. From a theoretical and discursive viewpoint, the assumption of racism beyond the relational prism opens up a range of possibilities in theory-making and social critique in civil initiatives and public spheres to rethink how race and ethnicity operate in power relations and historically developed structures.

Current debates about structural discrimination, inequalities, and disadvantages intertwined with institutional functioning and systemic mechanisms have achieved considerable visibility. Discursive manifestations supporting transnational political and social movements such as Black Lives Matter have invigorated an appeal for solidarity with Blacks disproportionally affected by police violence, harassment, and criminalization. Critical race scholarship, among other efforts in various social institutions and public spheres, further discusses race and racism beyond individualist and psychologizing conceptualization. In this sense, current debates highlight how racial and ethnic differences work in education, the working environment, media representation, and many social institutions. Most importantly, discussions in this spirit often represent a chance to undergird the transformation of public perception and, eventually, existing conditions that reproduce inequalities entangled with race and ethnicity.

Of course, current debates are not monolithic in their visions and effects on public opinion and political views. Despite promising normative outcomes in the ongoing unfolding of debates about race and racism, the ongoing discourse development displays multiple controversies involving a cultural and moral war frequently associated with identity politics in general terms. On the one side, many remorseful actors argue that overemphasizing the race category along with other identity markers creates more division and fractures normative principles and values tied up with the equal human standing that holds us together. Even reactionaries engaged with the ban on the conversation about race contend that race-related claims and race-sensitive policies divide society.

On the other side, many critics often raise blazing voices of rage, charging predominant social groups in the existing distribution of social goods on the grounds of the privileged social standing of gender, class, and race. In terms of race, a common strain of thought found in fervent views blames whites as a dominant homogenizing social group in the disproportional concentration of wealth and power to the detriment of vulnerable racialized groups. Other critics point out that the emotionally charged statements to silence members of social groups benefited in status-quo, that is, upper-class old-white men, are rather repressive and disfavor the political culture of democracy and reflexive communication.

The discussion embodies thorny and emotionally laden features that sometimes produce misleading conclusions, some of which alluded to earlier (Section 7.1). However, the conceptual framework of race and racism, as advanced by critical race theories in a broad

sense, at least as in my interpretation of the unfolding of critical discourse about race and racism here, aims to reevaluate social institutions, political decision-making, and cultural practices about race and holds the potential to raise awareness about the complexities of the existing racial hierarchy.

The sharp observation that racial discrimination encompasses more than relational components and that racial hierarchy embedded in structural patterns still endures in today's social order constitute conceptual views that, beyond the descriptive acknowledgment of political controversies in an array of public spheres around the globe, the formation of public opinion represents a thrust for reevaluation of existing economic system and social order and new institutional experimentation.

In this spirit, controversies aroused in the rise of critical race theories hold much more than attention. The current ideological war allows one to rethink dominant conceptions and set out normative impulses through various attempts in education, civil organization, and many other discursive channels. The visibility of alternative public spheres constitutes a curious moment with the enormous expectations that critique engenders consciousness that can, in the long term, eventually cause changes in structural patterns. These are matters of incredible intricacies that involve heterogeneous interpretations of the problem, manifold competing visions of state-institutionalized problem-solving, and civil society's role in promoting racial justice.

Despite the despair characterized by the overt violence of police brutalization, horrendous outcomes in the criminal justice system, and pervasive injustices of intersecting forces behind the screen of the individualist liberal justification of social institutions, critical theories of race reinvigorate the spirit of radical critique produced in black visions in distinct ways. Facing the promising field, the unfolding of discourse revives nuances of hope in the struggle for emancipation, galvanizing the public to reconsider race and racism through different prisms. The rise of radical social critiques of race and racism in the broad discursive horizon, from visions of politics through institutionalized channels as segments of the Black Panther Party to subversive forms of criticism and civil disobedience, has pushed a different framework to reevaluate the cultural and moral hegemony in understanding the color line problem framed in moral terms.

This dissertation aimed to show how the treatment of racial discrimination predominantly as a

moral issue in the USA constitutes a considerable part of the problem that pervaded problem-solving and reverberated in public opinion in the post-civil rights era. Without taking seriously how the interplay of racism and capitalism has engendered pervasive injustice up to our days, race-liberal tenets in conceptualization and problem-solving strategies and policies have constructed an incomplete understanding of the link between racial discrimination and ingrained inequalities.

Moreover, the social theory presented here exhibited a historical approach and content analysis of two discursive matrixes of the problem of the color line and the hegemonic preponderance of the racial liberal view in the post-civil rights era in the United States. The conceptual reframing of racism in institutional, systemic, and structural terms constitutes a rich toolbox for the analysis of intersecting forces that maintain the calamity of racial injustice. Rethinking the set of forces underlying inequalities in the racial line constitutes a crucial step toward fundamental transformation. Critical theories of race in their heterogeneous and often controversial outcomes in public spheres constitute a window of opportunity to strengthen civil society.

The current momentum of alternative views has diverse aims and goals that bear significance in emancipatory struggles around the globe. Epistemic views from critical race theories advance revisions that dismantle whitewashed accounts of history that deny how wealth accumulation and industrial progress have been embedded in racism and colonialism. Moreover, social theories in this spirit raise doubts about the abstract assumptions of the liberal order that reiterate meritocratic individualistic principles and values without accounting for historically consolidated structures that perpetuate injustices.

In short, critical theories of race and racism wrestle with hegemonic statements about inequalities in the color line. Facing the normative force of counteracting visions, we have good reasons to hope that the knowledge production and the visibility of old demands for racial justice in the wake of the internationalization of critical race theories in many channels raise awareness and galvanize the public to put pressure on policy-making to take action through different prisms. The impulse of critical race theories restates radical critique's old flame in exceeding the intellectual boundaries' discursive scope. Among many others, a challenge encompasses the self-reflexive nature of knowledge production in many channels and public spheres. In addition, the challenge embodies obstacles of translating revolutionary ideals into social, cultural, and artistic experimentation of attuning social critique of race and

racism in diverse public spheres to provoke critical opinion formation in the battle to build counterhegemonic commonsense that encompass critique and political action towards the real emancipation of racially subordinated groups.

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The conflation of at least two things stirred my academic endeavor to reflect on race and racism. From a broad standpoint, the historical dimension of worldwide protests against the perpetrated police killing of Blacks and the rampant racial inequality around the globe in recent years shook my attention. On the other hand, my experience as a migrant in Germany fueled my interest in intellectually and politically wrestling with the research question developed in this dissertation.

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