



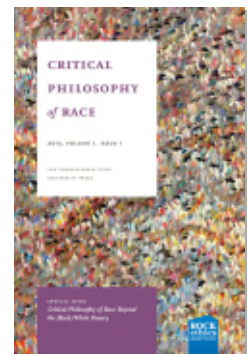
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Should Race Matter? Unusual Answers to the Usual Questions
by David Boonin (review)

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BOOK REVIEW

*Should Race Matter?
Unusual Answers to the
Usual Questions*

By David Boonin. Cambridge
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David Boonin, author of *A Defense of Abortion* (2002) and *The Problem of Punishment* (2008) and coeditor of the textbook *What's Wrong? Applied Ethicists and Their Critics* (2004), is a prominent figure in contemporary applied ethics. His newest book offers us an interesting opportunity to reflect on how work in applied ethics fits into the philosophical study of race. Boonin tackles five issues—reparations for slavery, affirmative action, hate speech restrictions, hate crime laws, and racial profiling—each of which is dealt with over the course of two chapters, following an introductory chapter on scope, methodology, and preliminary questions. Part of what makes the book distinctive is the avowed eclecticism of Boonin's positions: he ends up supporting reparations for slavery (chs. 2–3), taking a position on affirmative action that can be seen as a kind of midpoint between its supporters and opponents (chs. 4–5), opposing hate speech restrictions (chs. 6–7), supporting hate crime laws (chs. 8–9), and defending the permissibility of racial profiling (chs. 10–11). This, he suggests, is the result of considering each issue separately, on its own terms, and he aims to convince the reader to agree with his conclusions by means of an argumentative strategy focused on appealing to assumptions that virtually everyone, on either side of a debate, would accept.

The book's paramount virtue is undoubtedly its patient and systematic approach to reconstructing and evaluating the various possible positions one might take on the controversial topics discussed. Boonin is impressively thorough, and at the close of a pair of chapters, one often feels as if one has looked at that particular debate from almost every possible angle. Furthermore, when one feels that Boonin has succeeded in making the case for his own view, the victory is apt to seem total, as if Boonin has completely demolished all opposition. The best example, I think, is the discussion of reparations. On an autobiographical note, Boonin tells us that he used to agree with David Horowitz's infamous ten-point attack on reparations but, as he engaged with Randall Robinson's argument in favor of reparations and tried to fill in what he saw as its gaps, he ended up converting himself from an opponent to a supporter. He then delves deeply into the arguments, explaining why the unjust enrichment argument for reparations is not as bad as critics claim but not as good as its proponents think; laying out the five steps in the compensation argument he defends; taking on Horowitz's ten claims and showing why none provide reasons to reject the compensation argument; and, finally, considering a multitude of objections to the various steps of the compensation argument and defeating them all in turn. As Boonin goes about disposing of argument after argument, it becomes hard to see what else an opponent of reparations could possibly say.¹

Beyond the virtue of rigorous argumentation, though, another highly admirable feature of the book is the excellent command of the legal literature that Boonin displays in every discussion. I believe this is bound to be a virtue of applied ethics of race generally: since these controversies in the public sphere are also always controversies involving the law, it only makes sense for philosophers grappling with them to become as familiar as possible with the positions and arguments found in law journals. Boonin shows the way here.

Having discussed some of the book's salutary features, I would now like to raise some critical questions, all of which can be seen as related in some way or another to the fact that Boonin's approach leads him (as he puts it in the book's final paragraph) to "a somewhat eclectic set of conclusions, one that lacks the unity and coherence that might arise by approaching the issues from the perspective from a single theory, and one that as a whole can't really be characterized as liberal or conservative, colorblind or color-conscious" (350). I think it makes sense to relate this feature of the book to applied ethics of race generally as well, since the way that applied

ethics moves us from elaborating and defending theories to debating actual laws and policies opens up, as one potentially attractive stance, a general suspicion of attachment to this or that theory or political orientation.

The first worry concerns whether Boonin's eclecticism really signifies unwillingness to prejudge issues from a preferred political position or whether he actually has a marked preference for *centrism*. Each of the five discussions in the book ends with a suggestion that Boonin has in some sense managed to chart a middle path between extremes. It is worth pointing out, first of all, that I find these suggestions to be, in some cases, quite disingenuous. Sometimes Boonin has in fact shown us what can informatively be called a middle path: as I alluded to above, his position on affirmative action—that it is permissible but not obligatory—can reasonably be seen as a kind of midpoint between the tendencies of supporters to see the policy as not merely permissible but obligatory and of opponents to see it as not merely non-obligatory but impermissible. But there is something nonsensical about Boonin's suggestion at the end of the reparations discussion that people like Horowitz and Robinson “should abandon the extreme positions they hold and come together to occupy a more just and reasonable middle ground” (134). Boonin has just demonstrated, at great length, why Horowitz's position is flat-out wrong and he has strengthened Robinson's position by isolating and fortifying what he takes to be Robinson's best argument. To then equate Horowitz and Robinson on the grounds that the latter “seem[s] inflexibly wedded to a particular set of views about what kinds of reparations are owed” (134), a claim that Boonin does not substantiate, strikes me as wholly inappropriate.

What is most worrying about this kind of faux centrism, though, is the way it demonstrates how attracted Boonin is to the idea, if not the practice, of centrism. But what is so attractive? Centrism on matters of race in earlier periods of American history would mean seeking compromise with slaveholders and segregationists and viewing abolitionists and civil rights activists as too extreme. This of course does not describe Boonin's position on slavery and Jim Crow, but it explains why I see it as troubling that he seems to strive for centrism in current debates. Is this a predictable tendency in light of his strategy of appealing to assumptions that most people on either side of a debate already accept? If so, this does not speak well of the strategy.

In practice, though, Boonin's strategy does not always lead to centrist conclusions. But is the eclecticism that can combine support for reparations and a defense of racial profiling any less problematic? The important

question, of course, is how one ends up being so eclectic. I worry about the *theorylessness* that can be seen as a cause of Boonin's eclecticism, and the extent to which this theorylessness may be seen as a viable approach in applied ethics of race generally.

In the book's first chapter, Boonin includes a section comparing Vincent Sarich and Frank Miele's attempt to defend the reality of biological races in *Race: The Reality of Human Differences* (2004) and Joseph Graves's attempt to debunk the notion in *The Race Myth: Why We Pretend Race Exists in America* (2005). Boonin argues that they talk past each other, since what Graves debunks is the notion of groups with fixed essences while what Sarich and Miele take to be real are merely groups with similar ancestry based on how recently their ancestors left sub-Saharan Africa. This comparison is misleading, as it masks the way that Sarich and Miele actually defend a natural hierarchy of races based on the inheritance of characteristics like intelligence. But this perniciously favorable comparison does not result from a desire on Boonin's part to rely on Sarich and Miele's theory of race. Rather, the argument that we do not need to choose between their position and Graves's position serves as a prelude to Boonin's general denial that we need to choose between different theories of race for his purposes. All we need, he suggests, is the ability to say that some people, like Will Smith and Denzel Washington, are black and some others, like Russell Crowe and George Clooney, are white. He writes that "we don't need to be able to say what theory best explains why the black people are black and the white people are white. Any theory that gets it right in the clear, uncontroversial cases will be as good as any other" (6). Thus the familiar philosophical disputes about the nature and reality of race are totally irrelevant from Boonin's point of view.

The question of how much metaphysics we need in order to fruitfully engage in ethical debates about race is a vexed one. It would be wrong, however, to mistake Boonin's view for something similar to Ron Mallon's position in his influential 2006 article, "'Race': Normative Not Metaphysical or Semantic." According to Mallon, we need to focus on normative rather than metaphysical questions because, despite appearances, there exists among the various disputants in philosophy of race an "ontological consensus" on "a relatively broad range of theses."² Boonin does not explore or even point us toward the available theories of race to the extent that would be necessary for us to see him as usefully relying on an ontological consensus. Biological realism about race is badly and

misleadingly exemplified through his reference to Sarich and Miele, and while Graves may be a fine enough critic of biological essentialism, what remains entirely ignored is the debate that has taken place *among philosophers*. Most egregiously, Boonin ignores the widely held philosophical view that race is *socially constructed and thus real*—that is, that it is real precisely insofar as it is socially constructed.

I take this unhelpful remoteness from race theory to be a key example of how the book demonstrates not only the positive potential but also the pitfalls of applied ethics of race. Greater engagement with what it means to see race as sociohistorical would almost certainly have improved the book. We can speculate, first of all, that it might have made Boonin consider more carefully when and how the book's narrow focus—black-white relations in the United States—facilitates or obstructs the possibility of making claims about how *race* matters. More importantly, though, I think insufficient attention to the sociohistorical nature of race is partly to blame for weakness in the discussion of racial profiling. On a social constructionist account, racial profiling can be seen as among the mechanisms by means of which *race itself is generated and sustained*—think, for example, of Paul Taylor's definition of races as “the probabilistically defined populations that result from the white supremacist determination to link appearance and ancestry with social location and life chances.”³ Racial profiling is undoubtedly among the most resonant examples of this attempted linkage as an ongoing affair. Boonin, however, avoids recognizing the ways in which racial profiling fits into the pattern of systematic disadvantage that is white supremacy, arguing for the relevance of race to the goals of state action in this case in a manner that directly echoes his argument for its relevance in the case of affirmative action. I suspect he would have found it harder to treat these cases as symmetrical if he had grappled with the contributions of theorists like Taylor.

In closing, then, *Should Race Matter?* exemplifies both possible virtues and vices of applied ethics of race, and I suspect that the vices can be tied to the lack of engagement with philosophy of race's major theorists and debates. This should not, however, be taken as an excuse for those interested in philosophy of race to respond in kind by similarly ignoring the book: anyone with any interest in any of the five controversies the book addresses should see it as required reading, and it has much to offer others as well.

NOTES

1. I should mention here, however, a puzzling moment, at pp. 66–67, where Boonin writes as if “Americans of West Indian descent” and “Americans of African descent” are two separate categories while responding to Horowitz’s claim that the success of “West Indian blacks in America” (64) demonstrates that slavery is not a significant factor in the present-day problems of black Americans. In personal correspondence, Boonin has assured me that this was simply a bad choice in terminology.
2. Ron Mallon, “‘Race’: Normative, Not Metaphysical or Semantic,” *Ethics* 116 (Apr. 2006): 545.
3. Paul C. Taylor, *Race: A Philosophical Introduction* (Cambridge: Polity Press, 2004), 86.