

Against ‘institutional racism’

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Abstract

This paper argues that the concept and role of ‘institutional racism’ in contemporary discussions of race should be reconsidered. It starts by distinguishing between ‘intrinsic institutional racism’, which holds that institutions are racist in virtue of their constitutive features, and ‘extrinsic institutional racism’, which holds that institutions are racist in virtue of their negative effects. It accepts intrinsic institutional racism, but argues that a ‘disparate impact’ conception of extrinsic conception faces a number of objections, the most serious being that it has no plausible account of what it is that makes extrinsically racist institutions racist. It also argues that claims about the explanatory indispensability of institutional racism are overstated (individual racism is at least as important), critiques structural approaches to racial inequality, and suggests that there is reason to doubt whether institutional reform can provide us with all that morality may require in the racial domain.

Keywords

institutional racism, individual racism, disparate impact, structural racism, structural inequality, Sally Haslanger

In recent years, as police killings of unarmed black people have ignited large protests demanding change, issues of race and racism have been catapulted back onto centre stage. In this context, claims that contemporary societies are mired in ‘institutional racism’ have again become common. Sometimes, other terms (e.g. ‘structural racism’) are used, but whatever the term, what unites their use is the thought that contemporary racism is now not mainly an ‘individual’ phenomenon. When sociologist Crystal Marie Fleming tells us that much ‘stupidity’ about race comes from the fact that people ‘think of racism as individual prejudice rather than a broader system and structure of power’, she is very much in line with recent trends.¹ Focussing on ‘institutional racism’, this paper rejects

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these trends. The extra-individual focus of much of today's discussions of racism is, I believe, a mistake. Much so-called institutional racism is not racism at all. Moreover, *individual* racism remains a very powerful force, the continuing importance of which is obscured by the ubiquity of extra-individual language. For these reasons, I will argue that contemporary discussions of race would do well to return, to a significant extent, to a focus on individuals.

The paper proceeds as follows. Sec. I sets out a variety of conceptions of institutional racism, focussing on the distinction between intrinsic institutional racism and extrinsic institutional racism. This section also explains how an individualist conception of racism can explain (intrinsic) racism at the institutional level. In sec. II, I consider and reject extrinsic institutional racism understood as adverse disparate impact. The following section, sec. III, challenges the claimed explanatory indispensability of institutional racism. Focussing on the work of Sally Haslanger, this section also critiques structural approaches to racial inequality. Sec. IV explains why even the most complete institutional and structural reform may not provide us with all that we should want in the racial domain. The paper ends with a brief conclusion in sec. V.

Varieties of institutional racism

When people think of 'institutional racism', they often have different things in mind. To get us thinking, consider some of the possible scenarios. So consider, first:

S1: Race-conscious rules govern the operation of an institution, and the rules direct its employees, Es, to impartially carry out their duties. Es carry out their duties as directed, but since the rules themselves are race-conscious in a way that is disadvantageous, and intended to be disadvantageous, to racial group R2s, and are not intended to correct for the disadvantages of any racial group, there results racial inequality between R1s and R2s.

I think everyone, or almost everyone, would judge S1 to be case of institutional racism. But though perhaps the least controversial example, these days when people talk about 'institutional racism' they are usually thinking of other situations. So consider three other scenarios:

S2: Race-silent rules govern the operation of an institution, but there is nothing stopping its employees, Es, from exercising in a discriminatory manner the power entrusted to them – it is difficult, but not impossible, to monitor how they carry out their duties. Some Es discriminate against R2s, and this leads to an inequality between R1s and R2s.

And:

S3: Race-silent rules govern the operation of an interlocking set of institutions, and their employees carry out their duties in a strictly race-blind manner. But

because R2s is an historically oppressed group, the operation of the rules serves to disadvantage R2s.

Finally:

S4: Race-silent rules govern the operation of an institution, and its employees carry out their duties in a strictly race-blind manner. Despite this, the operation of the rules serves to disadvantage R2s, an historically disadvantaged group.

Some, perhaps many, will judge S2 to be a case of institutional racism because of the actions of its employees – despite the fact that its rules are race-neutral. This case raises some interesting questions about when the racism that many would allow exists *within* an institution can properly be attributed to the institution *itself*. For example, how widespread it would have to be there to instantiate institutional racism? We may or may not agree with Lawrence Blum when he claims that ‘No precise line can be drawn as to the extent or pervasiveness of racist attitudes and behaviors within an institution in order for it to be appropriately called a “racist institution”’.² But given space constraints, consideration of this will have to wait for another day. Of more interest here is S3. For many, the state of affairs represented in S3 is exactly what invocations of ‘institutional racism’ call to mind.³ And some will consider it unnecessary for there to be a *set* of institutions to disadvantage a historically disadvantaged group; a single institution whose rules disadvantage a historically disadvantaged group is sufficient. These individuals will therefore accept that S4 is also a case of institutional racism.

I’ll come back to S3 and S4 later. For now, I want to focus on S1. This is probably the least controversial conception of institutional racism, but it would not be accepted by all. Some seem to reject the idea of institutional racism completely. For example, conservative author Dinesh D’Souza argues that the term, in extending far beyond the traditional definition of racism as an ideology of racial superiority, is a ‘nonsense phrase’.⁴ But such a position is untenable, for reasons that have been well set out by J. L. A. Garcia. To understand his argument, it is useful to first say something about Garcia’s general view of racism, which we will return to later. He defends an *affective model* of racism (which he calls a ‘volitional conception’).⁵ Garcia proposes that we conceive of racism as ‘fundamentally a vicious kind of racially based disregard for the welfare of certain people’.⁶ In its central form, it is ill-will directed against a person or persons on account of their assigned race. In a derivative form, it is a race-based disregard. A person who is racially disaffected in either of these ways is a racist, and Garcia argues that ‘her actions, beliefs, feelings, hopes, fears, etc. will be racist insofar as her racism infects them’.⁷ On this model, racism is wrong because it is opposed to the virtues of benevolence and justice.

This is an example of what we will call an individual-level or (as I will call it) *individualist* conception of racism. Such a view sees racism as manifested on the part of individual human beings as *primary*, in both the sense that racism in the unqualified sense should be understood in terms of the actions and/or psychological states of such beings and that racism at other (extra-individual) levels should be explained by reference to it.⁸ Thus, W. Thomas Schmid offers an individualist conception of racism when he suggests

that it is ‘the infliction of unequal consideration, motivated by the desire to dominate, based on race alone’.⁹ In understanding racism in terms of the motivational state that is a desire to dominate, this is an individualist conception. Similarly, in understanding racism in terms of ill-will and disregard, Garcia’s affective model is also individualist.

But Garcia goes further and argues that racism at other, extra-individual levels should be understood in reference to racism at the individual level. It is by linking institutional racism to the individual level that he is able to respond to those like D’Souza who are sceptical of the concept. He argues that institutional racism ‘occurs *and* matters because racist attitudes (desires, aims, hopes, fears, plans) infect the reasoning, decision-making, and action of individuals not only in their private behavior, but also when they make and execute the policies of those institutions in which they operate’.¹⁰ So for him, institutional racism exists when racism at the individual level infects an institution and thereby becomes institutionalized, and it can do this by ‘informing the ends it adopts, or the means it employs, or the grounds on which it accepts undesirable side effects (as is normally the case in “environmental racism”), or the assumptions on which it works’.¹¹ In light of this, Garcia thinks that no one can plausibly deny the existence of institutional racism. As he explains, ‘If racism is a real element in people’s thinking, feelings and behavior, there is no reason to deny it can become institutionalized’.¹² He goes on to cite, among other things, the South’s Black Codes, grandfather clauses and apartheid as examples of institutional racism. Given these clear historic instances, he concludes that ‘institutional racism is no mere logical possibility, but a recurrent historical fact’.¹³

Tommie Shelby has usefully distinguished between what he calls ‘extrinsic’ institutional racism and ‘intrinsic’ institutional racism. Take first intrinsic institutional racism. Institutions are intrinsically racist in virtue of their ‘constitutive features’ rather than their external effects. Thus, an institution might be racist in virtue of its goals, the content of its rules or the application of its procedures.¹⁴ This means that an institution should be regarded as intrinsically racist if, for example, its goals are to exterminate or subordinate a racial group, the content of its rules are racially discriminatory or its procedures are unequally and inconsistently applied. This is more or less the conception of institutional racism that Garcia’s individualist model explains, and what makes S1 seem to be a paradigmatic case. On the extrinsic conception, by contrast,

an institution’s policies are regarded as racist, not by virtue of the policymakers’ racist beliefs, but solely in virtue of the policies effects. Extrinsic institutional racism occurs when an institution employs a policy that is race-neutral in its content and public rationale but nevertheless has a significant or disproportionate negative impact on an unfairly disadvantaged racial group.¹⁵

So while institutions are intrinsically racist in virtue of their constitutive features, they are extrinsically racist in terms of their effects. In terms of the scenarios listed above, extrinsic institutional racism is represented by S3 and S4. It is a far more common understanding of institutional racism. Indeed, discussions of institutional racism scarcely ever mention the intrinsic conception, though it is the kind that historically has had the most impact – as Garcia pointed out, slavery, Jim Crow and apartheid are examples of it.

So nothing in this paper should be taken to cast doubt on its existence or historic importance. Rather, it is extrinsic institutional racism that it questions.¹⁶

Before proceeding, I want to highlight two constraints that I believe any discussion of ‘institutional racism’ should respect, as well as an additional pitfall that we should also avoid. First, discussions of institutional racism should not objectionably privilege an individualist perspective. This can be done by *assuming* that institutional racism must be understood in terms of the concepts and framework distinctive of such a perspective. For example, Megan Mitchell discusses an example involving an institution and asks how its actions make its policies racist. She goes on to gloss this in objectionably individualist terms, writing, ‘In other words, how is such an action indicative of the agent who created it having beliefs and/or attitudes that are racist?’¹⁷ This makes the existence of institutional racism turn on whether it conforms to a disjunctive analysis of racism in terms of beliefs or attitudes. Since beliefs and attitudes are mental states, which are inherently features of individuals, this constitutes an unjustified privileging of an individualist model of racism.¹⁸

Second, discussions of institutional racism should not take it to be another term for ‘racial injustice’.¹⁹ There are two related reasons why. First, for many people, the circumstances that constitute racial injustice will cover more or less anything that seems like a racial ill. Although ‘racism’ has come to be taken by many to mean virtually anything that goes wrong in the racial domain, racial ills are in fact various, as Blum has argued, and include (besides racism) racial injustice, racial discrimination, racial insensitivity, racial ignorance and more.²⁰ Moreover, many racial ills vary along several dimensions, including their characteristic features or properties, the degree of harm they inflict, the seriousness of the wrong they involve and the blameworthiness of the people who commit them, and can differ in their moral status because of all these. Since intuitions about what constitutes racial injustice will cover any racial ill, construing institutional racism as a term for ‘racial injustice’ obscures important moral and conceptual distinctions. Second, this would in effect turn disputes about whether any given state of affairs instantiates institutional racism into disputes about whether there is ‘something wrong’ about it racially speaking. If ‘institutional racism’ – which is supposed to name a distinctive racial wrong – becomes a name for anything that a person thinks wrong in the racial domain, it would become virtually useless as a concept.

Finally, although not a constraint in the same sense, in thinking about institutional racism we should be careful to avoid claiming that a racial ill instantiates institutional racism because there are institutional reforms that can remedy it. To see what I mean, consider for example the unjustified use of force on the part of police. As I have said, in recent years police killings of black people have inspired some of the most significant movements for racial justice. In many cases, officers are caught on camera shooting or choking to death unarmed individuals in ways that seem to be unjustified. They are rarely charged with anything, and rarer still is anyone convicted. Many blacks see in this situation institutional racism at work, and make urgent calls for institutional reforms. Such calls are appropriate, but the availability of reforms that could be effective in curtailing such abuses, in and of itself, does not mean that the problem is one of institutional racism. Some form of bias may infect the actions of many officers, and there may exist

institutional reforms that could significantly reduce their incidence, but these facts do not suffice to make the situation one of institutional racism. For that there would have to be some reason for ascribing the actions of the individuals involved – assuming that they are racist – to the institutions for which they work, or ascribing the failure to implement the available reforms to racism on the part of the institutions, and this involves more than the mere existence of the reforms, or the mere fact that they have not been implemented.

Institutional racism as disparate impact

I begin by considering the conception of institutional racism represented in S3 and S4 above: institutional racism as *disparate impact*. Public policy scholar Keeanga-Yamahatta Taylor provides a clear statement when she writes that ‘Institutional racism, or structural racism, can be defined as the policies, programs, and practices of public and private institutions that result in greater rates of poverty dispossession, criminalization, illness, and ultimately mortality of African Americans. Most importantly, it is the *outcome* that matters, not the intentions of the individuals involved’.²¹ A more canonical statement comes from the better-known discussion of Gertrude Ezorsky, who claims that institutional racism ‘occurs when a firm uses a practice that is race-neutral (intrinsically free of racial bias) but that nevertheless has an adverse impact on blacks as a group’.²² Although there are differences of emphasis here between Taylor’s definition and Ezorsky’s (Taylor emphasizes that it is the outcomes that matter, not intentions, and Ezorsky the race-neutral character of the problematic practices), both include reference to an *adverse disproportionate impact* on a racial group (namely, blacks) without an intention to create such an impact.²³ This is essential to many conceptions of institutional racism.

So institutional racism as disparate impact (DI, for short) exists when an institution, or set of institutions, utilizes race-neutral policies or practices that have an adverse disproportionate impact on certain racial groups. On some accounts, an additional condition (often having to do with the causes of the disproportionate impact, and sometimes its effect) must be satisfied. For Ezorsky, for example, cases of DI not only have an adverse impact on a protected group; the impact itself is characteristically ‘racist’.²⁴ And the impact is racist when it is ‘in significant part either the result of overt racism, or [contributes] to its perpetuation’.²⁵ So race-neutral qualification standards might disproportionately exclude blacks from employment because of past and present overt racism, and standards that leave blacks employed in the lowest paid, lower status jobs might encourage the belief that ‘blacks naturally belong there’, and in this way contribute to the perpetuation of overt racism.²⁶

Now note that this conception of institutional racism should *not* include race-neutral practices that were selected *because* of their expected adverse disproportionate impact. Suppose that an anti-black employer, not wanting to employ blacks, realizes that if he were to adopt as a condition of employment a certain racially neutral qualification, few blacks would likely qualify. Suppose further that he adopts the qualification and gets the desired results. This should not be what we have in mind when we talk about (extrinsic) DI. Instead, such cases have to be considered examples of *intrinsic* institutional racism. So too, arguably, are cases where an employer (or other institutional actor) selects a neutral

rule without being attentive to its likely impact on different groups, and whose inattentiveness cannot be attributed to bias of any kind, but whose attitude in response to the impact, once it comes to light, might still depend on the racial identity of the groups affected.

This gives the central flavour of DI. So understood, it faces significant problems. Consider, first, what I call *the insensitivity problem*. In making moral judgements, we often make fine-grained distinctions between different actions based on differences along various dimensions, perhaps most notably differences concerning intentions and effects. Many think, for example, that there is a difference between intentionally killing someone and merely foreseeing and letting someone die. Such distinction-drawing surely applies in the case of race. Thus, for example, ‘there must be a difference between, first, deliberately hiring disproportionately few black applicants; second, pursuing a policy which you know has that effect but where it is no part of your intention to have that effect; and third, pursuing a policy which has that effect but without even realizing it’.²⁷

The problem with DI is that, even if we focus solely on the last category – on policies that have effects of which one is unaware – and grant that acts that fall into it can be morally troubling, it still may be morally relevant *why* certain policies have certain effects. The concept of institutional racism is usually understood in a strongly moralized way such that to say that something is an instance of it is to condemn it morally, and yet there are different possible reasons *why* the neutral policies, rules, etc. might produce a disparate impact, not all of which are worthy of condemnation. In other contexts, we routinely judge inequalities differently depending on their source. For example, we judge an inequality differently depending on whether the person or group in the disfavoured position ended up in that position due to poor choices, or due to circumstances beyond her or its control. It is hard to see why a similar idea should not apply in the racial domain. But DI is usually understood as indifferent about which possible *disparity-producing processes* are operative, and indeed on many accounts is expressly formulated to have no regard for them. For many, this is an attractive feature of DI, not a flaw. But for many others the theory will remain dubious so long as the different possible disparity-producing processes are not all morally troubling. So, in short, in being solely concerned with disparities, DI seems *objectionably insensitive to their different possible sources*.²⁸

Now it is possible to defend a version of DI that claims, not that the operative disparity-generating processes don’t matter, but that we don’t need to know the *precise* disparity-generating process that produces the disparity. All that we need to know, or at least reasonably believe, is that the disparity is in some way related to the group’s history of oppression. The central idea behind such a view might be that if a group has an uncorrected history of oppression, any newly produced inequality between it and other groups – or perhaps any inequality beyond a certain amount or in certain specified domains²⁹ – should be of moral concern, even if it is racially neutral rules and policies that produce it. The history creates a *presumption* for concern about it, and should engender a determination to at least take into account how alternative rules and policies might affect the group when selecting them. This is more or less what economist Glenn Loury has argued, holding that ‘past racial injustice is relevant in establishing a general presumption against indifference to present racial inequality’.³⁰ Even so, he acknowledges that there is

what he calls an ‘epistemological fog’ that ‘obscures the causal dynamics at work across the generations and limits our ability to know in detail how past events have shaped current arrangements’.³¹

I think Loury is right when he says that the history of oppression should create a presumption of concern for present-day inequality. But we might be tempted to take a harder line here. The historian Ibram Kendi has recently argued that we can explain racial inequality in only one of two ways: we can either say that there is ‘something wrong’ with the group in the unequal position, or we can say that racial discrimination is in some way producing the inequality. Thus, he argues that ‘When you truly believe that racial groups are equal, then you also believe that racial disparities must be the result of racial discrimination’.³² If Kendi is right, then present-day inequality should do much more than engender a presumption of concern. But this sort of view seems far too strong. There are other possible sources of racial disparities besides discrimination. One is culture. Cultural differences between racial groups can lead to racial inequality. (Of course, cultural differences can be, and often are, themselves the result of discrimination and oppression, but they can also arise in other ways.) Other sources include geography and demography.³³ Economist Thomas Sowell, for example, has pointed out that insofar as age tends to be correlated with skills and job experience, median age differences between different racial groups can contribute to racial inequality.³⁴ In short, Kendi does not appear to be aware of, or take seriously, the multiplicity of factors that can give rise to racial inequality.

So an account of DI that requires that the disparity come about a certain way – even if it does not require knowledge of all of the details involved – is better than one that is indifferent to its source. Now the particular way that the preceding suggests that the disparity must come about requires that the group on the disadvantaged side of the disparity be labouring under disadvantages that are the result of past injustice (and that the disparity can plausibly be attributed to these disadvantages). The operative principle appears to be that rules and policies that perpetuate the effects of a previous injustice are themselves unjust, and any institution that uses them is racist (at least when, presumably, the injustice and disparity occur between racially differentiated groups).

This view involves two distinct steps, either one of which may be questioned. It involves, first, the claim (a) that perpetuating a previously existing injustice is itself unjust, and second, the claim (b) that when an institution perpetuates – even by merely instituting race neutral rules and principles – racial injustice, this thereby makes that institution racist. When combined, these claims make the racism of the institution, in these kinds of cases, ultimately due to its perpetuation of injustice. Now I have already argued that we should be wary of understanding ‘institutional racism’ as another term for racial injustice. But let us now set this worry aside; there are other reasons why we should reject this version of DI.

Take first (a). It is certainly true that perpetuating an injustice is *sometimes* unjust. But it is surely false that perpetuating an injustice – even racial injustice – is *always* unjust. This is easy to see once we recognize the countless ways in which we may, predictably though not intentionally, perpetuate injustice. Consider, for example, Sally. For her elementary schooling, Sally attends substandard schools and, despite excellent grades, predictably receives an inferior education. For her secondary schooling, her grades earn

her a spot at a much better school. However, its high academic standards result in her falling further and further behind because of her inferior prior education, which let us say is the result of injustice. Here it seems plausible to say that impartial instruction and evaluation according to high academic standards results in the perpetuation of injustice. But it is by no means clear that this is *itself* an injustice. Further, it is not hard to see how the example could be further specified to be instance of the perpetuation of racial injustice.

Turn now to (b). Even if, in a given case, the perpetuation of an instance of racial injustice was itself unjust, this need not make the institution involved racist. (a), it is perhaps worth noting, seems more plausible to me; it is more plausible to say that the perpetuation of racial injustice is itself always racially unjust than that any institution involved in this perpetuation is always institutionally racist.) The problem is that this would make even the most exacting standards of racial justice vulnerable to being implicated in institutional racism, since the facts may turn out to be such that they are instrumental to the perpetuation of injustice (at least this would be so if we accept standards other than *whatever leads to equal racial outcomes*). At one time, meritocratic hiring (the hiring of the most qualified) was viewed as the best way to achieve non-racial-discrimination in hiring. This was the ‘enlightened’ position on racial justice. Then it became all too clear that, in conditions that fail to realize something like what Rawls calls ‘fair equality of opportunity’, meritocratic hiring itself can perpetuate racial injustice.³⁵ A similar thing was probably true of hiring and promoting by seniority.³⁶ The examples don’t stop there. I submit that virtually anything that is thought to be required by racial justice today can be plausibly thought to instantiate institutional racism tomorrow, depending on how the effects of its implementation play out, if we accept the version of DI under consideration. This is itself implausible. It is also hard to square with the moralization with which I have said the concept of ‘institutional racism’ is usually invested. The institutional practices that would warrant the characteristic condemnation of ‘institutional racism’ by these lights would seem to be morally commendable by another.

Now none of this is to say that there is nothing wrong with perpetuating injustice or that we should not try to avoid this whenever feasible. For example, using rules of seniority to appoint or promote people to positions of advantage may not instantiate institutional racism, but, all things considered, a different hiring and promotion system may be preferable.

Let us turn now to what is perhaps the most serious problem for DI: what I call *the problem of explanatory failure*. For an act, feeling, institution, etc. to be racist, there must be something about that act, feeling, etc. *in virtue of which* it is racist. Accounts of institutional racism must therefore explain what it is about an institution that makes it racist when it is racist. Consider how Garcia’s affective-infection model answers this question. Recall that for Garcia racism is a race-based ill-will or disregard. Given this, his model seems well-positioned to explain what it is that makes institutions racist when they are racist: it is their aims and plans, the content of their rules, and so on. An institution that aims to keep a certain racial group in a subordinate position, for example, is racist for that very fact. And since an institution’s aims, plans, etc. come from the aims, plans, etc. that individuals give it, Garcia is able to explain racism at the level of institutions by connecting it to racism at the level of individuals.³⁷ He thinks that this is a virtue of his

account compared to extrinsic accounts, which he thinks leave it unclear ‘how the two levels or types of racism are related, if they are related at all’.³⁸

Extrinsic accounts take notice of something eminently morally relevant: the negative effects of institutional conduct on certain groups. These negative effects are negative, at the very least, because they are reductions, or relative reductions, in the well-being of individual human beings. To the extent that that is true, they are *pro tanto* (morally) bad. Beyond this, they are also arguably bad when they perpetuate previous injustice. So our question is not whether the effects in question are really bad, but the *character* of those effects, granted that they are bad. Extrinsic accounts claim that they are racist, but we are entitled to ask for an explanation of what it is in virtue of that they are racist. I will argue now that it cannot be the mere fact that a racial group is *disproportionately* affected, not even when the group has a history of being oppressed.

Racial disproportionality can result from any number of things, from the morally troubling to the morally required, and everything in between. Take an act, policy or event that is presumably morally neutral (in motivation, not effects): say, a natural disaster. A small asteroid falls from the sky, striking and destroying a part of town disproportionately inhabited by R1s, who let us say are already disadvantaged because of their race. This is clearly bad, but it is hard to see what basis there could be for claiming that it instantiates racism.

Now take something that is arguably morally required. In the US, black men have the highest rate of unemployment of any race-gender combination, in part because employers are very reluctant to hire people with criminal records (black men disproportionately have them). With this at least partly in mind, in recent decades a large number of states have enacted so-called ‘Ban the Box’ measures, which forbid employers from asking about criminal records on employment applications. Instead of reducing employment disparities, however, these measures seem to have increased them, as in the absence of information about the criminal history of black applicants, employers apparently rely on generalizations in which race becomes a proxy for having a criminal record.³⁹ Intending to reduce employment disparities, Ban the Box measures were arguably morally required. But if the extrinsic account is correct, it seems that we must, implausibly, view them as instances of institutional racism, since they created greater disparities instead.⁴⁰

The heart of the problem, I believe, is that there is a mismatch between the sheer fact of racial disproportionality and the *evaluative* aspect of the concept of ‘racism’. It is often said that the concept of racism is inherently ‘moralized’ in a strong way. As Garcia puts it, ‘To call a person, institution, policy, action, project or wish racist is to present it as vicious and abhorrent’.⁴¹ I think that there is some reason to doubt this.⁴² I think it is preferable to say that the concept of racism has an inescapably evaluative aspect. But this aspect should be understood broadly to include judgements of outright immorality, less stark negative moral judgements and perhaps even other forms of negative evaluation (e.g. negative epistemic evaluation). All instances of racism, on this view, involve some evaluative shortcoming. But no such evaluative judgement seems to be justified by the mere fact that a rule, policy, etc. has certain negative effects on certain racial groups.⁴³ Extrinsic accounts want us to move from the negative effects of institutional conduct on certain groups to a claim about the nature of the institutions that have those effects (that they are

racist). But such a move fails, as actions, rules and events can have negative effects of a 'racial' character (in disproportionately affecting a certain racial group) without running afoul of any relevant evaluative standard. In other words, everything can 'go right', and the actions, etc. can still produce a disparate impact. So they must come up short in a way that goes beyond the unwelcomed fact that they disproportionately negatively impact certain groups. That the group has suffered prior injustice and the disproportionate impact is a result of this injustice doesn't change this. So racial disproportionality fails as candidate criterion to identify the property in virtue of which racist institutions are racist, and we are still in need of an explanation of what it is that makes racist institutions racist.

A different type of objection that I will mention more briefly is what I will call *the facileness objection*. Institutional racism as DI encourages us to accept all too simple explanations of inequality – or rather, slogans that gesture in the direction of an explanation. Confronted by a seemingly intractable, complex problems like racial inequality, it is all too easy for slogans to come to substitute for the harder, more nuanced analysis required by the problem. Arguably, this is the role that 'institutional racism' now plays. By my lights, the sociologist Robert Miles is right when he argues that defining racism by reference to consequences 'absolves the analyst (and the political activist) from the often difficult task of identifying the particularities of the processes that create and reproduce advantage'.⁴⁴

Explaining racial inequality

One reason that institutional racism has come to dominate discussions of race these days is the widespread sense that it is needed to adequately explain the persistence of racial inequality. As it became clear that the legal and cultural changes achieved by civil rights movements (in the US and elsewhere) would not eliminate racial inequality, individual racism increasingly came to be seen as explanatorily inadequate, and some observers sought out alternative explanations. Many thought that they found a viable one in 'institutional racism'.⁴⁵ Changes in racial attitudes, as revealed by survey polls, also suggested to many that individual racism alone could no longer account for its persistence.

Some writers now go beyond claiming that individual racism is explanatorily inadequate. John Calmore, for example, argues that it is irrelevant, even a distraction, claiming that, given that 'blacks are oppressed more as a group than they are discriminated against as individuals', and the fact that racism that exists in 'cultural habits,... societal organization, and an interlocking set of structures and institutional arrangements', it is now true that 'individuals discriminating against other individuals has almost become, really, beside the point'.⁴⁶ I will argue that claims about the explanatory indispensability of institutional racism are overstated, and that individual racism should be given a larger explanatory role.

When I speak of 'individual racism', two points are important to keep in mind. First, I refer to acts of race-based discrimination, *whether racist or not*. I distinguish between acts of *racial* discrimination and acts of *racist* discrimination: while every instance of the latter is an instance of the former, the reverse is not true.⁴⁷ Many examples illustrate this. A person may select a romantic partner at least partly on the basis of race, clearly making it

an instance of racial discrimination. But we would need to know more before we can conclude that it is also an act of racist discrimination. Importantly, even non-racist acts of racial discrimination can give rise to racial inequality and racial injustice. Second, the ‘individual’ in ‘individual racism’ refers to acts of discrimination on the part of individual human beings; I do not mean ‘individual’ as in isolated. This is important to emphasize because a central misconception that gets in the way of accepting an individualist account of racial inequality is the sense that such an account must be committed to the idea that acts of racism or discrimination are committed by individuals on a relatively isolated basis, that they don’t have a systemic character, but are done by a few people here and there.⁴⁸ But to say that racism and discrimination are more individualist phenomena is not to say anything at all about how widespread they are on the part of individuals. In fact, I believe that individual discrimination, especially against blacks, remains widespread.

The idea that individual racism can account for much racial inequality is likely to receive the strongest pushback from those who believe that racism today is primarily a ‘structural’ phenomenon. In fact, structural racism is just one among many intergroup phenomena now widely understood primarily in ‘structural’ terms. ‘Structural inequality’ (or ‘structural injustice’), as this broader phenomenon is called, is usually invoked to emphasize not only that racial, sexual and other inequalities are pervasive in society, but that fully understanding them requires recognizing both that they are structural (and so go beyond individual attitudes and actions) and that structural reform is required to effectively address them. As Sally Haslanger has usefully summarized the central elements of this view, ‘Racism, sexism, and the like [should] be analyzed, in the primary sense, in terms of unjust and interlocking social structures, not in terms of the actions and attitudes of individuals... Correcting the wrongs of racism, sexism, and the like is not best achieved by focussing on the “bad attitudes” of individuals’.⁴⁹ For Haslanger, focussing on individuals and their attitudes obscures the larger structural (and cultural) context that shape and constrain our actions.

Haslanger articulates a sophisticated conception of ‘structure’, as I will briefly explain shortly. But when people talk about ‘structural racism’, they often have simpler – and less tenable – ideas in mind. Consider one conception, which I think has informed popular understandings of structural racism.⁵⁰ According to this conception, structural racism is defined, at least illicitly, more by a certain state of affairs than by the actions of any identifiable policies, institutions, etc. On the surface, there is an assumption that racial inequality, perhaps like any inequality, *must* be the result of the mutually-reinforcing workings of the totality of society’s rules, institutions, etc., and so if there is evidence for racial inequality – in income, educational attainment, and so on – that shows that structural racism exists. But in practice, structural racism consists not so much in what anything *does* as by the racial inequality *itself*. So it is said to exist when there exists racial inequality in the society generally. If pressed, it may be acknowledged that these facts about racial inequality are strictly speaking distinct from the structural racism that is invoked to explain them, but in practice the explanatory link between the two is understood so tightly that when those under the influence of this conception speak of ‘structural racism’, they often simply have these facts in mind. It should be clear that this conception should be rejected. It confuses, or comes close to confusing, fact and

explanation; structural racism is presumably supposed to be something that *explains* the persistence of racial inequality, so it cannot be understood as the facts in need of explanation.

Let's turn now to Haslanger. Now to speak of inequality as having a structural *rather than* individual cause, as Haslanger does, appears to suggest that the structure in question, to some extent at least, transcends, or is independent of, individual (non-institutional) actions. This would mean that a change in individual behaviour in the society – even on a very wide scale – would leave the 'structure', in the relevant sense, in place. If this was not the case, the suggested contrast between the structural and the individual would collapse, and structuralists and individualists may be talking past each other when they debate how to explain, morally evaluate and remedy inequality.

Some structural theorists are clear that they do not mean to suggest that structure is independent of individual actions. Iris Marion Young, for example, makes it clear that the uncoordinated actions of individuals occupy a central place in her conception of social structure, which she understands as 'the accumulated outcomes of the actions of the masses of individuals enacting their own projects, often uncoordinated with many others'.⁵¹ So for her the structural processes that produce injustice 'do not exclude everyday habits and chosen action'.⁵² Though somewhat less clear, for Haslanger too it seems that social structures are not meant to be independent of individual actions. She understands them in terms of 'networks of social relations', which are constituted by social practices, which are themselves understood in terms of what she calls 'schemas' and 'resources'.⁵³ Although practices are constituted by our collective doings and understandings, on her view they are not alterable by individual actions and thoughts – *considered separately*. So when she says that racism, sexism and the like should be analysed primarily in terms of interlocking social structures, she is not at all denying any role for individual actions and attitudes.

There is no doubt that our actions are shaped and constrained by social structures in this sense. So both individual actions and structures are important for explaining racial inequality. But there are at least two reasons to emphasize the role played by individuals. First, the associations conjured by talk of 'structures' are liable to obscure the role that individuals play even in structural accounts. As I have indicated, 'structural' is usually contrasted with 'individual', and so to suggest that the cause of some inequality is structural at least appears to suggest that it is independent of individual actions – even when this is not intended. We should try to avoid this appearance, for individual actions continue to play a crucial role in explaining any 'structural' racial inequality and it is hard to see how structural reform could lead to meaningful change if it did not change individual behaviour.

The second reason to emphasize the role of individuals is that there is a case to be made for giving explanatory priority to individual actions. To see what I mean, I will start by considering an example from Haslanger's work. Lisa and Larry are a couple who work in a comparable position in the same company earning the same salary. They are equally talented, educated and experienced in the workplace, and they 'have equal power in their relationship, have no prejudices about gender roles, and are equally capable of all domestic tasks and childrearing tasks'.⁵⁴ They have a child, but only Lisa is eligible for paid

maternity leave. Since they cannot afford for Larry to take unpaid leave, he continues to work full-time while Lisa goes on maternity leave. Lisa becomes the primary caregiver, and she chooses a more flexible work schedule when she returns to work, with the result that Larry accrues more human capital, earns a higher salary and ends up with more power in the relationship.⁵⁵ Haslanger argues that the couple's problem lies in the fact that their decision-making is relationally constrained, not in anyone's attitudes: 'The interacting structures of work and family life and their component practices are what explains Larry's accumulation of power in the relationship... rather than implicit or explicit attitudes. The source of the problem is structural rather than individual'.⁵⁶

I'm not sure if this example shows what Haslanger may think it shows. Suppose that, instead of not holding any prejudices about gender roles, Larry (but not Lisa) embraces them. And suppose that their employer offers paid maternity leave to both partners. In that case, the problem would seem to be more of an individual one than a structural one. Of course, it will be objected that if I am going to change the example in these important ways – ways that enlarge the role of individual attitudes and actions and negate certain effects of structure – then it should obviously change our diagnosis of the problem. This is my point. If there are no plausible individualist explanations of inequality in a given case, then the best explanation of it will likely be structural. But the implausibility of individualist explanations may simply reflect the particularities of the case. If so – if a structural explanation seems obviously superior to any individualist one because individualist explanations are precluded by the relevant facts – then the power of the example will owe more to the details of its construction than anything in the world in which we live. So if Haslanger merely wants to show that the causes of inequality *can sometimes* be structural rather than individual, she is on solid ground. But if she is advancing the more ambitious claim that 'Racism, sexism, and the like [should] be analyzed, in the primary sense, in terms of unjust and interlocking social structures, not in terms of the actions and attitudes of individuals', her argument is unconvincing.⁵⁷

Individual actions often influence the actions and outcomes of others. We can think of such actions as operating at two levels: as relatively stable *background* influencers of actions and outcomes, and sometimes as more variable and more proximally direct *foreground* influencers of the same. As background influencers, individual actions – as tokens – will have these effects only as a very small part of a much larger whole consisting of a great many other individual action tokens and much else. This is roughly the sense in which individual actions in part constitute structure, on Haslanger's view. But individual actions can impact actions and outcomes in a more direct – and so, I argue, more explanatorily significant – way.⁵⁸ If Jalen applies for a job and a biased HR manager rejects him because of his race, the actions of others clearly have a direct impact on this outcome. The same would be true if some of his teachers approached his instruction with low expectations and this affected his education. At the same time, the larger structures (in part constituted by other individual actions, as tokens and types) within which Jalen is educated and applies for a job will exert an influence too, as they always do for all of us. But if we want to explain some particular action or outcome, it is far from obvious that we should first examine such factors, or that any that we should find should be considered explanatorily primary. Instead, I believe that foreground factors that exert a more direct

influence should be given priority explanatorily.⁵⁹ More proximally direct factors that influence events seem to play a larger causal role than other factors that also influence them, and factors that play a larger causal role should be accorded explanatory priority. This explanatory principle seems to me to be intuitively very plausible, but I cannot defend it here. Still, if it is right, I claim that we will find at least as much evidence for individualist explanations of racial inequality as structural when we look at real-world racial inequality, or at least we would if there were no epistemic obstacles limiting what we can know.

Still, there is a question here about whether more proximally direct actions should not be considered a part of social 'structure'. It is indeed possible to have an all-encompassing conception of 'social structure' so that even individual psychology must also be deemed structurally constrained. This seems to be Haslanger's view.⁶⁰ But individual psychology being structurally constrained, even if true, does not undermine the preceding argument; individual acts may be constrained, in some sense, while still being more proximal influencers of events, and if they are, they should be accorded explanatory priority. For this argument to be undercut, it must not only be true that individual psychology is constrained, in some sense, but that it is constrained in a way that that should undermine our confidence in the causal story I have suggested. Nothing in Haslanger's account does this. I conclude therefore that individual actions can play an important role in racial inequality in virtue of (i) the role that they play in social structures in general and, more importantly, (ii) the more proximally direct role that they can play in affecting the actions and outcomes of others. Moreover, when they play a role via (ii), they ought to be considered explanatorily primary.

As I have said, I believe that acts of racial discrimination remain widespread, and against blacks I would even say that they are often ubiquitous. These acts have effects on their victims, and some of these contribute to racial inequality. A person who has been passed over for a promotion because she is black obviously misses out on the opportunities and benefits that the promotion would have made possible. This will contribute to racial inequality. A similar thing happens when she is denied a loan.⁶¹ But racial discrimination can contribute to racial inequality in far less straightforward ways. For example, it may in innumerable ways contribute to various (e.g. human capital) deficits that persons bring to different markets, making even the race-blind application of race-neutral rules produce racially disparate outcomes. In addition, acts of discrimination that by themselves seem to have small effects can contribute to racial inequality in a significant way by the accumulation of the small effects if there are a large number of them.⁶² Even very seemingly minor differences in treatment can have profound effects on racial outcomes. For example, stereotypes can function as pre-interaction expectancies that influence how we treat the people we interact with, which can in turn affect how they behave. Thus, studies have shown that when job interviewers interact with black candidates with less positive attitudes (as reflected in seemingly small differences in non-verbal behaviour), the candidates tended to perform more poorly.⁶³ And even when there are no differences in treatment in a particular context, prevailing stereotypes can still exert a powerful impact.⁶⁴

My claim that racial discrimination on the part of individuals remains very widespread may seem hard to square with polls in recent decades showing declining support for discrimination and increasing support for racial equality. In my view, we should be wary of taking these polls at face value. The problem is that most people who hold views that are now socially taboo, like racist beliefs and attitudes, are going to be unwilling to honestly express them in public. In the social sciences, this is called the problem of 'impression management'. Impression management concerns become heightened precisely when norms against offensive speech become more widely accepted and enforced. When this happens, we can never really be sure whether the expressed views on issues like race are a true indication of the views actually held. As anthropologist John L. Jackson, Jr has written, 'Political correctness has proven tragically effective at hiding racism, not just in healing it'.⁶⁵

It is with the problem of impression management in mind that researchers developed the Implicit Association Test (IAT).⁶⁶ The idea here is that if test takers' reaction times differ when presented with different groups-related stimuli, that will reveal something about their biases that they may be unaware of. When a test taker's test results suggest biases against particular groups (whether defined by race, or gender, etc.) that are not reflected in their responses to pre-test survey questions about the groups, they are said to have an 'implicit bias'. However, there are real questions about whether this research really measures *unconscious* bias; as legal scholars Ralph Banks and Richard Ford explain, 'The attribution of discriminatory behavior to unconscious bias only makes sense when the discrimination cannot be attributed to conscious bias'.⁶⁷ But to rule out conscious bias as the cause would require taking at face value the same answers that we have previously been told cannot be taken at face value.⁶⁸ This suggests that implicit bias research may be incoherent in its intellectual foundations: it takes as its starting point the fact that self-reported racial attitudes cannot be taken at face value, but its findings of implicit bias can't be justified without so taking them.

So my view is that racial discrimination remains pervasive, and that many of the people who engage in it may be aware that they do so, but are unwilling to publicly acknowledge this. There is some empirical evidence suggesting that whites, in particular, are not honest in their responses to racial attitude surveys. For example, in a survey-based experiment, Maria Krysan compared answers to questions about racial attitudes in three conditions of privacy. She found that, as predicted, white respondents expressed less liberal racial attitudes as privacy increases.⁶⁹ And in a study that asked more than 600 college students to record in a journal racial events that happen in their day-to-day lives, sociologists Leslie Houts Picca and Joe Feagin noticed a stark difference in how whites behave in more diverse 'frontstage' settings and 'backstage' ones where only whites are present. They conclude that 'whites tend to have "two faces" when it comes to their racial views, commentaries, and actions. They frequently present themselves as innocent of racism in the frontstage, indeed as "colorblind", even as they clearly show their racist framing of the world in their backstage comments, emotions and actions'.⁷⁰

Now none of this is to say that racial discrimination is always a matter of conscious, intentional acts on the part of individuals. Some individuals may be unaware of some of their biases. And even when individuals are aware, at some level, that they sometimes

discriminate, this is compatible with the discrimination being the result of an uncontrolled process – the slower reaction times observed in IATs, I believe, do tell us something. In other words, we should distinguish between the *automaticity* of acts of discrimination and the lack of awareness of them by those who perform them. That they are often automatic is an enormously important finding even if additional claims about (the complete lack of) awareness seem unwarranted.

So when examined closely, most of the evidence suggests that individual racism and discrimination are very much alive and well, even if we may not fully understand all of their effects. There is no reason why these might not explain the patterns of racial inequality we observe in various sectors of society and over time.⁷¹ At the same time, extrinsic institutional racism is not a genuine form of racism at all. Still, it is possible that the discrimination and racism that still thrives will be committed by persons in their official institutional capacities, and in some cases (e.g. when very widespread) it will be clear that they should be ascribed to the institutions in question (this may be true of the criminal justice system). In these cases, we will have instances of *intrinsic* institutional racism. In other cases, it will be unclear whether such ascription is appropriate; here we encounter difficult questions about when the racism and discrimination that exists within an institution can be properly ascribed to it. Present intrinsic institutional racism probably continues to play a significant role in the persistence of racial inequality, but until we answer these difficult questions, it will remain unclear just how significant.

The agency of racial justice

In the introduction, I suggested that some wrongly see institutional racism in situations of racial injustice where there are institutional reforms that could remedy them. I argued that the existence of an institutional remedy, by itself, does not mean that the situations are instances of institutional racism. The question I now want to consider is this: even if racial justice could be achieved by institutional reforms alone, could morality still demand more of us?

There are at least three routes by which it might be thought that racial injustice could be remedied by institutional reform. One is for specific institutions to be designed or revamped so that they *prevent* discrimination. This will presumably involve, at the very least, anti-discrimination measures and the provision of some mechanism to enforce them. A second route is for institutions to be designed or revamped to correct for the effects of *ongoing* discrimination. In this case, the institutions are not primarily designed to prevent discrimination, currently and perhaps not even in the future, but to mitigate if not eliminate its negative effects on its victims. Finally, it may be thought that discrimination and the injustice it engenders is best handled by a more comprehensive program of institutional reform that involves significant changes in an array of interlocked institutions. The program of reform might involve a radical transformation of the whole economic system, and may include – but go beyond – elements of the first two programs of institutional reform. I am mainly interested in the second route, but will say something about the other two.

I begin with the first route. Anti-discriminatory measures can be effective in eliminating some discrimination, but there are important limits to them. For one thing, some cases of discrimination in employment are notoriously hard to prove in court, as decision makers rarely leave a paper trail that can be used in court. In addition, much discrimination takes place in areas of life that we think should be free of legal regulation. Loury, for example, has argued that when a group has suffered from prolonged non-private discrimination in the past – what he calls ‘discrimination in contract’ – the developmental resources of its social networks will tend to be poorer than others, and this will make it vulnerable to a kind of private, associational discrimination (in where we decide to live or who we associate with) that he calls ‘discrimination in contact’, which he thinks can constrain the ability of the members of the group to develop their full potential.⁷² As for the last route, comprehensive reform may inspire in some the hope, if not conviction, that it will allow us to finally put racial discrimination and racial inequality behind us. But it is hard to imagine what kind of reform or transformation would preclude their reappearance if people were still inclined to discriminate (assuming that the transformation would leave in place a free society). As I have just suggested, there are forms of discrimination thought to be beyond the scope of legitimate regulation that could undermine racial justice.

What I am calling the second route aims to neutralize the effects of ongoing discrimination. It is perhaps the route that has been attempted most consistently since the passage of anti-discrimination legislation. Affirmative action policies, at least when justified as a way of countering current discrimination, arguably fall within this category. These measures have significant drawbacks. For one, they may cause the beneficiaries to be stigmatized for requiring ongoing interventions on their behalf. For another, they seem to help the most advantaged members of the beneficiary groups, not the most disadvantaged. And there are other problems.⁷³ But what if institutions could be designed or revamped in such a way that they are completely effective in neutralizing the effects of discrimination, so that the distributive pattern that we would have in its absence would emerge? Would that mean that all was well in the realm of race? I will suggest that, on a deontological view, it would not.

The question is related to one that has already received considerable attention in political philosophy. In a well-known article, and later two books, G. A. Cohen rejected John Rawls’s well-known claim that principles of social justice are restricted to what Rawls calls ‘the basic structure of society’, which is the way that society’s ‘major social institutions’ assign fundamental rights and duties and determine the division of advantages.⁷⁴ Instead, Cohen argued that the difference principle must go beyond institutional structure to place demands on citizens’ occupational choices. His position crucially presumes a kind of institutional impotence in achieving justice, as he understands this.⁷⁵ He held that *if* suitable institutions could be designed to bring about a just distribution without justice-promoting occupational choices, then the burden of justice would fall exclusively to institutions.⁷⁶ His objection to Rawls, then, was just that ‘it is not possible to achieve distributive justice by purely structural means’,⁷⁷ so that in addition to ‘just rules’, a just distribution requires ‘just personal choice[s] within the framework set by just rules’.⁷⁸

I have my doubts about whether racial justice could be achieved by purely structural means. But what I want to suggest is that even if it could be, morality may still demand more of us as individuals. I take a deontological view on these matters (and in general), and on a deontological view, in at least some cases the agency of justice is not fact-sensitive in the way suggested by Cohen. Because of this, I suggest that morality makes demands on individuals that *even fully effective just institutions cannot deflect*, by which I mean that even if some configuration of institutions (which should not require non-discrimination by individuals acting apart from any institutional role) could achieve a just racial distribution, individuals would not thereby be unburdened of their duties of justice. My argument assumes that non-discrimination – at least in certain domains – is a deontological constraint. We may have a duty not to racially discriminate, even when doing so would produce certain good consequences.

Now from a (moderate) deontological perspective, when an act is wrong, it either fails to produce the best consequences given available alternatives, or it violates one or more constraints. When it violates a constraint, its wrong by definition can't be accounted for in terms of consequences. This means that effacing or neutralizing the consequences of a constraint violation could not make it true that the act was not wrong. Consider, for example, the case of theft (supposing this to be a constraint violation). Suppose that it were possible to fully efface its harm by means of some configuration of institutions. Even so, if a victim of an act of theft was adequately compensated, whether by the thief or society as a whole, it would not follow that the thief did not violate a moral duty when he committed the act. Apply this now to the race case. It seems that institutional efficacy in realizing the demands of racial justice by effacing the harm of discrimination would not discharge individuals from a duty to respect the constraint of non-discrimination.

In one of his papers on racism, Garcia had occasion to write,

[The volitional conception of racism] means that to eliminate racism it is not enough that they change some laws or hiring practices; they themselves must change, and change in their depths – their hearts and minds. I should say that to deny that is to let oppressors off too easily; it allows them to get by with merely external alterations... The important point is that racism can be eliminated only by a change of heart.⁷⁹

I think this is on the right track, although if 'external alterations' could be reliably sustained in the absence of a change of hearts and minds, that would probably suffice. The extra-individual focus of so much of today's discussions of race promotes a way of thinking about race and racism in which the racial promised land is just a few institutional and structural reforms away, and individuals are essentially let off the hook for their own conduct. As Alex Madva puts it, it suggests that bias is 'just "out there" in the socio-political ether', instead of 'embodied and enacted in the myriad subtle and not-so-subtle ways we treat each other'.⁸⁰ Until we do the hard work of changing individual beliefs, attitudes and behaviour, there is ample reason to expect that racial justice will not be achieved.⁸¹ But if my argument in this section is right, we should go further than that. For even if racial justice could be achieved by purely structural means, something important will still elude us if these beliefs, attitudes and behaviours persist.

Conclusion

I have argued that institutional racism faces significant problems when understood as adverse disproportionate impact, that there are good reasons to question its supposed superior explanatory power, and that there is reason to think that institutional and structural reform could not provide us with all that we should want in the racial domain. I have also argued that institutional racism should not be understood simply as unjust institutionally-caused or -perpetuated racial inequality. In all this, I have suggested that because something is not an instance of institutional racism does not mean that it is morally in the clear. As Blum has argued, we do not face a choice between ‘calling something “racist” or seeing it as of no moral concern at all’.⁸² I have also sought to emphasize the continuing importance of changing hearts and minds – and not just institutions – in the long struggle for racial equality.

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Notes

1. Fleming (2018, 12).
2. Blum (2002, 26).
3. See, e.g., Miller and Garran (2007).
4. D’Souza (1996, 336).
5. It is so called in Atkin (2012, Ch. 4).
6. Garcia (1996, 6).
7. Garcia (1997, 29).
8. Individualists may also take individual-level racism to be primary in other senses. For example, they may take it to be explanatorily primary in the sense of best explaining racial inequality (a view I defend below). But I do not take such additional claims to be essential to the individualist view.
9. Schmid (1996, 34).
10. Garcia (1996, 11).
11. Garcia (1996, 32).
12. Garcia (1999, 6).
13. Garcia (1999, 6).
14. Shelby (2016, 24–27).

15. [Shelby \(2016, 25–26\)](#).
16. From henceforth, unless otherwise indicated references to ‘institutional racism’ will be to extrinsic institutional racism.
17. [Mitchell \(2014, 20n.20\)](#).
18. An individualist model of racism can, of course, play a role in an argument against institutional conceptions. The point is that there are legitimate and illegitimate ways of doing this. One may, for example, tout the superior explanatory power of an individualist model in explaining racial inequality as an advantage in its favour. (See, e.g., the discussion below.) But it is another thing to assume that institutional racism must be directly understood in individualist terms.
19. Discussions that so understand it include [Mitchell \(2014\)](#), [Glasgow \(2009\)](#), and [Pierce \(2014\)](#).
20. [Blum \(2002, Chs. 1 and 3\)](#). See also [Blum \(2004\)](#).
21. [Taylor \(2016, 8\)](#).
22. [Ezorsky \(1991, 9\)](#).
23. Surely, one might think, institutional racism shouldn’t be defined by reference to *blacks* – other racial groups can be victims of it too. I think that this is right, but I will add that the racial identity of the group – in particular, the group’s history of oppression, or lack thereof – does seem to be morally relevant.
24. [Ezorsky \(1991, 10\)](#).
25. [Ezorsky \(1991, 10\)](#). For Ezorsky, overt racism ‘takes place only if a harm is inflicted or a benefit withheld either because of the perpetrator’s racial bias against the victim or because of that perpetrator’s obliging the race prejudice of others’ (9).
26. [Ezorsky \(1991, 10\)](#).
27. [Cavanagh \(2002, 203\)](#).
28. Cf. [Blum \(2003\)](#). This paper has helped to clarify my thinking of these issues.
29. [Blum \(2003, 53–54\)](#).
30. [Loury \(2002, 126; emphases omitted\)](#). Cf. [Fiss \(1976\)](#).
31. [Loury \(2002, 124–125\)](#).
32. [Kendi \(2016, 11\)](#).
33. [Sowell \(2019, esp. Chs. 1, 2 and 5\)](#).
34. [Sowell \(2019, 23–24\)](#).
35. [Rawls \(1999, 62–3\)](#). Note, however, that one may accept a view of meritocracy in which it requires the kind of background fairness involved in fair equality of opportunity. On this view, the absence of such fairness is itself an obstacle to true meritocracy. See, e.g., [White \(2007, 59–60\)](#).
36. Ezorsky discusses seniority rules in (1991, 24–26).
37. For [Garcia \(1996\)](#) ‘Institutional racism begins when racism extends from the hearts of individual people to become institutionalized’ (12). I take it that what is important about this account is that the racism moves from *individual agents* to infect institutions, not that it moves from individuals’ *hearts*. In other words, a relevantly similar non-affective (e.g. cognitive) account can provide a similar analysis of institutional racism. Although I think Garcia’s account is able to explain what it is in virtue of that makes institutional racism racist, and I accept a broadly individualist account of racism, I am not sold on the affective aspect of his account. For what seems to me to be a compelling critique, see [Mills \(2003\)](#).
38. [Garcia \(1996, 10\)](#).

39. See, esp., [Doleac and Hansen \(2020\)](#).
40. Whether this is true depends in part on whether, for extrinsic accounts, racial disproportionality is both necessary and sufficient for institutional racism, or only necessary. Accounts for which it is both necessary and sufficient will have this result, while accounts for which it is only necessary may not. Most accounts seem to make it both necessary and sufficient.
41. [Garcia \(1999, 7\)](#).
42. The problem has to do with beliefs that seem to be paradigmatically racist, but which have their source in ordinary epistemic defects, not moral ones. For discussion, see, e.g., [Shelby \(2014, esp. 64–66\)](#).
43. Cf. [Garcia \(1996, 32–33\)](#).
44. [Miles \(1989, 60\)](#). This is admittedly not an objection to the concept of ‘institutional racism’ so much as a critique of the overuse of or overreliance on it.
45. For examples of those who have made this point, see [Harris and Lieberman \(2015, 140\)](#), [Banks and Ford \(2009, 1059, 1120\)](#), [Headley \(2000, 248\)](#), [Pierce \(2014, 36–37\)](#) and [Silliman \(2003\)](#). [Silliman \(2003\)](#) writes that racial injustice is pervasive, ‘yet it is unclear why this should be so, when so many millions of worthy individuals have expressly renounced the ideology of and pseudo-scientific justifications for racism’ (307).
46. [Calmore \(1997, 1463\)](#).
47. I have argued for this at length in [Matthew \(2017\)](#). See also [Garcia \(1996, 16 and 28\)](#). Cf. [Blum \(2002\)](#): ‘Not all *racial* incidents are *racist* incidents’ (2).
48. [Headley \(2000\)](#), for example, writes, ‘If racism and discrimination were simply isolated intentional acts committed by random individuals, it would be easier to identify and punish this behavior’ (246).
49. [Haslanger \(2015, 2\)](#); see also [Haslanger \(2016\)](#). See also [Soon \(2021\)](#).
50. This is arguably how Ture and Hamilton think about institutional racism in ([1992 \[1967\]](#), Ch. 1).
51. [Young \(2011, 62\)](#).
52. [Young \(2011, 70\)](#).
53. [Haslanger \(2016, 125–127\)](#). According to Haslanger’s account, ‘a practice exists when there are public schemas for interpreting, conceptualizing and responding to resources, and such resources are utilized and modified in order to fit the schemas’ (126).
54. [Haslanger \(2016, 122\)](#). Haslanger provides a slightly different version of the example in (2015). I will mainly follow the version there, but some of the details provided in [Haslanger \(2016\)](#) are important to mention.
55. [Haslanger \(2015, 4\)](#).
56. [Haslanger \(2015, 5\)](#).
57. [Haslanger \(2015, 2\)](#).
58. [Haslanger \(2015\)](#) in effect acknowledges this with her Lisa and Larry example. It is implied that if Larry had held a traditional view of gender roles and had demanded that Lisa alone take maternity leave, his attitudes and actions would then explain Lisa’s actions and what results from this.
59. [Ayala-López and Beeghly \(2020\)](#) suggest that individualist and structural factors might work together in a synergistic way, and they recognize that individualist factors may play a more

- proximally direct role, but they evidently do not see their greater proximity as providing any explanatory advantage. See their (2020, 224).
60. See [Haslanger \(2016, 127–128\)](#). According to this account, social structures can socially constrain our behaviour by creating the ‘choice architecture’ we face (128): ‘Even if individual psychology provides triggering causes of our choices and actions, what we do, and what we can do, depends on social structure within which we act. The structures socially constrain our behavior by making certain kinds of things available (or not), ... by providing templates of interaction that favor (or discourage) certain forms coordination with respect to a resource, e.g., share, hoard, distribute; and by canalizing our attitudes accordingly’ (128).
 61. For a review of evidence of continuing discrimination in employment, housing, credit and consumer markets in the US, see [Pager and Shepherd \(2009\)](#).
 62. See [Mallon \(2021\)](#).
 63. [Wang \(2006, 63–66\)](#).
 64. See [Steele \(2010\)](#).
 65. [Jackson \(2008, 91\)](#).
 66. [Banaji and Greenwald \(2013, Ch. 2\)](#). Banaji and Greenwald are pioneers in the development of the IAT.
 67. [Banks and Ford \(2009, 1064\)](#).
 68. Despite earlier explaining that impression management concerns motivated their research, later in (2013) Banaji and Greenwald raise and respond to the concern I have expressed this way: ‘The regularly observed disagreement between a person’s IAT (implicit) results and survey question (explicit) results that can be observed when race attitudes are being assessed could mean that people deliberately misrepresent their views about race on questionnaires. Although that must occasionally happen, we doubt that it happens much. Rather, we assume that in answering survey researchers’ questions, most people try to respond accurately and honestly’ (208).
 69. [Krysan \(1998\)](#).
 70. [Picca and Feagin \(2007, 19\)](#).
 71. Structural theorists emphasize that structural explanations can explain patterns of inequality that are stable across various contexts and over time. See, e.g., [Haslanger \(2016\)](#), and [Soon \(2021\)](#).
 72. See, e.g., [Loury \(2002\)](#).
 73. Despite these problems, I still support affirmative action. For one of the best defenses of it, see [Kennedy \(2013\)](#).
 74. [Rawls \(1999, 6\)](#). The relevant works by Cohen are [Cohen \(1997\)](#), [Cohen \(2000\)](#) and [Cohen \(2008\)](#).
 75. See [Matthew \(2014\)](#). See also [Porter \(2009\)](#).
 76. See *Rescuing Justice and Equality*, 123–4.
 77. [Cohen \(1997, 13\)](#), [Cohen \(2000, 131\)](#) and [Cohen \(2008, 127\)](#).
 78. [Cohen \(2000, 3; emphasis omitted\)](#).
 79. [Garcia \(1999, 19\)](#).
 80. [Madva \(2017, 168\)](#).

81. This is so not just because of the causal role of individual actions and their associated beliefs and attitudes in generating and sustaining racial inequality, but because the viability of structural change (in terms of the support it requires) depends on them. See [Madva \(2016\)](#).
82. [Blum \(2002, 31\)](#).

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