Title

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**"Why Racial Categories Make No Sense
--and Why the Census Bureau is Right not to Care"**

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I. Social Construction with a Humean Face[1]

Few today would deny that races are socially constructed. Whether one refers to anthropology (American Anthropological Association n.d.), biology (Graves 2001), philosophy (Appiah 1996) or ethnic studies (Omi and Winant 1994) the verdict is the same: racial boundaries are social rather than natural facts. Even those who think the social construction argument has gone too far, that the existence of biological "races"—natural or genetic divisions of the human species—remains possible, concede that races "as we know them" are social constructions: the things that make races *socially* important, and a basis for ongoing injustice, are not the same things that might make for certain natural or genetic differences (Boxill 2001).

The question is what follows for policy or political programs. And here the widest range of answers seems possible, and is. The social construction thesis has been held to entail an ironic postmodernism that endorses "color" as a political category while constantly interrogating "race" (Appiah 1996), a neoconservative attachment to formal equality (Glazer 1975), a "civic" nationalism that attempts to confront existing ethnic and racial prejudice while looking towards a future in which these identities will largely disappear (Hollinger 1995, Lind 1995), or a "pure politics" view (which can be either "radical" or "conservative") under which all racial, ethnic and national categories represent the results of political projects, and one can only fight, without moral foundations, for the view one happens to favor (Omi and Winant 1994).

Some of the differences here draw on "prephilosophical" beliefs regarding how society works. In particular, some critics assume that the free market of ideas roughly works: a belief that lacks a scientific or rational basis will therefore be easily undermined or politically discredited. Others assume that nothing is less likely—since oppression by utterly irrational structures are what human life is all about, and reason rarely stands a chance. But a lot of the differences involve values: disagreements both about ends (how unified a society ought to try to be, to what extent ending racial injustice should be seen as the central problem of society as opposed to one policy area among many) and about means (whether racial classification is always illegitimate; is a necessary and with luck temporary evil; or in fact involves no moral problems at all). And none of these debates seems to have any particular logical relation to the ultimate truth about race: any politics—except an old-fashioned, ideological, biologically-based racism, which lacks serious intellectual legitimacy in any case—is consistent with the maximum skepticism about whether races exist. On the question of means, Glenn Loury rightly points out (2002: 140) that the "moral irrelevance" of racial classification does not imply the "instrumental irrelevance" of racially conscious policies in achieving valued social ends. And the same might be said of ends themselves: given that even most segregationists in the twentieth century claimed not to believe in the biological inferiority of the races, attacks on such inferiority can have only a limited effect in undermining the basis of policy options.

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[1] I borrow this phrase from Sandel (1982: 13), who in turn acknowledges it as a suggestion by Mark Hulbert. My usage is very different from his. (In particular: I generally favor the Humean approach to ethics and politics that he opposes.).

The specter of David Hume haunts these discussions in two ways. First, his assertion that "ought" cannot be logically derived from "is" (Hume 1978), controversial as it is in other contexts, seems borne out in practice by the course of arguments on racial policy. As Hume claimed, our opinions of right and wrong seem to be subjective: they are statements *about* external objects, but their moral content is not determined by the essential nature (if any) those objects posses (Hume 1977: 469-70). Second, and separably, Hume's less well-known theory of objects, which claims that our everyday categories for the boundaries between objects disappear if we analyze them hard enough but remain perfectly useful, in fact inescapable, in practical life, has been described by Linda Zerilli (and, with reservations too complex to describe here, endorsed), as a commonly asserted "Humean" response to contemporary skepticism about gender (Zerilli 1998: esp. 439, 453). We can, by extension, try this solution to the problem of racial boundaries as well.

Without lacking sympathy for hese pieces of Humeanism, this piece shall address three others. It will claim that they help us understand and reason through the relationship between our metaphysical skepticism about race and our ability to bracket or ignore such skepticism (with some caveats, which I shall mention) in policy debates. The first is an *instrumental attitude towards identity*, which should cast doubt on the commonly asserted but dubiously grounded "principle" that only self-identification can be the basis for racial classification. The second is the insight *that moral principles are typically pluralistic*—a matter of many important values having to be balanced rather than one being overriding—and that our policy compromises ought to respond to that pluralism by reaching principled but revisable compromises. The final piece, not usually

thought of in conjunction with the other two, is *opposition to all mythologized national histories*, and in particular all assertions that deep national values should serve as guides (or foils) on the grounds that they remain unchanged over time. Our policies will be more attuned to reality if they take note of how prevailing principles have rightly *changed* over time as new issues came to the fore and new options for ordering society became apparent.

II. The "Identity" form of the Religious Life.

The challenge to standard racial categories can be phrased as a matter of national cohesion—as in the "civic national" authors mentioned above. But more usual is an argument from the legitimacy of self-identification. Basing ethnic and racial categories on self-identification might be argued for on pragmatic grounds: we might not trust the government's past or current motives enough to trust the categories it would come up with; the complexity of the subject might baffle us practically, if not theoretically; it might be politically easier to let individuals self-identify than to offend a particular group that would be left out of our categories (all possibilities mentioned by Skerry 2002). But the most common argument is in fact moral. To make people identify with a racial category that inadequately describes their self-image is, on this argument *in principle* to wrong them. As the Association of MultiEthnic Americans puts it (no date),

> "We believe that every child, every person who is multiethnic/multiracial has the same right as any other person to assert a personal identity that embraces the fullness and integrity of their actual ancestry…."[2]

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[2] A similar point was, according to one oral source, made in 1997 Congressional testimony [tk].

But this begs the question—in fact a serious question. While in a novel or personal essay, people are free to explore their race, ethnicity and ancestry to whatever depth and extent they desire, it is not clear to what extent *anyone* can "assert a personal identity that embraces the fullness and integrity of their [*sic*] actual ancestry" on a government form—much less how any governmental agency could possibly preserve all that richness when administering a program with reasonable efficiency. Nor is it clear what the normative basis for the asserted "right" is. Skerry (2002: 333-6) asserts that self-identification is "a virtual regime principle" in the United States, grounded in principles of individual dignity—but his governmental and scholarly sources complicate the matter, either downplaying the importance of dignity or omitting the principle altogether.[3] Skerry's further suggestion that American individualism or distrust of government underlie abiding opposition to all standards but self-identification founders on the particulars of the original "OMB directive 15," at whose rigid five-race classification[4] all the recent criticism has been directed. When that

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[3] Thus the OMB "Interim Notice" on Racial and Ethnic Standards (1995: 44692) asserts an individual dignity interest but concludes merely that "respondent self-identification should be facilitated *to the greatest extent possible, recognizing that in some data collection systems observer identification is more practical*" (emphasis added)—and then goes on to balance this principle against 12 others, admitting the possibility of contradiction. Another OMB directive (1997: 36874) states that the then-existing governmental classification scheme "does *not* tell an individual who he or she is, or specify how an individual should classify himself or herself"—as correctly cited by Skerry 2002: 334 (emphasis in original, and in Skerry)—but does not, as Skerry claims, elevate this descriptive statement of the scheme's purpose into a "principle" or claim that "government" in general should never classify people against their will. Finally, Arthur Mann (1979: 86-96), whom Skerry cites in support of the idea that self-identification has emerged as a result of "the historical gap between our words and our deeds" when it comes to government's failure to apply its individualistic values to victimized races, says no such thing in the pages cited—saying merely that "to brand human beings *inferior* because of how they look" violates such values (1979: 94; emphasis added). [Find original source and check again: "as" before inferior?]

[4] The races are "(1) American Indian or Alaskan Native; (2) Asian or Pacific Islander; (3) Black, and (4) White. A separate question regarding Hispanic ethnicity or its absence is also included, and included among the "minimum acceptable categories" when "a combined format is used to collect racial and ethnic data." (Hence we usually speak of five "racial" categories, though one is counted by the Census as ethnic rather than racial.) This is why the numbers on forms that aggregate by race typically sum to more than 100 percent: Hispanics (defined by ethnicity) are

directive was written in 1977, neither individualism nor distrust of government can be said to have been weak—yet the directive nonchalantly called for classifying people of mixed race or ethnicity not by self-identification but according to "the category which most closely reflects the individual's recognition in his [*sic*] community" (cited in OMB 1995: 44692). Ethnicity may have become defined individually rather than communally since that time, as Skerry asserts (2002: 334, again with some injustice to his source [Hollinger 1995: 6-7])—though it would seem that for certain racial groups, particularly Asian-American and Latino, the opposite if anything has occurred. But to the extent that an individualistic approach to identity has flourished in certain quarters, it surely is not because American individualism generally has burgeoned only in the last quarter-century.

Leaving aside sweeping assertions of enduring principle in favor of the actual arguments made by individuals who feel left out of the five-race scheme helps get at the core concerns. One, as above, is that of equity: the issue is not so much government recognition of identity, it seems, as *unequal* access to that recognition (compare also multiracial activist Susan Graham's statement "our objective is civil rights and equality for all," cited in Williams 2003: 94).[5] One OMB document summarized four other lines of complaint posed by multiracial persons "[1] a single category does not reflect how they think of themselves… [2]

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often counted as the equivalent of a race but are in fact urged to name a race as well as their Hispanic ethnicity.

[5] Such arguments are consistent with Ralph Wedgwood's (1999) argument for same-sex marriage: he doubts that marriage is anything much worth valuing or necessarily a social institution that we should have, but insists, persuasively, that *if* marriage and its privileges are available to mixed-sex couples, same-sex couples have a claim to be allowed the same. In other words, through making equality arguments, the multiracial movement can and does include both those who think that race ought to be a socially and governmentally salient category and those who reject this.

[T]he instruction requires them to deny their full heritage and to choose between their parents. [3] They feel they are being required to provide factually false information. [4] They maintain that the current categories do not recognize their existence" (OMB 1995: 44685; ellipses and enumeration added). These are actually four very different claims. that the five-category census conflicts with their identity; that it demands a betrayal of intimate loyalties; that it requires a lie; that it denies official recognition. All of these could be said to be arguments for self-identification of one sort or another (and the details matter)[6]—but none of these is directly an argument from individual dignity in the sense of personal freedom or a desire to avoid all classification.

As for the substance of these claims, only (3) could be said to be apply unambiguously *only* to multiracial respondents or others (such as those of Middle Eastern or South Asian descent) who fall outside the five standard categories; as for the other complaints, they may reflect a simplistic understanding of how easy it is for those of "one" race to resolve their issues of identity and achieve personal recognition from governmental units that necessarily deal with large categories. Thus while DeBose and Winters (2003) claim that people of mixed black and white descent face unique problems in achieving a stable identity, their argument suffers from a failure to demonstrate that those who are "simply" white or black have things any easier (indeed, no comparisons to the single-race case are made). It also fails to support with evidence the assertion that people who *identify* with both black and white parents therefore have "a desire and a need" for a *political acknowledgment* of that

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[6] The census canvassed a huge variety of options, including collecting no race data at all; listing a "multiracial" category along with the others; and allowing respondents to fill in a blank line,

identification ("a multiracial classification within the 2000 U.W. Bureau of the Census data collection instrument" [2003: 151]), or would solve their identity problems more easily if they had one.

These arguments about identity, loyalty, and group affiliation are deep, complex, and apparently interminable. They implicate ineffable psychological questions (what makes people feel most fulfilled or actualized?), difficult and barely explored social-science questions (what governmental and social institutions best support, or undermine, various individual and collective forms of meaning?) and crucial but usually ignored values questions (is a maximally secure or grounded identity in fact a good thing, or do marginality and insecurity provide the kinds of creative insights that are indispensable for art on the one hand and social progress on the other?). In short, David Hollinger is right to claim that racial affiliation, to the extent that it becomes as complex as the new multiracialism predicts it will, will begin to resemble religion: a matter of deep personal meaning that should be settled on a voluntary rather than a governmental basis (1995:120-125).

The question of whether this is possible, and if so how it would work, will be discussed below. For the moment it is worth noting an implication for the relation between theory and practice. If identity is like religion, theoretical discussions of racial identity are like theology: and policy makers should get into the habit of *ignoring* such discussions, just as they ignore or bracket (we hope) the substance of theological disputes when making public policy. Hume's discussion of James I's theological writings is noteworthy, and bracing: he attacks James not for the quality of his theology, which was high, but for

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either as part of an "Other" classification or as a substitute for the whole race question.

engaging in theology in the first place (inspired by excessive piety that overruled momentarily his good sense). A ruler's task is to regard theological dispute as idle and deal with religious differences on purely political grounds (Hume 1983 [1778]: 11-12).[7] James, in Hume's account, later crafted a much wiser religious policy of tolerating Catholics but appeasing anti-Catholic sentiment by asserting (through an incoherent theoretical fudge), that he was doing no such thing. Hume heartily approves (1983: 115).

By this reasoning, Anthony Appiah's (1994: 26) rejection of collective racial "scripts"—and others' assertion of the need for people of color to retain such scripts if they are to live morally responsible lives—is precisely analogous to debates between Protestants and Catholics. Reason can no more settle whether a good moral life requires embracing collective notions of racial responsibility or rejecting them than it can settle whether the Christian life requires justification by faith alone and the priesthood of all believers, or on the contrary an authoritative church, a tradition, and good works. It is probably already the case that neither legislators nor administrators (nor, outside the academy, racially-conscious advocates) find these questions interesting. My theoretical point, as someone who does find them interesting, is that we should welcome this indifference on the part of those who determine racial policy.

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[7] "Though justly sensible, that no part of civil administration required greater care or a nicer judgment than the conduct of religious parties; he had not perceived, that, *in the same proportion as this practical knowledge of theology is requisite, the speculative refinements in it are mean, and even dangerous in a monarch.* By entering zealously into frivolous disputes, James gave them an air of importance and dignity, which they could not otherwise have acquired; *and being himself inlisted* [sic] *in the quarrel, he could no longer have recourse to contempt and ridicule, the only proper method of appeasing it*" (Hume 1983: 11-12; emphasis added).

III. Humean pluralism—incommensurability, party, and balance.

That said, it is clear that people care about matters of identity in the rough sense, the sense in which large numbers can understand and get excited about them—just as many care about religious doctrines whether or not they have mastered the theology (or would be convinced by theological refutation). Nor are some of the basic demands of those who criticized the old categories—essentially, a demand not to have to choose between lying to the government or being excluded from necessary services—excessively abstract or technical. Their validity is easily acknowledged—as is the validity of the equity and efficiency concerns that made civil rights groups and government administrators want to keep the old categories.

Contingent on consistent empirical demonstration that all these claims remain prevalent and do not dissipate over time, government policy should try to accommodate demands that are pluralistic in both the moral and political senses. In a pluralistic view of moral conflict, ethical dilemmas involve valid but incommensurable claims that must be balanced against one another in particular cases. One way of understanding the political consequences of such a view is that a stress on one or another of these claims becomes the basis of partisan and interest-group divisions, culminating in struggles in which different collective groups insist—sometimes recognizing the validity of the other side's claims, sometimes not—that their own claim be given extra weight in that balance. It has been argued (Sabl 2002) that Hume saw moral and political pluralism this way and thought the solution was to try to understand the moral perspective and fundamental demands of each party and to accommodate all of them as much as possible.

In the current case, this would be best done through creative policy making that might place less emphasis on the values that government agencies currently take for granted (such as administrative ease) and might involve a reordering of government priorities: money, staff resources, political and administrative time. For this reason, administrative public comment procedures, may be less appropriate as forums to accommodate new moral demands than are legislatures. For the latter have the moral authority to validate newly arisen moral claims even if this means explicitly demoting old administrative objectives or breaking continuity in old programs.

The conflict between advocates of relaxing (or eliminating) the classic racial categories and advocates of keeping them can be seen across a couple of dimensions. On the one hand, it can be seen as a contest between "redistribution" and "recognition": between a politics that stresses the harms of material deprivation and/or exploitation and a politics that stresses the harms of oppressive "cultural valuations" that deny equal respect (Fraser, 1997). The affinity of the multiracial movement with what Charles Taylor (1994) has called "the politics of recognition" has not gone unnoticed (see e.g. Perlmann 1997: 9-10). Disagreement on the matter seems to center mostly on whether this represents a serious and morally doubtful departure from the traditional civil rights agenda or on the contrary a large portion of continuity with that agenda in its cultural-nationalist or multiculturalist aspects (compare respectively Texeira 2003 and Williams 2003).

On another dimension, the tension is one between individualism and state power. Leaving the allegedly deep importance of respecting self-identification aside—as I have argued we should—Skerry (2002: 332-335) is surely right to see

government's need for classifying people into groups, so as to make possible efficient administration of large government programs, as in tension with individualism. This kind of individualism might be no further articulated than a desire to resist such classification altogether, but such stubborn resistance to being "folded, spindled, or mutilated" is of course strong among Americans. We often seem willing to accept the costs of such resistance in making government purposes inefficient or impossible to carry out.

Both these dichotomies are stylized. This can be useful for theory but deadly for politics: if theory tends to address clashes between ultimate values either by choosing one as more important or by positing a radical change in the world so that all values will be realized at once, practical politics can often resolve such clashes by adopting part of each party's program. To the extent that such value compromises become durable and widely accepted, they can be said to embody the current state of a constitutional order; constitutionalism can even be *defined* as the sum of such compromises (Galston 2002; and more implicitly Scheffler 1997: 205-6). Thus Perlmann describes the compromise proposed (and eventually adopted) on the multiracial question—respondents are encouraged to check more than one race, but there is no separate "multiracial" category—as not a mere compromise but a real *solution* in which "the most important demands of both sides can be accepted and, more important, it is in the public interest that they should be accepted" (1997:11). And Skerry rightly describes the census itself as a compromise between popular power—everyone is counted, and political power follows the count—and the state authority that fixes the geographic, temporal and social boundaries that determined who is counted, how, and in which category (Skerry 2002: 332-3).

Such compromises, sometimes called "integrity preserving" because they respect opponents' world-views and values as well as the cash value of their goals, require sensitivity, creativity, and a sense of one's own fallibility. (For useful accounts see Carens 1979 and Benjamin 1990). But they sometimes require more than that. Just as the only way to reduce both Type I and Type II errors in a statistical study is to devote resources to increasing the sample size, sometimes the only way to show serious respect to two or more conflicting values is to shift serious resources into pursuing a policy in more involved or costly ways than one did before.

Consider Jennifer Hochschild's (2002: 347) comment about the difficulty of aggregating racial categories when respondents are allowed to check "all that apply": "No civil rights enforcement agency, school superintendent, or advertising executive can work with 126 mutually exclusive groups…" (Hochschild 2002: 347). Actually, advertising executives work with niches that small all the time in direct marketing, and so do political parties. The only reason civil rights enforcement agencies cannot do the same is that they *lack similar resources*, and perhaps that is the problem.[8] Many large government programs can in fact be seen as attempts to solve morally-charged public debates by (successfully) throwing resources at them. The income tax system is very inefficient compared to a value-added tax, but we are willing on equity grounds to accept the lost GDP. An even clearer example is the country's spending on

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[8] And in any case, the proposition that discrimination will track 126 categories awaits empirical evidence; we should probably be skeptical. If racism is as persistent as many African-Americans quite reasonably believe, it will inhibit the deconstruction and fragmentation of race for reasons made famous by Sartre's (1948) argument that the anti-Semite "creates" the Jew. Conversely, if racial discrimination is so protean that it *can* begin to track 126 categories—a true "caste system" on the Indian model, unlike the blunter American equivalent we have recently

education, unequaled by that of similarly rich countries. Equity alone might mandate a union-dominated, corporatist economy that narrowed wage differentials and limited competition; efficiency alone might mandate a ruthless meritocracy that redistributed income hardly at all. An inefficient but universal system of public education—an attempt to reward not labor but human capital while providing rough but real opportunity to a wide range of citizens—squares the circle at a high cost. Public support for this cost reflects the fact that the policy respects not just the theoretically respectable values of "efficiency" and "equality," but the more nebulous values of "meritocracy" and "opportunity." The latter lack scholarly respect from moral philosophers, but their *political* embodiment in movements and political parties demand respect, and embodiment in policy at a high cost.

Finally, consider John Skrentny's analysis (1994) of how administrative rationality—the need to respond to racial minority grievances with a limited staff and budget—ended up driving federal agencies towards affirmative action decisions to the exclusion of individualistic and meritocratic values that the public continued to hold. On Skrentny's account, federal civil rights enforcement agencies were set up with the intention that they would respond to individual complaints. But the sheer number of complaints, and the difficulty of proving the intentional discrimination standard that the drafters of civil rights laws seem to have intended, drove agencies towards looser goals of increasing "utilization." As a result, agencies adopted de-facto numerical goals—usually adopted by consensus, under threat of suit—and abandoned attempts to give justice to the

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experienced—then it would surely make little sense to keep using either census categories or government programs that ignored this change.

individuals who had first faced discrimination or to assess the intent, bias, or possible defenses of those who were accused of discrimination. Administrative necessity turned the quest for hiring on the basis of merit into a demand for representation on the basis of group numbers. Skerry's account of administrative necessity regarding the census is similar: self-identification is, as discussed above, a "virtual regime principle" but "in spite of its own declared aversion to doing so, *out liberal regime has no choice but to exercise authority in this realm. From the policy maker's perspective, the plain fact is that racial and ethnic identity are too important to be left completely to the preferences of individuals"* (2002: 335; emphasis added.).

The two accounts share a normative assumption: there is only one principle worth noting—individualism—and it is violated out of necessity rather than for the sake of another principle. The suggestion in both cases is that this necessity remains morally suspect: "administrative convenience" or "bureaucratic rationality" (Skerry 2002: 335) may justify departures from self-identification pragmatically, but cannot excuse them morally.[9]

The further implication is that we have to choose. Litigation tracks individual circumstances and allows for employer defenses at cost of massive inefficiency; administrative use of statistics is effective at increasing "utilization" of blacks

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[9] But on 2002: 337-8 Skerry essentially says the opposite: a small group of multiracial activists have thrown a monkey-wrench into racial policy for the much larger group of minorities who have no choice. "What began as understandable assertions of American individualism against the prerogatives of the administrative state…will end up contributing to confusion and cynicism among the general populace and to anxiety and defensiveness among minorities" (2002:338). Part of the problem is that his sociology-of-values approach does not let Skerry clearly differentiate between what society takes to be right and what he in dissent from prevailing norms takes to be right and why.

while failing to respect the individualistic and meritocratic values that both the public and policy makers continue to hold.[10]

But this is not the way ordinary moral reasoning or decision making works: we commonly *balance* values, and feel moral remorse only when the moral norm being overridden (say, a prohibition on torture) is morally compelling and would normally be absolute (Walzer 1973).   This is not one of those cases. The ability to face government forms with enough categories to cover one's specific identity is a nice thing, perhaps even a right—but if so it is a minor right, not necessary for the exercise of most life choices, and its lack is not akin to torture. Moreover, the government interest in tracking and remedying racial injustice is a serious moral matter, not equivalent to mere convenience. There is no loss of moral integrity involved in balancing it against the claims of identity and self-identification.

A focus on administrative adaptation to short-term "necessity" obscures in this case the possibilities of combining administrative and non-administrative remedies to best maximize respect for the competing moral values at stake. Sometimes those solutions are in fact embedded in policy analyses but their hopeful implications ignored in favor of a counsel of cynicism or despair.

In the case of affirmative action, for instance, Skrentny conflates two very different uses of racial statistics. As originally proposed by an employee of the Truman White Administration's Fair Employment Board in 1951, statistics were to be used to "pinpoint the departmental areas requiring detailed study and attention" (cited by Skrentny 1994:352). The purpose was, of course, "economy and efficiency"—but the details of the aim are everything. This administrator

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[10] See also 1997 congressional testimony [tk]

apparently wanted to use statistic to *focus attention* on where *traditional* resources—investigations of possible discrimination—could then occur. Later EEOC chair Franklin D. Roosevelt, Jr. suggested something similar in 1966: "the objective [of race reporting forms and information gathering] will be *to identify the principle sources of complaints and improve investigation and conciliation procedures*" (cited by Skrentny 1994: 358-9).

Conflating this with the mere use of numbers to infer discrimination—another goal that was of course adopted by other administrators—misses the whole moral point. There is a world of differences between measures that aim at cost-effectively finding out where bias occurs and eliminating the standard of bias altogether. Civil rights laws might have been enforced much more strictly than they in fact are now, aided by an army of government investigators drawn towards places where almost everyone seemed to be discriminating, perhaps using "testers" of matched qualifications but different races. This path would of course have cost more time and money than the administratively convenient one in fact followed—but might have represented a durable compromise. The goals of affirmative action might thereby have been served without bitter challenges to meritocracy having been necessary. To be sure, the country was not willing to pay the money price of such expensive enforcement mechanisms. But it was *also* not really willing to pay the price in terms of violated *values* of meritocracy that the de facto quota solution entailed. One reason this country attempted the latter remedy instead of the former is no doubt that legal paradigms, which stressed racial justice as a single, overriding goal, were allowed to triumph because legislative institutions, in which creative balancing of moral claims could have occurred, deliberately

failed to act.[11] This inaction probably reflected lack of sufficient public

attachment to the value of nondiscrimination. The median voter probably saw

racial equality as worth a change in attitude but not an increase in taxes. But a

focus on value balancing has the advantage of placing the emphasis on *this*

element in the balance—instead of assuming that individualism and efficiency

had to be at war, with resources held (for some reason) constant.

IV. Aggregating groups and allocating victims.

In comparison with the above failures of racial policy, the "check all that

apply" solution to the multiracial critique of the census stands—as Perlmann

predicted—as a creative compromise that does justice to all relevant claims. The

secret to the compromise lies in two decisions: to disaggregate how the form is

filled in from how it is tabulated, and to distinguish aggregation from allocation

in that tabulation. The advantages of the former are clear; those of the latter are

so subtle that expert commentators tend to slight them.

When census respondents check off more than one racial category—as less

than 2.5 percent of the population did in 2000 (Farley 2002)—the question is how

to tabulate them. Hochschild's reference to 126 categories reflects the

mathematical limit case. But in fact, less than 0.2 percent of the population

checked off *more than two* categories suggesting that some categories were of

little large-scale practical significance. Some combinations of three, four or five

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[11] Here I agree with Skrentny that courts made sweeping concessions to administrative rationality [pages tk], but dissent from the implications he draws. He implicitly finds courts wanting compared to the formal equality that might have been expected, but fails to consider the obvious alternative of legislative action authorizing more extensive use of traditional antibias methods.

racial groupings represented less than 1000 respondents in the whole country

(Farley 2002, 46). Moreover, the purposes of federal civil-rights laws, which were

adopted in response to past discrimination issues, suggest that those

combinations that would be visually hard to scan by those engaging in

discrimination would not be relevant for the purposes of such laws. More

concretely: it is not very important for government to know how many people in

Duluth consider themselves one-quarter Native American, one-quarter Asian,

and half white as long as nobody in Duluth has a tendency to discriminate

against this particular combination.[12]

The OMB guidelines (2000) therefore simplified the Babel of new categories to

conform to existing government purposes and those likely to exist in the future.

For general *aggregative* purposes, the OMB calls for counting all those who check

one race, two races, or some more-than-two-race combination that makes up

"more than one percent of the population of interest." The reasoning is

presumably[13] that numbers legitimately matter. With less than a fifth of one

percent of the population checking more than two races, the concerns of that

group may not deserve less *respect* than those of "classic" African-American or

Latino identifiers or two-race combinations, but might deserve fewer *resources*:

agency staff, committee hearing time, budget lines. The OMB rule calling for

aggregating specific numbers only if one percent of a "population of interest"

reflects the legitimate administrative demand that scarce resources be devoted to

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Perhaps he is in sympathy with the idea that racial equality was not worth the huge public commitment of resources that might have made this possible.

[12] Administrative comment and early reports on the census categories took these matters into account. My documentation of this is currently poor, and future drafts will cite year, report, and page.

[13] Follow-up interviews with the relevant OMB people tk. Initial interviews, on background, confirm the impressions given here.

problems with a significant public presence. To the extent that such a presence is unexpectedly large in a "population of interest" (this means any population that a government actor wishes to examine or the purpose at hand), the actions of census aggregators are quite properly supposed to track the variety of racial combinations that might be relevant in the smallest conceivable geographic or social subdistributions.

This is a balance between efficiency and diversity, and one which is quite fine-grained in attention to the latter. And this balance could be made even more fine grained in response to experience: if a very small group of people who were part white, part black, and part American Indian were found at some point to face particular social problems, legislation or administrative decisions could be changed to reflect that *without* having to gather new census data (because the data reflect already all the complexity people choose to state).[14]

"For use in civil rights monitoring and enforcement," respondents who check "white" plus a minority race are to be *allocated* (not aggregated) to the minority race. If they check two or more minority races, they are to be allocated "to the race that the complainant alleges the discrimination was based on." This has been called a reversion to the "one-drop-rule" of calling all those with some nonwhite blood nonwhite. Civil rights groups actually demanded this result, and multiracial groups are understandably critical.

But the fact that this allocation is performed *only* for civil rights enforcement purposes takes some of the edge off the latter's complaints. The government is

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[14] The demand that the original complexity of racial data not be lost or compromised in the course of aggregation was in fact a central demand of the Census Bureau in its negotiations with OMB, whose concerns were more political than statistical. Personal interview with Kenneth Prewitt, former director of the Census Bureau, 28 October 2003.

not telling anyone what his or her identity must be, and not forcing anyone to lie. The result is administratively convenient but also defensible from a recognition standpoint: the government is not saying that anyone really "is" anything—just trying to defend them from being mistreated as if they were. It is not clear that freedom from being classified by others as a member of group, contrary to one's self-image, is a strong moral claim or even a coherent one. (Imagine how public debate would treat someone who demanded Social Security benefits because she had just turned thirty and "felt old.") Conversely, there is no reason to suggest that a government label, in the absence of any treatment that goes with it, can violate anyone's individual claims or even affect people's social identity. At sixty-five, I will be entitled to Social Security benefits even if I feel, or look, fifty. Finally, individual recognition is served by these guidelines to the extent that the government is not calling any *identifiable* person anything: the allocation and aggregation occurs at a level where no names are retained and no face-to-face contact is involved.

There remain two possibilities that the above policy do not address: people could be discriminated against (1) *on the grounds of* being multiple race (i.e. for being "half-breeds" or a similar label), or (2) because they are mistaken, due to a multiple-race appearance, for members of a third race in which they do not in fact claim membership (two claims mentioned by Matt Kelley, a mixed-race person cited in Hochschild 2002: 343). (Thus someone who identifies as African-American, Asian, and white might look Latino and face discrimination as such.) Addressing this would serve both a recognition and an antidiscrimination interest. One method would be to build in mechanisms into OMB or other guidelines for figuring out whether such cases are widespread. If so,

jurisdictions in a particular area (and there is no reason allocation could not be decentralized, as long as the laws and funding were centralized) could be directed to allocate mixed-race people to whatever degree of complexity serves important government purposes. As litigation in theory provides the most individualistic access to government institutions (Zemans 1983), there are good reasons for systematically aggregating the results of individual litigation to see if they reflect a wider trend that might not yet have political expression. But if such cases are in fact extremely rare, it would strike a legitimate balance to say that individuals so affected should be able to litigate without government's being required to tabulate. Again, numbers matter for resources—if not for respect.

V. Humean skepticism: superstition, enthusiasm, and demythologized policy.

The above suggests that racial theory as such should play little role in policy deliberations. Policy makers should steer well clear of authoritative judgments of individual or group identity, and even of non-authoritative musings about how much these things might matter. I have argued that government organs should treat these matters as Hume treated religion: with outward respect, intellectual uninterest, and political creativity.

But as this recommendation shows, a Humean attitude should affect our attitudes, if not our policies. First, it should motivate skepticism towards a *certain kind* of multiracial argument: the kind that replicates the rhetoric of racial authenticity and calls on people to be described "as they really are." The old aspiration to represent reality "as it really was" (*wie es eigentlich gewesen ist*—Ranke) would be met in modern historical theory with a gentle laugh. But

in 1994 the acting head of the Census Bureau reported without laughter (but, to be sure, with scare quotes), that "Some advocates argue that Census procedures…do not allow persons of mixed parentage to report their 'true' racial identity" (Prepared Statement of Harry A. Scarr, in Subcommittee on Census 1993: 15). Once again, choice, resistance to coercion, and unwillingness to advocate lying are laudable political principles, but in respecting them we should take care to avoid moral and metaphysical traps. To give people many options on how to identify themselves is admirable toleration; to assert that there is only one answer that would be "authentic" or "right" is intellectual nonsense. Party politics thrives on such nonsense, but policy makers should try to stand above it. Just as Hume hoped in his political writings to debunk the national myths that had become party dogma, to the ruin of reasoned public debate, we should strive in our work on racial policy to debunk myths about racial identity that are fervently believed but make little rational sense. If policy makers must sometimes show outward respect for such myths, they should know what they are doing.

Thus, Hume thought that civil rights were a new invention, justified, by experience, but had contempt for Whigs' determination to assert, in spite of all historical evidence, that these rights had existed in England from time immemorial. He thought that some royal authority was a good idea, but thought it madness to assert that resistance to authority was never justified. He aimed, through this historical demystification and independence from party, to place policy debates on the plane of what was demonstrably good for society and all those in it, rather than what fitted with (or violated) a grand national tradition as distorted or invented by party prejudice.

Debates on race in the United States could use some of this treatment. They

often go on as if values and social circumstances varied across all other

issues—but not this one. Every policy alternative is said to either validate or

violate deep American principles that have persisted over time (for better or

worse). All principles are fundamental, all battles are said to re-fight old wars,

and all sins are Original (though none are new).

One way of thinking about the difference is in terms of Hume's treatment of

the twin evils of religious fervor, which he calls "superstition" and

"enthusiasm." Hume saw the perversions of religion as giving rise to two

opposing dangers. Both stemmed from ignorance, but combined with different

moods or modes of thinking, religious ignorance could have the most diverse

social and political effects. A "diffident" or "melancholy" tendency leads people

to dread "infinite unknown evils...from unknown agents," culminating in

superstition and a willingness to follow priestly classes who alone can make

sense of life's mysteries. On the contrary, a "bold and confident disposition"

taken to extremes could produce an "unaccountable elevation and presumption"

culminating a "frenzy" of contempt for "human reason, and even

morality"—and, by the way, for all traditional or hierarchical social institutions

(Hume, 1987 [1741]).

Racial problems are neither trivial nor illusive. Omi and Winant (1994: 54)

are right to insist on a middle ground between conceiving race as an essence and

regarding it as an illusion: its presence in social structures that affect all our lives

is real enough to matter without needing metaphysical foundations. But the

technical *details of racial classification*, if taken too seriously, *do* resemble the

theological disputation—at once irresolvable and liable to produce dangerous

political effects—at which Hume and other Enlightenment thinkers rightly took aim. And we should avoid, as in theology, both the superstitious diffidence in our judgments that would lead us to defer to experts and accept whatever classification scheme governments impose on ourselves and others, and the arrogant, enthusiastic certainty of all debased identity politics (including that of the multiracial movements) that one's own understanding of race is so perfect that neither political debate nor ordered social rules can trump the perfection of one's individual feeling. Moreover, we should accept the possibility that some areas of social life—even those that seem perennial, even permanent—can be proper areas of government policy at some times but not others.

As Hume reminds us, governments used to think they needed to take policy stances on religion—favoring one religion overtly over another—the way we have up to now assumed that we need to take policy stances on racial categories. *And for a time they may have been right.* The best social scientists of the seventeenth century thought maintaining an official religion necessary to peace—it seemed intuitively obvious; all governments they knew of had done so; and the alternative seemed to be confessional warfare. Only the experience of a century of religious warfare, and the understanding acquired over time, that Protestantism was not just another heresy that could be easily suppressed, made the strange policy of toleration seem less dangerous than the alternative (on this see Sabl 2002: 80, and citations therein).[15]

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[15] The United States was not immune to such reasoning either: *pace* Hollinger's implication (1995: 120-5) that church-state relations have always been hands-off and stressed a voluntary paradigm, most states had religious establishments at the time of the Founding, and a welcoming attitude towards unfamiliar religions like Catholicism and Mormonism was won with great difficulty and not a little blood. The religious analogy makes a pluralistic and tolerant attitude towards race look very hard, not very easy. As with religion, it might take a century or two to move from

In just the same way, while racial liberals are right to insist that we still need racial categories now and for the foreseeable future, in order to attack the racism that still exists, neoconservatives are right to make the anti-theological and empirical point that, races being nothing rooted in biology, their relevance for policy may decrease in the future. When it is assumed that a government will run parallel school systems for different confessions, "mixed" marriages across religious lines were (or, in places that still run such parallel systems, still are) legitimate subjects for government policy and debates over classification; and tough cases rightly evoked the attention of authorities and experts. The United States government has no need to debate religious classifications because the policies that would make them necessary are thought superfluous or destructive—and someday the same may be true of race. Our judgments of the best and most just policy have changed in the past, and will rightly change again, as political knowledge evolves and political movements ebb and flow.

The new theoretical skepticism towards racial categories could lead to all kinds of irresponsible politics in which racial problems were either defined away in spite of their evident persistence or reduced to demagogic slogans in spite of their evident complexity. But the racial reality that people experience, ever changing and always controversial yet impossible for those currently disadvantaged by racial stigma to ignore, is best addressed by if an instrumental yet skeptical attitude that uses theory to question our certainties without paralyzing our actions. As Thomas Sawyer, then-head of the House

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tyranny to toleration and an easy, indifferent pluralism. And as with religion, we may never fully get there.

Subcommittee on the Census, once put it (Subcommittee on Census 1993: 2),

"Some ideas may seem abstract today, but what is abstract today will be practical

tomorrow and absolute the day after."

REFERENCES

American Anthropological Association, n.d. *Statement on "Race."*
http://www.aaanet.org/stmts/racepp.htm. Date posted unknown. Date
accessed 22 August 2002.

Appiah, K. Anthony, 1994. "Identity Against Culture: Understandings of
Multiculturalism." The Avenali Lecture. *Occasional Papers of the Doreen B.
Townsend Center for the Humanities*, No. 1.

_____, 1996. "Race, Culture, Identity: Misunderstood Connections." In K.
Anthony Appiah and Amy Gutmann, *Color Conscious: The Political Morality of
Race*: 30-105. Princeton: Princeton Univ. Press.

Association of MultiEthnic Americans, no date. "Mission Statement."
http://ameasite.org/about.asp. Date posted unknown. Date accessed 19 March
2003.

Benjamin, Martin, 1990. *Splitting the Difference: Compromise and Integrity in Ethics
and Politics.* Lawrence, Kansas: University Press of Kansas.

Boxill, Bernard, 2001. "Introduction." In *Race and Racism*: 1-42. Oxford: Oxford
University Press.

Carens, Joseph H., 1979. "Compromises in Politics." In *Compromise in Ethics Law,
and Politics*: 123-141. Ed. J. Roland Pennock and John W. Chapman. New York:
New York University Press.

DeBose, Herman L., and Loretta I. Winters, 2003. "The Dilemma of Biracial
People of African American Descent." In Winters and DeBose, 2003: 127-157.

Farley, Reynolds, 2002. "Racial Identities in 2000: The Response to the Multiple-
Race Response Option." In Perlmann and Waters 2002: 33-61.

Fraser, Nancy, 1997. "From Redistribution to Recognition? Dilemmas of Justice
in a 'Postsocialist' Age." In *Justice Interruptus*:11-39. New York and London:
Routledge.

Galston, William, 2002. *Liberal Pluralism.* Cambridge: Cambridge University
Press.

Glazer, Nathan, 1975. *Affirmative Discrimination.* Cambridge: Harvard University Press.

Graves, Joseph L., Jr., 2001. *The Emperor's New Clothes: Biological Theories of Race at the Millennium.* New Brunswick, N.J.: Rutgers Univ. Press.

Hochschild, Jennifer, 2002. "Multiple Racial Identifiers in the 2000 census." In Perlmann and Waters 2002: 340-353.

Hume, David, 1978. *A Treatise of Human Nature.* 2d ed., ed. L.A. Selby-Bigge and P.H. Nidditch. Oxford: Oxford University Press.

_____, *The History of England from the Invasion of Julius Caesar to the Revolution in 1688* (6 vols. Indianapolis: Liberty Fund, 1983 [1778]),Volume V.

_____, 1987 (1741). "Of Superstition and Enthusiasm." In *Essays Moral, Political, and Literary.* Rev. ed., ed. Eugene F. Miller: 73-79. Indianapolis, Ind.: Liberty Fund.

Lind, Michael, 1995. *The Next American Nation.* New York: Free Press.

Loury, Glenn C., 2002. *The Anatomy of Racial Inequality.* Cambridge: Harvard University Press.

Office of Management and Budget, 1995. "Standards for the Classification of Federal Data on Race and Ethnicity; Notice." *Federal Register* 60, No. 166 (August 28): 44673-44693.

_____, 1997. "Recommendations from the Interagency Committee for the Review of the Racial and Ethnic Standards to the Office of Management and Budget Concerning Changes to the Standards for the Classification of Federal Data on Race and Ethnicity; Notice." *Federal Register* 62, No. 131 (July 9): 36873-36946.

_____, 2000. "Guidance on Aggregation and Allocation of Data on Race for Use in Civil Rights Monitoring and Enforcement." Bulletin No. 00-02. March 9. http://www.whitehouse.gov/omb/bulletins/print/b00-02.html/ Date posted unknown [assumed 9 March 2000]; date accessed 22 August 2002.

Omi, Michael, and Howard Winant, 1994. *Racial Formation in the United States from the 1960s to the 1990s.* 2d ed. New York and London: Routledge.

Perlmann, Joel, 1997. "Multiracials, Racial Classification, and American Intermarriage." Public Policy Brief No. 35. Annandale-on-Hudson, NY: Jerome Levy Economics Institute, 1997.

Perlmann, Joel, and Mary C. Waters, 2002. *The New Race Question: How the Census Counts Multiracial Individuals.* New York/Annandale-on-Hudson, NY: Russell Sage Foundation/Levy Economics Institute of Bard College.

Sabl, Andrew, 2002. "When Bad Things Happen From Good People (and Vice-Versa): Hume's Political Ethics of Revolution." *Polity* 35, No. 1 (Fall): 73-92.

Sandel, Michael J., 1982. *Liberalism and the Limits of Justice.* Cambridge: Cambridge University Press.

Sartre, Jean-Paul, 1948. Anti-Semite and Jew. Trans. by George J. Becker. New York: Schocken Books.

Scheffler, Samuel, 1997. "Liberalism, Nationalism, and Egalitarianism." In *The Morality of Nationalism*: 191-208. Edited by Robert McKim & Jeff McMahan. New York and Oxford: Oxford University Press.

Skerry, Peter, 2000. *Counting on the Census? Race, Group Identity, and the Evasion of Politics.* Washington, D.C.: Brookings Institution Press.

Skerry, Peter, 2002. "Multiracialism and the Administrative State." In Perlmann and Waters: 327-339.

Skrentny, John David, 1994. "Pragmatism, Institutionalism, and the Construction of Employment Discrimination." *Sociological Forum* 9, No. 3: 343-369.

Subcommittee on Census, Statistics and Postal Personnel of the Committee on Post Office and Civil Service, 1994. *Review of Federal Measurements of Race and Ethnicity.* Hearings taken April 14; June 30; July 29; November 3, 1993. Serial No. 103-7. Washington: U.S. Government Printing Office.

Taylor, Charles, 1994. "The Politics of Recognition." In *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutmann: 25-73. Princeton: Princeton University Press.

Texeira, Mary Thierry, 2003. "The New Multiracialism." In Winters and DeBose 2003:21-37.

Walzer, Michael, 1973. "Political Action: The Problem of Dirty Hands," *Philosophy and Public Affairs* 2: 165-6.

Wedgwood, Ralph, 1999. "The Fundamental Argument for Same-Sex Marriage." *Journal of Political Philosophy* 7, No. 3 (September): 225-242.

Williams, Kim M., 2003. "From Civil Rights to the Multiracial Movement," In Winters and DeBose 2003: 85-98.

Winters, Loretta I., and Herman L. DeBose, 2003. *New Faces in a Changing America: Multiracial Identity in the 21st Century.* Thousand Oaks, CA: Sage Publications, Inc.

Zemans, Frances Kahn, 1983. "Legal Mobilization: The Neglected Role of the Law in the Political System." *American Political Science Review*, 77, No. 3 (September): 690-703.

Zerilli, Linda M. G., 1998. "Doing without Knowing: Feminism's Politics of the Ordinary," *Political Theory* 26, No. 4. (August): 435-458.