

The Claims of History

The fashion for righting old wrongs tells us something about ourselves and the way we view our relation to history. To devote ourselves to these claims represents an impulse to confront and undo the injustice of history, to retrospectively and retroactively move the line separating misfortune and injustice so that all human depredations are seen as remedial injustice. It attempts to make history yield up a morally satisfying result that it did not the first time around. It is as if we feel called to supply in our small way the providential character that we would like history to display.

But history contains an endless supply of injustices. We want to feel that we are sensitive to the claims that arise from them without committing ourselves entirely to the enterprise of retro-justification. Which old wrongs will secure remedies is a question about the future, not the past. In part it is a question of which claims will be articulated and organized.

But which claims will be granted depends on the larger society, often thought to represent the wrongdoer. A response is more likely to be forthcoming when the claim can be addressed by symbolic recognition or token payments rather than requiring major allocations of resources that arouse resistance from other groups.

Where the symbolic claims are fused with material claims for immense re-allocation of resources, as in the campaign for reparations for American slavery, the outlook seems less hopeful. Could the majority secure absolution and closure at what they consider an affordable price?

If our efforts to remedy old wrongs are inevitably selective, incomplete and flawed — and much the same can be said about righting fresh wrongs — should they be abandoned? In accounting the costs and benefits, we should be careful not to ignore the human value in these sometimes quixotic, often ineffectual, always incomplete efforts to secure justice. As flawed as these efforts are, unreflecting acquiescence in injustice is worse. Common sense tells us that a patched vase may be worse than an unbroken vase, but it is better than a pile of shards. But when it comes to justice, we don't have the choice of the unbroken vase. A patched and blemished world is the only one we can attain.

—Marc Galanter

Marc Galanter is Evjue-Bascom Professor of Law and Director of the Institute for Legal Studies at the University of Wisconsin-Madison Law School.

Hill, Thomas and the Politics of Race

I was deeply moved by Anita Hill's testimony before the Senate Judiciary Committee. I do not doubt her veracity. I will not say why here, except to say that I heard in her voice no hint of vindictiveness, no trace of rage, no signs of suppressed zealotry. I heard only the quiet, forceful eloquence of one determined, however belatedly, to speak a painful truth too long denied. And I found Thomas's vehement denials nothing more than cynical attempts to adopt the self-righteous rage of the wronged black buck, thereby hiding from view even the slightest hint of his own culpability.

It is worth considering the deeper sources of the resonance that Thomas's defiance had in the black community, how the Hill-Thomas controversy turned into the occasion of that resonance, and what the fact of that resonance says about the current status of black political consciousness. Superficially, the pattern of black response

to the Hill-Thomas hearing may seem to mirror the pattern of white response. Whites and blacks found Hill less believable than Thomas by a large margin. And whites and blacks generally thought that Thomas should be confirmed, despite Hill's allegations. But the similarity stops there.

Most whites appear, in the end, to have found Hill largely credible. But they thought that the benefit of the doubt should go to Thomas, reasoning that involved a rather curious way of thinking about the stakes in the case. That reasoning took no account of the fact that what was at issue was not a charge, the outcome of which would put one party at risk of losing life, liberty or property. No clear-thinking person could suppose that Thomas was *entitled* to a seat on the court just so long as it was not proven "beyond a reasonable doubt" that he committed sexual harassment (or perjury). The

adoption of such a standard would utterly debase the court. But the important point here is that whites, while recognizing that the dispute between Thomas and Hill was embedded in an intense political struggle, ultimately came to see the dispute as they would a dispute between two individuals. In the end, at least to a considerable extent, whites separated the question of Thomas's "guilt or innocence" from the surrounding political struggle.

What led to this outcome was the steady, though bloody, retreat of Thomas' Republican sponsors through their various quickly concocted theories. Step-by-step, it became evident that Hill was not a liberal zealot, but a Bork supporter, that she had not recently concocted this story but had told several close friends as long as ten years ago, that even those of her co-workers who came forward to defend Thomas had no previous reason to think of her as a person prone to lies or fantasy. Even the absurd hypothesis that Hill is engaged in a ten-year long self-delusion was shown up as based solely on the self-important rantings of Doggett-the-bizarre. To anyone who was willing to be guided by the evidence before them, the question, in the end, came down to a dispute between two individuals, not to be confused with the political struggle in which it was embedded.

Blacks, in contrast, did not see the Hill-Thomas struggle as simply or primarily a dispute between two individuals, both of whom just happen to be black. For blacks, especially middle class blacks, the dispute was, I think, inextricably bound with the struggle to establish a distinctively black political voice. This struggle has to do with the plight of the black family, the disappearance of the black male, and disputes about affirmative action. It is no secret that astounding numbers of black families are headed by unmarried women, that a staggering number of young black males die on inner city streets or are rotting in prisons of nearly medieval cruelty. It is no secret that affirmative action is far less controversial when it is white women rather than blacks who are its beneficiaries. Affirmative action is an issue of central importance to the black middle class — and an issue of marginal relevance at best to the black underclass. For it takes only a moment's reflection to see that affirmative action can do little to lift the most seriously disadvantaged blacks out of poverty. What it can do is place more already qualified blacks in the universities, in government services, and in at least the lower rungs of corporate America.

These issues make for a great deal of political turmoil in the black community. And there is a plethora of voices there, all of them pained, all of them searching, though only the barest hint of the diversity of views hits the corporate media. There are the mainstream civil rights liberals. But there are also both much more militant voices and much more conservative ones. For example, Minister Farrakhan, though pilloried and feared by whites, has a substantial and intense following in the black community. And even many more moderate voices im-

plicitly reject integrationist solutions as the failed answers of another era. There are intensely religious fundamentalist Christians, whose economic liberalism is not matched at all by social liberalism. There are law-and-order types. Though blacks have ample reason to fear and distrust the police, it is important to know that there are millions of law-abiding blacks living in inner city communities who, not without reason, endorse the harshest of criminal sanctions.

This diversity of voices can be heard in almost all segments of the black community. But the turmoil and tension reach their highest pitch in the lives of the recently empowered, but still precariously situated, black middle class. Our struggle has many sources. Many of us come from families in which some children have thrived while others have succumbed to one of the ills that afflicts our people. In almost all of us, the memory of harsher times, either in our own lives, or the lives of our parents, are still fresh. The freshness of memory, the stark contrast between our own thriving lives and the dismal prospects of some friend, cousin, or sibling produces in us some questions. Why me? Why have I thrived? Why has my cousin or my brother or my friend turned out so badly?

There are many possible answers. Some appeal to differences in the stuff of which my brother and I are made. Maybe I was more determined, more disciplined, smarter than he. Some appeal to decisions made, roads taken earlier on in life, with no consciousness of their astounding consequences. Maybe he decided to hang out with the wild kids down the street, who, because of my shyness or timidity, would never include me in their gang. But it was just that gang, perhaps, that propelled him toward prison. Maybe I was lucky enough to meet some good people, white and black, who saw in me something more than just another lost cause, while he never met such kind people, perhaps because he was surrounded by the gang. Perhaps the bright fire that burned in his eyes, the fire that might, in other circumstances, have propelled him toward great things turned into a self-destructive rage that consumed all of his promise. So in the heart of every middle class black person, there is, I think, a question to be answered. Why me? Why not him?

In the varied answers to such questions lies one key to understanding the politics of the black middle class. For one category of answers leads away from solidarity with the black underclass, leads away even from the view of oneself as essentially or primarily black. If I answer that the key to my thriving lies in my particularity, then it becomes hard for me to identify myself as black above all else. I am not a black doctor or a black lawyer, but a lawyer who happens to be black, a doctor who happens to be black. Blackness is for me one among the ingredients of my self, it is not the essential or core ingredient of that self. Another class of answers says that I am first

and foremost a black person, that all of my actions and aspirations must start from the premise of blackness. Such an answer explains successes and failures not as the result of the mere particularities of this or that person's character, decisions, and the random events with which this person as opposed to that person is confronted. Rather, blackness-as-such must be an ingredient in the explanation and evaluation of all actions, obligations, and institutional arrangements.

Now it is fair to say that although a growing number of middle class blacks answer the inner questions in ways which appeal only to particularities of character and circumstance, without direct appeal to blackness-as-such, most still do not. For any person who answers the inner questions in a way that makes blackness-as-such an ingredient in all explanations and evaluations of actions, obligations, and institutions, no dispute involving black people can be a dispute merely involving people who happen to black. But once this move is made the floodgates open. So Marion Barry could not be merely just another arrogant, two bit politician, brought down by his own drug addiction and his own lust. Rather, he becomes the proud homeboy done in by the white establishment and a castrating, traitorous black woman. And the dispute between Hill and Thomas becomes a dispute not between a particular man and a particular woman, but a dispute inextricably bound to black sexual politics.

In the dispute between Hill and Thomas, the initial cards were all Hill's. For Thomas began as a conservative black Republican, one who had answered the inner questions in a way that did not appeal to blackness as an essential ingredient, married to a white woman, nominated by the president who brought us Willie Horton and who vetoed the civil rights bill. And this man was accused by an attractive, articulate, and accomplished black woman who evidently must have once trusted and admired him. It is a credit to Thomas's shrewdness that he immediately recognized that his was a losing hand. So he reshuffled the cards. In his first instant before the cameras he remade himself, becoming what he had long rejected, the proud racial warrior for whom blackness-as-such was the crux of the matter. So suddenly, he was not the deserter, not the racial traitor, not the debaser of black womanhood. He was the defiant black buck being lynched by a white system, and by a misguided, uppity sister, herself blind to the importance of racial solidarity.

Compare Thomas and Barry. It is not hard to understand the instant, if undeserved forgiveness that many in Washington's black community bestowed upon Barry. For he had long played the role of the proud racial warrior, doing determined battle with the white powers that be. Along the way, he accomplished much that was good. But somehow he lost his way.

But Marion Barry is not just another wrecked and ruined human being who surrendered his life to the demon of addiction. He was the black Mayor of a predominantly black city, upon which drugs, and the life-destroying parasites that thrive off of the demand for them, are wrecking great devastation. And they wreck their greatest devastation on the lives of the very people who most ardently supported Barry, whose interests he once proudly claimed to put before all else. By allowing himself to take even the first step down the path toward addiction, Barry gave aid and comfort to those parasites, and betrayed his community. Despite that betrayal, a community desperate for heroes could not bring itself to judge him harshly.

But what about Thomas? Barry has been forgiven by many blacks out of appreciation for a lifetime of racial struggle. But Thomas has given no such lifetime. Rather, he earned forgiveness, or at least a "welcome home," in an instant, by skillfully transforming himself from conservative black Republican into the defiant racial warrior who would not be done in by the old order. This is not to castigate all conservative black Republicans as racial traitors. But conservative black Republicans have sworn allegiance to a party that has long presented a very hostile face to the black community. So at least Thomas had some remaking of himself to do before he could expect wide-spread sympathy from the black community.

Part of the explanation for his success at remaking himself must surely be the fact that he was largely a blank slate for most viewers, black and white. First, few people, white or black, had followed the earlier hearings closely. But even if one had watched the entire hearing, one could not be faulted for wondering who Thomas really was. For example, he was not pressed, and volunteered little, on matters such as affirmative action, and explicitly denied ever having discussed with anyone *Roe v Wade*. And he beat a systematic retreat from much of his written record.

But to say only that Thomas came before the camera as mostly a blank slate to most viewers is to pay too little tribute to the consummate skill with which he remade his racial identity. Consider just one example. With his caucasian wife seated prominently behind him, her tearful eyes caught by the camera from time to time, Thomas could ill afford to attack Hill head on. Such an attack would not sit easily with his pose as racial warrior. So he refused even to speculate about possible motives for Hill, even though he was continually offered a chance to smear her. His refusal was, I think, intended to show that he had such racial solidarity that he would not himself stoop to trashing this black sister before these white men. By that maneuver he managed to portray her, without saying a negative word about her, as the racial traitor, the overly ambitious black woman, cut off from her racial roots, who would stop at nothing, not even the

destruction of this proud racial warrior, to achieve those ambitions. Just what those all-consuming ambitions were supposed to be was never really clear. But Thomas knew that he didn't need to provide them, that the black community could fill in the blanks.

Once Thomas had pulled off his self-redefinition, he had taken a long step toward confirmation. Southern democratic senators who must concede to any Republican opponent roughly sixty percent of the white vote simply cannot win if they do not have monolithic black support. A vote against Thomas might jeopardize that monolithic support. On the other hand, a vote for Thomas would cost them little in the way of feminist support, since the South seems not to be fertile ground for the organized women's movement. So assuming continued monolithic Republican support for confirmation, Thomas could only lose by losing the South. But in playing the racial card so skillfully, he won the South in one fell swoop.

Thomas may have provided the Republicans with an additional ace in the game of racial politics. The face on that ace is that of a defiant black buck, who rose on his own merits, without kowtowing to the old-order, only to have that order rise up and attempt to lynch him, on national television. Never mind that the "old-order" consists of many who have labored long and hard for the empowerment of black people. Never mind that this order deserves no longer to be called the establishment, except in its own deluded wishful thinking. Never mind all that. This time the proud black buck is not brought down, is not defeated, but emerges triumphant. And the Republicans are this time the buck's defenders.

It is unclear how successfully the Republicans can play their new card. Their past success at the racial game turned on the perception of white voters, especially so-called Reagan Democrats, that, unlike the Democrats, they were not beholden to the welfare queen, with her teeming hordes and gold-plated Cadillac, purchased with white dollars, or to the unredeemable black criminal, symbolized by the face of Willie Horton, the black rapist of white women, or to the minimally competent black, who takes the job of the more deserving white. Republican attempts to exploit and deepen these perceptions have alienated and angered many blacks. But since most blacks are not rapists, are not welfare mothers, and are not direct beneficiaries of affirmative action, it is conceivable that the Republicans can someday devise a strategy which combines their racially tinged appeals to Reagan Democrats with some message that says to blacks that only "bad" blacks need not apply, while excluding the middle class majority from that category. Indeed, the late Lee Atwater seems to have been groping his way toward just such a strategy.

Yet it would be thoroughly ironic if the key to Republican inroads into the black vote turned out to be the face of black rage, symbolized by the reborn Clarence

Thomas. For the message from the white community has been loud and clear since the sixties. The message has come from many quarters of white society, but from nowhere more loudly than from Republican political campaigns. The message has been that rage need not apply. Rage will only cause you to be imprisoned when it turns you into a destructive criminal. But even when rage is sublimated and thereby turned into moral indignation at the sufferings of underclass blacks and the continuing barriers to the progress of the precarious black middle class, rage need not apply. Even the clear persistent expression of moral outrage has lost its power to inspire white guilt, has lost its power to justify redistributive economic and political arrangements, has even lost its power to justify "inclusive" social strategies such as integration and affirmative action.

White indifference to black rage sends a clear message about the acceptable ways of being black in America. Just consider the different receptions of Jessie Jackson and Doug Wilder by the white community. Jackson has been the leader of the politics of sublimated black rage, Wilder the candidate of accommodation. Consider the career paths of Colin Powell, even that of Clarence Thomas, up until that decisive moment in which he transformed himself into the voice of rage. Consider how the civil rights movement has devolved in the minds of many whites from a just crusade, rooted in simple moral truths, into mere special interest pleading. Nor is it just the Republican party that has promulgated that message. Recall the reaction by white Democratic political pundits to Doug Wilder's election to the governorship of Virginia. One could almost hear them shout with joy at the emergence of a black Democratic politician who would forgive white's their transgression, a black democratic politician who has abandoned the politics of racial rage.

Time will tell whether the Republicans can play their new ace, the face of black rage, symbolized by the reborn Clarence Thomas. In elevating Thomas to the court, they lost an opportunity. He is bound to fade from the political scene. And though he is unworthy to sit on the court either by judicial experience, intellectual achievement, or moral character, he is a highly skilled practitioner of the politics of racial antagonism. Too bad for Bush that Thomas will not be accessible to give him some pointers for his next round at the game.

—Kenneth Taylor

Kenneth Taylor is associate professor of philosophy at the University of Maryland College Park. As of January 1993, he will be associate professor of philosophy at Rutgers University. Dr. Taylor's area of inquiry is the foundations of cognitive science. Profoundly disturbed by the Thomas-Hill hearings, he wrote this essay in response.

GENETIC FACTORS IN CRIME: FINDINGS, USES, AND IMPLICATIONS

October 9-11, 1992

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NOTICE

Volume 11 Number 4 (Fall 1991) of The Report from the Institute for Philosophy and Public Policy will not be published.

Please note that Volume 12 Number 1 (Spring/Summer 1992), a special double issue devoted to "Race, Discrimination and Group Identity," should have been Volume 12 Number 1/2 (Winter/Spring 1992).

We hope to resume our normal length and chronology with our regular summer issue Volume 12 Number 3 (Summer 1992).

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STAFF:

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University of Maryland
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