

## The Political Sources of the Paradox

When Europeans, Africans and Amerindians met with one another in the New World, they differed in many ways, both physically and culturally (especially in language, religion and technical abilities). The Europeans expected an Indian to be of Indian appearance, of Indian ancestry and to lead a conventional Indian existence. An African was supposed to be of black appearance, of African ancestry, illiterate and a pagan. A European was expected to look like a European, to be of European descent, a Christian and to behave like a European.

The reality often failed to match these expectations. The practical difficulties in establishing viable settlements in a strange land made expediency more important than social distinctions. Several European powers struggled for new territory and entered into alliances with whoever could help them. Amerindians, Europeans and Africans mixed and mated. One leading historian has found that black life in mainland North America began in the seventeenth century with the Atlantic Creoles serving as intermediaries, employing their linguistic skills and their familiarity with the Atlantic's diverse commercial practices, cultural conventions and diplomatic etiquette to mediate between the merchants and the sea captains.<sup>1</sup>

The distinctiveness of Creoles as a social group was not to last, even if, for a time, French and Spanish influences gave a different character to black-white relations in Charleston, in Florida and in New Orleans. By the mid-eighteenth century, Britain had thirteen flourishing colonies on the Atlantic coast, several of them clustered around Chesapeake Bay. They declared their independence in 1776. Parts in the south of what were to become the United States were controlled by other European powers, sometimes changing hands between France and Spain, while a huge stretch of land west of the Mississippi became part of the United States by the Louisiana Purchase in 1803.

## Social Categories and Their Names

The English settlers in North America were at first inclined to refer to themselves as Christians and to Africans as Negroes. In the beginning of the seventeenth century they began more frequently to call themselves 'English' and 'free', and then, after about 1680, to be 'white'. The author of a very substantial study of American attitudes towards the Negro between 1550 and 1812 refers at times to 'the races', but it is important to remember that during this period it was unusual for the people themselves to employ the idiom of race in ordinary speech or writing.<sup>2</sup>

In Britain, up to the end of the eighteenth century, a person's religious faith seems to have been regarded as the most important indicator of how he or she should be socially classified. Attending a particular church or chapel could serve as a sign of political alignment or social position, and seems usually to have outweighed any consideration of a person's skin colour. The signs of socio-economic position, such as costume, speech and manner, were more important than phenotype.<sup>3</sup> There were no racial categories.

The word 'race' made a prominent appearance in popular English-language literature with the publication in 1820 of Sir Walter Scott's enormously successful novel *Ivanhoe*. Describing life in an age that has been popularized by films about Robin Hood, Scott presented the struggle between the Norman conquerors of England and the indigenous Saxons as the struggle between two races. Often he referred to race in the sense of lineage, drawing on the vertical significance of the word, but on other occasions the difference between Saxons and Normans was presented as insuperable. This, and other historical romances, laid the basis for a popular conception of race as marking a fundamental difference between two peoples.

The writings of Thomas Jefferson, a contemporary of Scott's, have been said to constitute 'the most intense, extensive, and extreme formulation of anti-Negro "thought" offered by any American in the thirty years after the Revolution'.<sup>4</sup> In Jefferson's day, the word 'race' lacked any precise meaning. Confronted by three kinds of human, Jefferson turned three into two by transforming the Indian into a degraded but basically noble brand of white man; about 'the blacks whether originally a distinct race, or made distinct by time or circumstances', he was unsure. Yet even when defending slavery, Virginians seem to have felt no need to advance suggestions of permanent Negro

inferiority. For many whites, the Bible furnished the best justifications for enslavement.

The effects of the plantation as a social form were extensive. It was with the conception of slavery as 'a positive good', proclaimed by John C. Calhoun in 1837, that the doctrine of permanent black inferiority began its career as a rationale, first for slavery itself and later for post-emancipation forms of racial oppression. In the era of slavery, the idiom of race (that is, the use of words like 'race' and 'racial') was employed in print by writers who set out to explain observed or alleged differences between the major human groups,<sup>5</sup> but in popular speech blacks were usually referred to as Negroes (without the capital letter), or as 'coloured', or as slaves.

In the 1857 Dred Scott decision, the US Supreme Court held that 'the legislation and histories of the times, and the language used in the Declaration of Independence, show, that neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument'. Though the Court referred to Dred Scott as 'a negro of the African race', it used race to denote a category of people. It denied Scott's appeal on the grounds of the enslavement of his ancestors. Its reference to 'the African race' may, for some people, have carried connotations of black inferiority, but the Court's judgment was based on constitutional reasoning.

After the ending of slavery and the passage of the Fifteenth Amendment to the US Constitution, white southerners no longer had use for Calhoun's arguments and could not rely on the reasoning of the Supreme Court. Yet they still needed a name for that category of persons who had previously been enslaved. Given all the difficulties posed for them by the presence of persons who looked as if they might have been enslaved, but were free, it suited their interests to highlight the black-white distinction by a greater use of the idiom of 'race'. Robert Park grasped only half the story when he wrote: 'Generally speaking, there was no such thing as a race problem before the Civil War and there was at that time very little of what we ordinarily call race prejudice, except in the case of the free Negro. The free Negro was the source and origin of whatever race problems there were.'<sup>6</sup>

Park's statement noted a major change in the language in which black-white relations were represented, even if his reference to 'race problems' read back into the pre-1865 period a conception of race

problems that developed only later, while his use of the expression 'problem' was but a euphemism for a history of white brutality in behaviour towards 'the free Negro'.

In Charleston (South Carolina) and New Orleans (Louisiana) there were, for many decades, distinctive communities of people of partly African and partly European descent occupying positions intermediate between whites and slaves. In such places there might be a colour scale divided into three, with one line between whites and part-whites and another line dividing these two social categories from the blacks.<sup>7</sup> Whites wanted to classify members of the intermediate communities with those called 'the free Negroes'. They constituted 'a problem' only in the eyes of those whites who wanted to enforce a colour line that subordinated all blacks to all whites. In the years preceding the Civil War, southern states enacted more and more laws to force free blacks into slavery.

How had Negro slavery come about in the first place? Winthrop Jordan concluded that 'there is simply not enough evidence (and very little chance of more to come) to show precisely when and how and why Negroes came to be treated so differently from white men.'<sup>8</sup> That they should be treated differently he called an 'unthinking decision'. After the Civil War there was another unthinking decision, one by which persons who had previously been known as 'free' and 'slave' were assigned together to a social category constructed as 'racial' instead of as one denoting skin colour. The power to name a social category can have massive political consequences, the greater if the chosen name comes to be unquestioned and no alternatives are canvassed. The white introduction of a 'racial' vocabulary in the United States is a case in point.

## **After the Civil War**

The position of the United State's indigenous peoples had been established as quite different from that of blacks. The Supreme Court in its 1857 Dred Scott decision had spoken very respectfully of Indians, saying that 'although they were uncivilized, they were yet a free and independent people, associated together in nations or tribes, and governed by their own laws. ... These Indian Governments were regarded and treated as foreign Governments, Treaties have been negotiated with them, and their alliance sought for in war.' Jefferson was not the only person engaged in turning three races into two.<sup>9</sup>

Both before and after the Civil War, there was widespread hostility towards the Negro cause in the northern states, motivated primarily by white fears of black competition in the labour market. When, from 1883, white-owned newspapers took note of public disturbances started by whites' attacking black people, they reported them under headlines identifying the attacks as 'race riots'.<sup>10</sup> They evaded the question of responsibility for the disorder. The idiom of race suited white interests because it reinforced the black-white divide and invoked beliefs about inherited as opposed to learned differences. This idiom was employed as a form of white intellectual property. Race became a social category fundamental to a formalized and legal structure of segregation backed by criminal sanctions. It was much more than a reference to 'the races' as a simple denotation of blacks and whites.

Nothing illustrates this better than the landmark case of *Plessey v Ferguson*. Following a planned challenge to the state law, Homer Plessey was forcibly removed from a railway carriage reserved for white travellers under an 1890 act of the State of Louisiana. He petitioned the US Supreme Court, stating that he was of seven-eighths Caucasian and one-eighth African blood; that the mixture of coloured blood was not discernible in him; and that, possessed of the rights of a United States citizen, he had lawfully occupied a vacant seat. However, the Supreme Court upheld the constitutionality of the Louisiana law, denying that its 'separate but equal' provisions were 'unreasonable'. It held that 'the object of the [Fourteenth] Amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based on color'. Note that the judgment referred to just two races.<sup>11</sup>

In the early years of the twentieth century there were struggles within the black population over the most appropriate names to use. This was an era in which there were separate water fountains and toilets for 'white' and 'colored', and the latter name was commonly used. As some black intellectuals favoured the name Negro, there was a call in 1908 for a new civil rights organization, to be called the National Negro Committee. It was established in the following year under the name National Association for the Advancement of Colored People. The name, NAACP, and the inclusive expression 'people of color', have continued in use into the twenty-first century.

The expression 'race relations' first appeared in 1911. Mention of race continued to signify a reference to relations between blacks and whites. The same year also saw publication of the forty volumes of the

US Congressional Immigration Committee, the Dillingham Report. This has been described as the high point of political propaganda for immigration restriction.<sup>12</sup> It was followed, in 1916, by publication of Madison Grant's *The Passing of the Great Race*, and, in 1922, by the establishment of the American Eugenics Society under the intellectual leadership of C. B. Davenport. For a whole generation, typological notions of race, mixed with a selective interpretation of genetical inheritance, influenced educated opinion. The anthropologist Franz Boas stood out as its most vocal critic.

The one-drop rule for distinguishing blacks from whites was an element in a strategy by which whites, especially in the southern United States, and like the whites in South Africa, took five steps towards the construction of a two-category social system.<sup>13</sup> They tried to:

1. Establish a comprehensive system of racial classification;
2. Ensure that racial classification was the basis for determining a person's entitlements in as wide a range of situations as possible;
3. Institute sanctions to reward the obedient and punish the disobedient;
4. Institutionalize group rather than individual competition;
5. Permit and encourage the tendencies of socio-economic inequalities to be transmitted from one generation to the next.

In South Africa this was a conscious strategy, especially after 1948 when the National Party set about legislating apartheid. In the United States it was not a conscious strategy, but a critical component in the political programme of the segregationists in the Deep South; they had a disproportionate influence upon national policy.<sup>14</sup>

If the relations between peoples of different colour are seen as the outcome of transactions within a framework defined by legislation, it will be noted that among the reasons for the failure of attempts to enforce steps 2, 3 and 4, in both the United States and South Africa, was the difficulty experienced by those in power in getting members of the superordinate category to act in conflict with their personal interests. For example, there were whites in the Deep South who ran commercial establishments, like gasoline stations, and they wanted to sell to black as well as white customers. The costs of compliance imposed on the would-be seller could exceed the benefits, so that some relationships were defined as 'business' and were exempted from the colour code.

Another exemption was that federal agencies, like the mail services, would not or could not comply with the code. Also, machines either work or fail to work irrespective of the colour of the person operating them. The expectation that blacks should give way to whites became unrealistic when the parties were driving automobiles at more than 25 miles per hour.<sup>15</sup> Exemptions multiplied. The dividing line between black and white changed relations less than the increase in the number of situations that were exempted from its application.

The last of these steps also invites comment. The new society built after 1776 was to be inspired by 'the American dream' of social mobility, by which whites might move from log cabin to White House. However, as in other societies, successful people worked to give their children a 'good start in life'. Statistics suggest that the transmission of inequality from one generation to the next in the United States is not now greatly different from that in other industrialized countries.<sup>16</sup> This has been particularly important for blacks, since, in the intergenerational relay race that is social mobility, their arrival on the starting line was delayed. It was an addition to the list of handicaps with which they had to contend.

## Discrimination

A book by George M. Fredrickson has cast light upon *The Black Image in the White Mind* as this existed between 1817 and 1914. The author chose an appropriate year in which to conclude his study, for World War I stimulated 'The Great Migration'. Close to half a million blacks had left the South by 1920 and they were joined by another three-quarters of a million by the end of the 1920s. This migration was 'great' by contrast with the relative immobility of blacks prior to the new century.<sup>17</sup> The black image in the northern white mind must have changed substantially once northern whites experienced the arrival of blacks as job seekers, house hunters and as parents wanting school places for their children. Discussion of these changes would be helped were there a corresponding study of the white image in the black mind.

Because blacks and whites were categorized as different races, this experience will have contributed to the fashioning of the distinctive US conception of race. Black immigration into the northern cities led to the creation, in many trades, of a split labour market and, in many cities, of split housing markets and divided school systems.

This introduces the question of discrimination, a word used in many senses. At the very minimum, it is necessary to compare the legal definition of discrimination with the philosophical conception, and to comment on its use in economic analyses.

The philosophical conception derives from Aristotle's discussion of justice.<sup>18</sup> It defines discrimination as 'the unlike treatment of like things'. There is then a problem of defining what things are alike.

Governments declare only some kinds of discrimination to be unlawful. The European Court of Human Rights recognized what might be considered lawful discrimination, but chose to call it differentiation.<sup>19</sup> It held that differential treatment may be permitted where there is: a reasonable and objective justification; the differential treatment is in pursuit of a legitimate aim; and there is proportionality between the effects of the measures and the objectives. According to a recent UN study<sup>20</sup>:

Nowadays, it is universally accepted that the term 'discrimination' has to be reserved for arbitrary and unlawful differences in treatment. 'Distinction', on the other hand, is a neutral term, which is used when it has not yet been determined whether a differential treatment may be justified or not. The term 'differentiation', on the contrary, points to a difference in treatment, which has been deemed to be lawful.

In international law, the practice is to regard 'discrimination' as illegal by definition and to make an explicit distinction excepting from such a definition actions and policies like those called 'affirmative action' and 'positive action'. It is also necessary to specify the ground of an allegedly discriminatory action; there are various prohibited grounds, including discrimination on the grounds of age, gender, race, colour, ethnic origin and national origin.

To establish whether a person has been treated less favourably, it is necessary make a comparison. Because of this requirement, the legal prohibition of unequal treatment is in some respects narrower, and in other respects wider, than the philosophical conception. It is narrower because its prohibitions do not cover private life or permitted forms of unequal treatment. That it can be wider is exemplified in the Directive 76/207 of the European Union. This recognizes the legitimacy, in terms of the principle of equal treatment, of protecting a woman during and after pregnancy; so if an employer dismisses a woman because she is pregnant, this counts as sex discrimination, even though no comparison has been drawn with the treatment of a



man who has to absent himself from work to obtain lengthy hospital treatment. Less favourable treatment on grounds of race and less favourable treatment on grounds of pregnancy are unlike when seen philosophically, but regarded as alike when seen legally.

In social science, the concept of disadvantage resembles the concept of differentiation in law. Any form of handicap associated with membership in a particular class of persons constitutes disadvantage. It can have many causes, of which discrimination is only one. For example, the children of immigrant parents who grow up in a household, and in a minority community, in which the language of the homeland is spoken in preference to the language of the country of settlement, may be at a disadvantage in their education. Not all their disadvantage can be attributed to discrimination, though it is possible that if the children's teachers assume that such children will respond less well to classroom lessons, that assumption might give rise to a form of discrimination.

In economics, difficulties arise because economists usually base their analyses on data collected, for their own purposes, by governments or other organizations. In the case of the United States, the argument about possible discrimination may therefore turn on inferences from figures (such as, for example, those on the Ratio of Black to White Family Median Incomes, or Black and White Labor Force Participation Ratios, etc.). While data is sometimes collected by 'audit' (arranging for blacks and white testers to apply for the same jobs or services), and experimental economics is a growing specialism, these are not the primary sources of the evidence used by economists. Nevertheless, a leading authority has insisted that despite the paucity of really hard evidence about the years prior to 1940, some of the common US assumptions can be shown to be false.

Consider, for example, the widely held belief that the typical white employer discriminated by paying a lower wage to a black worker than to a white worker who did the same work. Employers were free of legal constraints on this form of discrimination, but the evidence indicates that they usually did not practice it.

The writer also went on to explain that the available evidence shows that there were so many forms of differentiation within the markets for obtaining employment, and then for advancing within various trades, that any analyses relying on an assumption of perfect competition are of little value.<sup>21</sup>

Nevertheless, some generalizations are possible. It seems clear that the black workers who took part in the Great Migration competed for employment primarily in the private sector; they progressed economically because they were offering employers valuable services and employers were looking for the best bargains in the labour market. For employers, ethnic background mattered less than the value of the services on offer. Black advances (in southern cities as well as in the North) had to be secured in the teeth of opposition from trade unions. Thus in 1891, Kansas enacted the first of what were called prevailing wage laws. It provided that 'not less than the current rate of per diem wages in the locality where the work is performed shall be paid to labourers, workmen, mechanics and other persons so employed by or on behalf of the state of Kansas' and was copied elsewhere, including by federal laws after 1927. Though black workers, fleeing from the southern system of share-cropping, were willing to work for less than the prevailing wage rate, these laws made it too expensive for employers to hire them. Black workers were willing to join unions, but most unions would not have them. So employers hired them to break strikes by white unions, which added to the racial prejudices of white workers. Legislation adopted as part of the New Deal in 1933–35 had a similar effect because it established codes that determined minimum wages. Implementation of the codes was policed by joint union-employer panels; once any wage differential was removed, some employers dismissed black workers and hired whites in their place.<sup>22</sup>

In some northern cities small numbers of blacks had lived side by side with whites, but once the number of blacks passed a threshold, relations changed. In 1909, in the middle-class area surrounding the University of Chicago, a neighbourhood-improvement association launched a drive to ensure that 'the districts which now are white ... remain white'. Where blacks had bought houses in such districts, the association bought property owned by blacks and offered cash bonuses to renters who agreed to move out. It boycotted local merchants who served the black residents who would not fall into line. Chicago is said to have been quite typical of northern cities with respect to the establishment of black-white residential segregation.<sup>23</sup>

Residential segregation meant that neighbourhood schools were predominantly black or white, and while no northern state governments required segregation, some allowed local communities to establish racially separate schools. Asked why they chose to move north,

blacks who had taken part in the Great Migration often mentioned the better educational opportunities for their children.<sup>24</sup>

Some parts of the South continued for a long time to extend their legal provisions for separating blacks and whites. In 1930, Birmingham, Alabama, legislated to penalize them if they played dominoes or checkers together. Five years later, Oklahoma separated them while fishing or boating. Nevertheless, in the 1940s and 1950s the national economic gap between black and white narrowed even more than in the decades that followed.<sup>25</sup> The US army and navy were ordered to desegregate in 1950. In the next decade, some southern cities started to hire black police officers on equal terms with white officers. Then, in 1954, the colour line was undermined by the *Brown v Board of Education* decision that found school segregation to be unconstitutional. At the United Nations, 1960 was 'Africa Year'; the arrival in the United States of ambassadors from new black nations, wearing colourful African costumes, was a source of inspiration to African Americans. It also affected white perceptions; and when restaurants and hotels on the New York–Washington highway treated these ambassadors in the way that they treated black Americans, the State Department took fright.

Preoccupation with the one-drop rule attracted attention to the statistics about black-white differences at the expense of attention to the statistics about socio-economic differences within these two categories. By the 1960s, the black middle class had come to resemble the white middle class in respect of education and social mobility, while an impoverished section of the black population was becoming more socially isolated. This was the theme of a much-discussed study of the declining significance of the black-white distinction that ran alongside the increasing significance of the incorporation of the black population into the US class structure.<sup>26</sup>

There is always an interaction between the top-down forces of change in the wider world, and in the federal and state governments, as they encounter the bottom-up pressures – such as those exemplified in the Civil Rights movement, in new economic relations and in changing public attitudes. The bottom-up pressure led to the Civil Rights Act of 1964 and to further legislation that constituted what has been called 'the second Reconstruction'. This was pushed through by President L. B. Johnson, even though he knew that it would cause his party to 'lose the South for a generation'.<sup>27</sup> The 1964 Act mandated equal rights for individuals. In December 1971, during the Nixon

administration, guidelines were issued to make it clear that a specification of 'goals and timetables for the prompt achievement of full and equal employment opportunity' issued in 1968 were meant 'to increase materially the utilization of minorities and women.' Policy shifted from the rights of individuals to the equalizing of social categories. The expression 'affirmative action' (which had been used by President Kennedy in 1962) was revived to designate obligations laid upon employers.<sup>28</sup>

The policy of affirmative action became an intellectual battleground, fiercely defended as necessary to make amends for past injustices, and equally assailed as creating new injustices. Critics insisted that the number of blacks in higher-level occupations had been increasing before the passage of the 1964 Civil Rights Act, and claimed that other reductions of inequalities were simply continuations of pre-existing trends. As a result of government regulation, the less-fortunate blacks became worse off economically, while those already more fortunate rose rapidly.<sup>29</sup> The proportion of black income going to the top fifth of blacks increased, while that going to each of the bottom three-fifths declined.

Economists would expect market pressures to reduce discrimination in private-sector employment, but to have less effect in the public sector because public-sector employers are under less pressure to pay the costs of discrimination. It is possible that up to the late 1960s there was greater discrimination against blacks in public-sector employment, whereas since then there may well have been discrimination in favour of minorities in the public sector.

Affirmative action programmes in admissions to the University of California provide a striking example of how public-sector discrimination in favour of certain minorities, and against Asians and whites, could be operated in a manner that made it difficult to ascertain just what was going on. Ward Connerly, the man who advanced the proposal that gave rise to the 2002 ASA statement, was appointed a member of the Board of Regents of the University of California in 1993. A year later, he was approached by two white parents who told him what had happened to their son who, despite an outstanding academic record, had been unable to obtain a place in the University's medical schools. On the bottom of all the University's official documents was a statement that the University did not discriminate in terms of race, color or background. Connerly started asking questions. In the following year he received, anonymously, a copy of the key document

stipulating how many more points white and Asian applicants had to secure if they were to gain admission. He, and others, concluded that the University was implementing, not a programme of 'affirmative action', but a system of racial preferences.<sup>30</sup> In 2003, Connerly helped place Proposition 54 on the California ballot; it prohibited the state government from classifying any person by race, ethnicity, color or national origin, with some exceptions, such as for medical research.

## **The One-Drop Rule**

Black leaders at this time used the black-white division to promote black solidarity and to minimize the significance of colour differences within the black population. They took over the idiom of race (making extensive use of the idea of racism) as black intellectual property valuable in disputes with their opponents. The one-drop rule helped recruit a maximal constituency. F. James Davis has recounted the experience of persons of white appearance plus some sign of black ancestry. They were repelled by the special prejudice shown by some whites towards anyone whose very appearance challenged the assumption that blacks and whites were separate populations. On the other hand, these fair-complexioned persons could also be offended by blacks who accused them of trying to pass for white.<sup>31</sup> Many of them chose to identify as black. As a result, Davis could testify in 1991 that 'the one-drop rule is now as fully accepted in the black community as a whole as it is in the white community'.<sup>32</sup>

The 'racial divide' in 1900 was represented in the census returns, with whites accounting for 83.0 per cent of the recorded population and blacks for 12.3 per cent. The census of 2010 recorded a total US population of nearly 309 million persons. It divided this total to report, first, the number of 'Hispanic or Latino' persons (16.3 per cent; as opposed to 'Not Hispanic or Latino', 83.7 per cent). It then reported self-identification by 'Race'. Of the total population, 97.1 per cent reported only one racial origin; 72.4 per cent reported that they were White, 12.6 per cent that they were Black or African American, 17.1 per cent that they belonged in some other single race category and 2.9 per cent that they were of two or more races.

Thereafter the figures get more complicated because of the distinction between Hispanic origin and Race as census categories. Explaining the 2010 census form, it was stated, 'For this census, Hispanic

origins are not races' because 'in the federal statistical system, Hispanic origin is considered to be a separate concept from race.' This did not prevent some individuals from self-identifying their race as Latino, Mexican, Puerto Rican or Salvadorian, etc.<sup>33</sup> The value of the figure of the number of persons of Hispanic origin who reported that they were of more than one race is reduced by this confusion.

The four categories involved in the largest 'multiple race combinations' were: White and Black (1.8 million), White and Some Other Race (1.7 million), White and Asian (1.6 million) and White and American Indian and Alaska Native (1.4 million). Two or more racial origins were reported by 3.2 per cent of Whites and 7.4 per cent of Blacks. California had the largest minority population (22.3 million), followed by Texas (13.7 million), New York (8.1 million), Florida (7.9 million) and Illinois (4.7 million).

By 2050 the percentages will have changed dramatically. The Census Bureau calculates that the non-Hispanic white population will be declining in numbers, and is unlikely to account for more than 52 per cent; Hispanics will be at least 22 per cent, more numerous than African Americans at 15.7 per cent. The fast-growing Asian and Pacific Islander population will have increased to 15.7 per cent, while the American indigenous peoples will number in the 1–2 per cent range. The picture will be very different from the divide of 1900. Other disparities, such as those of socio-economic status and equality of opportunity, will attract more attention, and before that time opposition to any collecting of data on 'race' in the current mode will surely have increased.<sup>34</sup>

## Counter Trends

Statistics of race and ethnic origin can be misleading if they are not complemented by other statistics, including those that bear upon socio-economic status. A leading African American journalist, looking back on his own experiences, has insisted, 'There was a time when there were agreed-upon "black leaders", when there was a clear "black agenda", when we could talk confidently about "the state of black America" – but not anymore.'<sup>35</sup>

He contended that instead of one black America there are now four: a Mainstream middle-class majority with a full ownership stake in American society; a large, Abandoned minority with less hope of escaping poverty and dysfunction than at any time since Recon-

struction's crushing end; a small Transcendent elite with such enormous wealth, power and influence to which even white folks have to genuflect; and two newly Emergent groups – individuals of 'mixed-race' heritage and communities of recent black immigrants. The four sections of the population are increasingly distinct, separated by demography, geography and psychology. They have different profiles, different mindsets, different hopes, fears and dreams. The four sections have become so distinct that they view each other with mistrust and apprehension, while remaining reluctant to acknowledge the depth of the divisions.

This is a national picture; local circumstances may be very different. Yet the differences within the 'black' category (consisting, according to the 2010 census, of 38,929,265 persons – much larger than the total population of many European states) challenge older ideas of the black-white divide. They also pose problems for the institutions that have to decide what statistics are to be collected and how. The Census Bureau cannot do this properly without clarity about the purposes for which figures are wanted.

These statistics may neglect some of the features of modern life that promote uniformity because they affect everybody and are so mundane that they can be overlooked in the discussion of social trends. Community distinctions are usually observed in the private sphere (notably in matters of religion), but life in both private and public spheres is powerfully influenced by technological changes, such as automobile use, public transport, computers, television (and the use of the English language), mobile phones, cash cards, the electoral system, taxation, etc. Such standard contingencies of social life reduce the impact of racial and ethnic distinctions.

This chapter has reviewed what academic sources report on the sources of contemporary US associations with the word 'race' without attempting to distinguish the many sources in question (among which mass media reporting and the cinema deserve special attention). It has launched a wider argument that this growth in practical knowledge has been fed into the intellectual straightjacket manufactured by the one-drop rule. This restriction has the consequence that in the contemporary United States the word 'race' carries too big a load of disparate meanings, many of them with strong emotional associations. The White House 'Initiative on Race' instituted by President Bill Clinton in June 1997 can be viewed from this perspective.<sup>36</sup> The Initiative asked the American people to join their president in a

national effort 'to lift the burden of race', and created a seven-member Advisory Board that was chaired by the African American historian John Hope Franklin. Funded for just twelve months, the Board nevertheless attempted to examine all aspects of racial, ethnic and immigration relations as they affected major institutional sectors. It reported in September 1998.

One academic commentator has compared the Clinton Initiative with two previous national assessments. Myrdal's *American Dilemma* defined a postwar liberal orthodoxy on race that, first, denied the existence of intrinsic racial/cultural differences between blacks and whites, and, second, identified white racism as the most important barrier to black advancement. A generation later, the Kerner Commission report of 1968 sustained this orthodoxy while shifting attention from individual racism to institutional racism, in keeping with the times. Clinton's Advisory Board perceived racial/cultural differences as the crux of the problem because they threatened national unity. It reflected the ideological developments of the post-civil rights era.<sup>37</sup> Whatever view is taken of the Clinton Initiative on Race, it is surely testimony to the hold on the American mind of this peculiar conception of race, and to the conclusion that the popular conception has to be broken into separate components for any analysis of black-white and minority relations.

Brief though this chapter is in relation to its subject, it may suffice to explain how the American Sociological Association came to respond to a political initiative designed to halt the collection of information on race and ethnicity within California. In the situation in which they found themselves, members of the ASA had to employ the ordinary language, 'one-drop' conception even though it is at odds with scientific knowledge. Placing the two kinds of knowledge together created a paradox. The Association could not reflect upon all the changes in the political environment that had led to what appeared to be a threatening initiative. The reconsideration of the place of race and ethnicity in sociology had to be left as a task to be undertaken by specialists in the field.

## Notes

1. For a fine account of the diversity of the sources of what by the middle of the nineteenth century had become the black population, the changes of one historical period to the next and the variations from one part of the country



- to another, see Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, MA: Harvard University Press, 1998).
2. Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550–1812* (Chapel Hill: University of North Carolina Press; New York: Harper, 1968).
  3. For popular usage in England before 1800, see Roxann Wheeler, *The Complexion of Race: Categories of Difference in Eighteenth-Century British Culture* (Philadelphia: University of Pennsylvania Press, 2000), and Kathleen Chater, *Untold Histories: Black People in England and Wales During the Period of the British Slave Trade, c. 1660–1807* (Manchester: Manchester University Press, 2009).
  4. Jordan, *White Over Black*, 481.
  5. George M. Fredrickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817–1914* (New York: Harper 1971).
  6. Park, in his preface to Bertram Wilbur Doyle, *The Etiquette of Race Relations in the South* (Chicago: University of Chicago Press, 1937), xxi.
  7. James Davis, *Who Is Black?* (University Park: The Pennsylvania State University Press, 1991), 34–37.
  8. Jordan, *White Over Black*, 44.
  9. 60 US 393, para 24. See Ariela J. Gross, *What Blood Won't Tell: A History of Race on Trial in America* (Cambridge, MA: Harvard University Press, 2008), 22. For court decisions separating blacks from whites before and after 1865, see also Roberts, *Fatal Invention*, 14–19.
  10. The earliest newspaper headline using the expression 'race riot' may have been that in the *Chicago Daily Tribune* for 10 August 1883, 'Sanguinary Race-riot'. Use of this expression enabled the newspaper to avoid assigning responsibility for the outbreak of the violence.
  11. Not until 1987 did the Supreme Court put to rest any doubts about whether, in passing the Civil Rights Act of 1866, Congress intended to protect more 'races' than blacks and whites. Considering cases brought on behalf of a Jewish synagogue and a person of Arab origin, the Court then held that Jews and Arabs were among the peoples considered to be races when the statute was enacted. A distinctive physiognomy was not essential to qualify for protection. Discrimination based upon ancestry or ethnic characteristics could be racial discrimination in law (*107 Supreme Court 2019 & 2022*). In discussions of Supreme Court cases since 1987, references to actions 'on the basis of race' have usually been references to the one-drop conception of black-white differences.
  12. Barkan, *The Retreat of Scientific Racism*, 83. On the eugenics movement in the United States, see Yudell, *op. cit.*
  13. Michael Banton, *Ethnic and Racial Consciousness* (London: Longman, 1997), 88–104.
  14. Ira Katznelson, *Fear Itself: The New Deal and the Origins of Our Time* (New York: Liveright, 2013), 223.
  15. Charles S. Johnson, *Patterns of Negro Segregation* (New York: Harper, 1943), 117–138.

16. Statistics of inequality require constant updating, but two recent reports are notable: 'Using one-generation measures of social mobility – how much a father's relative income influences that of his adult son – America does half as well as Nordic countries, and about the same as Britain and Italy, Europe's least mobile places. America is particularly exposed ... because its poor are getting married in ever smaller numbers, leaving more children with single mothers short of time and money. One study suggests that the gap in test scores between the children of America's richest 10% and its poorest has risen by 30–40% over the past 25 years.' Miles Corak of the University of Toronto reckons that in the United States and the United Kingdom around 50 per cent of income differences in one generation are attributable to differences in the previous generation. Other studies by Gregory Clark at the University of California, Davis, suggest that 'even in famously mobile Sweden, some 70–80% of a family's social status is transmitted from generation to generation across a span of centuries' (*The Economist*, 9 February 2013, 13, 74). Measures of the intergenerational transmission of inequalities should not be limited to income inequalities. On the transmission of inequalities, some of which may be traced to medical stereotyping in the pre-1865 era, see Roberts, *Fatal Invention*, 81–103, 123–146.
17. Stephan Thernstrom and Abigail Thernstrom, *America in Back and White: One Nation, Indivisible* (New York: Simon & Schuster, 1997), 54.
18. Aristotle, *Politics*, book 3, section C.
19. Abdulaziz, Cables and Balkandali v. UK [1985] 7 EHRR 471.
20. *Prevention of Discrimination: The Concept and Practice of Affirmative Action*. Final report submitted by Mr. Marc Bossuyt, Special Rapporteur, in accordance with Sub-Commission resolution 1998/5. UN document E/CN.4/Sub.2/2002/21 paragraph 91(a). Alternatively, see Marc Bossuyt, 'Prohibition of Discrimination and the Concept of Affirmative Action,' in *Bringing International Human Rights Law Home* (New York, United Nations, 2000), 93–106: 'For some time now, the term "discrimination", which has a definitely pejorative connotation, has been reserved solely for unjustified differences of treatment, whereas the term "distinction" is completely neutral. The term "differentiation", by contrast, designates a difference of treatment for which there are legitimate reasons.'
21. Robert Higgs, 'Black Progress and the Persistence of Racial Economic Inequalities, 1865–1940,' in Steven Shulman and William Darity, Jr. (eds.), *The Question of Discrimination: Racial Inequality in the U.S. Labor Market* (Middletown, CT: Wesleyan University Press, 1989), 9–31. This volume reviews the debate about the economics of affirmative action as it stood in the 1980s.
22. Walter E. Williams, *Race and Economics: How Much Can Be Blamed on Discrimination?* (Stanford: Hoover Institution Publication 599, 2011), 32–35, 91–93.
23. Thernstrom and Thernstrom, *America in Back and White*, 58–61.
24. *Ibid.*, 62.
25. *Ibid.*, 69–96.
26. William Julius Wilson, *The Declining Significance of Race: Blacks and Changing American Institutions* (Chicago: University of Chicago Press, 1978).

27. The implementation of the 1964 Voting Rights Act has been cut back by the decision of the Supreme Court in the case of *Shelby County v. Holder* (USSC 12–16, 25 June 2013). See John Paul Stevens (Supreme Court Justice 1975–2010), ‘The Court & the Right to Vote: A Dissent’, *New York Review*, LX (13), 15 August 2013, 37–39, reviewing Gary May, *Bending Towards Justice: The Voting Rights Act and the Transformation of American Democracy* (New York: Basic Books, 2013).
28. Thomas Sowell, *Affirmative Action Around the World: An Empirical Study* (New Haven, CT: Yale University Press, 2004), 122–125. According to Gavin Wright, *Sharing The Prize: The Economics of the Civil Rights Revolution in the American South* (Cambridge, MA: Belknap Press and Harvard University Press, 2013), it was the enforcement of the 1964 Act’s ban on discrimination in public accommodations that had the biggest effect in changing employment practices.
29. Thomas Sowell, *The Economics and Politics of Race* (New York: Morrow, 1983), 200–201.
30. Ward Connerly, *Creating Equal: My Fight Against Race Preferences* (San Francisco: Encounter Books, 2000), 130–134.
31. For example, Diane Watson, then a California state senator and later a congresswoman, said of Ward Connerly, ‘He’s married to a white woman. He wants to be white. He wants a colorless society. He has no ethnic pride. He doesn’t want to be black’ (*Creating Equal*, 77–78.) At one time Connerly was assigned security guards for his protection.
32. Davis, *Who Is Black?* 80, 127–132, 150–156, for examples.
33. Overview of Race and Hispanic Origin: 2010, *2010 Census Briefs*, issued March 2011, 5. The strange way in which the Office of Management and Budget incorporated the Hispanic/Non-Hispanic distinction into the federal statistical recording arrangements (see chapter 6) testifies to the strength of the one-drop rule upon the US conception of race. The political importance of the Hispanic identity required that some place be found for it. The growth of the Hispanic-identifying population will influence the future use of racial categories.
34. *Ibid.*
35. Eugene Robinson, *Disintegration: The Splintering of Black America* (New York: Doubleday, 2010).
36. John Goering, ‘An Assessment of President Clinton’s Initiative on Race’, *Ethnic and Racial Studies* 2001 24(3): 427–484.
37. Claire Jean Kim, ‘Clinton’s Race Initiative: Recasting the American Dilemma’, *Polity* 2000 XXXIII(2): 175–197.