

Ideology, Social Practices, Anti-Black Concepts¹
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In a well-known letter to Arnold Ruge, Karl Marx remarked that the task of a critical theory or philosophy is the self-clarification of the struggles and wishes of the age. In keeping with the spirit of Marx’s remark, the central point of the present paper is to help to clarify those among the struggles and wishes of our age that, in Brandon Terry’s words, “have coalesced under a capacious sign—‘Black Lives Matter’.” Terry observes that a key theme unifying the “activist energies” flying under the “Black Lives Matter” banner is a commitment to emphasizing “forms of racial degradation, domination, and disadvantage that are not reducible to individual intent or episodic acts.” In addition, he reasonably contends that the tendency of some activists to regard these forms of systemic oppression exclusively as the manifestation of state violence runs the risk of “obscuring forms of disadvantage that do not have their origins *only* in the actions of government agents and institutions.”² But that said, there is no denying—and Terry, I think, would agree with me—that *one* of the tasks of a critical theory that would respond

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² Brandon Terry, “After Ferguson: #BlackLivesMatter and the Legacy of Civil Rights,” *The Point*, no. 10: 21

to the refrain of state violence is to clarify the relation between the actions of such agents and institutions and the perpetuation of racial subordination.³

To help to clarify that relation, or, at least, one aspect of it, I bring to bear the perspective of a recent, philosophical debate about the nature of ideology, generally, and racist ideology, specifically. The issue about which this debate pivots is whether ideologies should be centrally characterized as sets of beliefs or, additionally and with comparable emphasis, as conceptual components of social practices; that is, as repertoires of concepts that constitute social practices. Key players in this debate, some of whose work I shall be discussing here, include the philosophers Sally Haslanger, Tommie Shelby, and Jason Stanley. Ultimately, I shall be arguing for the usefulness of understanding ideologies to be conceptual components of social practices. Building on some of Haslanger’s work, as well as on the insights of several other philosophers, I shall also be examining a practice of law enforcement—of policing—that incorporates racist ideology as a component. The practice of policing is, obviously, a practice enacted by government agents, and I will be focusing in particular on the practice of policing black neighborhoods documented in the US Justice Department’s Ferguson Report, entitled “Investigation of the Ferguson Police Department [hereafter, FPD].”⁴

I begin by highlighting key elements of Haslanger’s position, taking her critique of Shelby’s belief-centered theory of ideology as my point of departure. I then sketch a partial answer to the question, What is a Social Practice?, central to which is an analysis

³ For an insightful, extended discussion of Black Lives Matter’s engagement with theme of state violence, see Keeanga-Yamahtta Taylor, *From #BLACKLIVESMATTER to Black Liberation* (Chicago: Haymarket Books 2016), chapter 6.

⁴ *The Ferguson Report: The Department of Justice Investigation of the Ferguson, Missouri, Police Department*, CreateSpace Independent Publishing Platform (June 27, 2015).

of the role of internal relations in structuring social practices. I draw on Frederick Douglass's *My Bondage and My Freedom* and, specifically, on his portrait of the world of the slave plantation further to explicate this analysis, and to defend one account of how ideological concepts can play a role in constituting social practices. I conclude by returning to the Justice Department's Ferguson Report, and in particular to its explanation of the racially disparate impact of the FPD's policing practices.

1. Haslanger's Critique of Shelby

In a recent paper, entitled "Racism, Ideology, and Social Movements,"⁵ Sally Haslanger suggests that part of the point of a theory of ideology is to establish a framework for identifying modes of understanding the world that function to prop up and sustain unjust social relations. As I read her, a premise of her argument is that a theory of ideology is insufficiently wide in scope if its account of *what counts* as ideology leaves out modes of understanding that serve some such function.

To spell out the implications of this premise, Haslanger adverts to the efficacy of social movements in challenging modes of understanding that serve to perpetuate unjust social relations. Granting that "social movements need to refute false beliefs or challenge the inferences, reasons, etc. that people offer for their unjust behavior or policies," she crucially adds that they likewise "force our everyday concepts to break down," demonstrating their deficiencies "as adequate tools to get along in the world." Effective social movements create "new experiences that highlight aspects of reality" that our everyday concepts have "previously masked or obscured," thereby enhancing our knowledge of the "normative demands of justice." Haslanger's point, in other words, is

⁵ Sally Haslanger, "Racism, Ideology, and Social Movements," *Res Philosophica*, Vol. 94, No. 1, January 2017: 1-22

that social movements disrupt modes of understanding that comprise, besides false beliefs that sustain unjust social relations, hegemonic “conceptual repertoires”—broadly speaking, “concepts and other framing devices,” including terms (words and phrases) and social meanings—that, by managing our experience and inculcating a common sense, similarly serve to sustain unjust social relations. It follows, then, that a theory of ideology that leaves these conceptual repertoires out of its account of what counts as ideology is insufficiently wide in scope. It likewise follows that a theory of ideology that extends its notion of ideology to include hegemonic conceptual repertoires, as well as false beliefs, will regard social movements’ disruption of those repertoires as a form of ideology critique—that is, as a kind of epistemic criticism that calls into question the authority of concepts that function to prop up injustice.⁶

Haslanger suggests that “slut walks” is a social movement of the sort she has in mind, presumably because part of the point of that movement is to disrupt ideological modes of understanding that include concepts like “chaste,” and “slutty,” and that function to rationalize sexual assault.⁷ Ideology consists of “the very terms and concepts we use to understand the world,” she argues, not only the beliefs we form using our concepts.⁸ Thus, someone who denies that a particular action is slutty or chaste, no less than the person who believes otherwise, is in the grip of an ideology comprised of

⁶ For the material quoted in this paragraph, see *Ibid.*, pp. 10-11, 18.

⁷ See Haslanger’s handout for her February 5, 2015 Keynote Address for the Arendt-Schürmann Symposium at the New School for Social Research, <http://sallyhaslanger.weebly.com/uploads/1/8/2/7/18272031/haslangerrirpsc-feb2015.pdf>. For a detailed and valuable overview of the Slut Walk movement, and the controversies surrounding it (including controversies with regard to its racial politics), see Brittany Leach, “Slutwalk and Sovereignty: Transnational Protest as Emergent Global Democracy,” https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2300699.

⁸ See Haslanger, “Racism, Ideology, and Social Movements,” pp.9-10.

concepts the aptness of which for evaluating women's sexuality the "slut walks" social movement challenges.

Haslanger identifies no anti-racist social movements that fit her model, but it is not difficult to frame at least some of the achievements of the American civil rights movement in her terms. To begin with, consider that the concept of an "uppity Negro"⁹—that is, of a Negro who does not know her or his place—helped to prop up and perpetuate the Jim Crow regime of racial segregation.¹⁰ Recognizing that blacks themselves used the concept to judge one another, and that they might disagree in their beliefs as to whether a given individual satisfied the notion of an uppity Negro, Martin Luther King, Jr. suggests that the notion itself expressed an inapt standard of evaluation, helping to inflict the "segregated" with a "false sense of inferiority" while confirming the "segregator" in a "false estimate of his own superiority."¹¹ For King, dismantling Jim Crow required a revision of the conceptual repertoire and related moral vocabulary—for Haslanger, the ideology— that structured Jim Crow social relations between blacks and

⁹ I am grateful to Bernard Reginster for suggesting this example.

¹⁰ James Baldwin's essay, "Journey to Atlanta" (*Notes of A Native Son* (Boston: Beacon Press, 1955), pp. 73-84), recounts the travel of the Melodeers (a Harlem quartet that included two of Baldwin's brothers) through the Jim Crow south and brilliantly shows 1) how the concept of an "uppity Negro" structured racial hierarchy and 2) how the threat of police violence functioned to reinforce racial hierarchy.

¹¹ Although King declines explicitly to mention the concept of an "uppity Negro," he recounts an instance of the concept's use when he describes the reaction of black passengers on a Jim Crow bus to the decision of one of their number, the Rev. Vernon Johns, to sit in one of the seats reserved for whites. A few days later, when Johns chides a woman for not having joined him in his protest, the woman responds to Johns by quoting her fellow passengers as saying "You ought to knowed better." As I understand the woman's remark, she is expressing her fellow passengers' belief that Johns is an "uppity Negro" who ought to have known his place but evidently did not know it. See Martin Luther King, Jr., *Stride Toward Freedom: The Montgomery Story*, (Boston: Beacon Press, 2010), pp. 23-24.

whites; a revision that scuttled the notion of the Negro who does not know his place.¹²

That there was something surreal about Rush Limbaugh's effort to revive the concept of an "uppity Negro," when he described Michelle Obama as uppity, shows just how successful King and his movement allies were in undermining the social and cultural purchase of the concept.¹³

Another example is Charles Hamilton Houston's efforts to debunk the notions of "a white person" and "a Negro" that plaintiffs invoked to enforce racially restrictive covenants against Negro newcomers to a neighborhood. Under the change of neighborhood doctrine, covenants were not enforceable if a neighborhood had already changed from black to white by the time new Negroes moved in. By arguing that putatively white plaintiffs were black (and thus that the neighborhood in question had

¹² Here, I note an affinity between King's views and Iris Murdoch's view that moral growth requires the ongoing revision of our moral vocabularies and conceptual schemes. In this connection, see Justin Broackes illuminating analysis of Murdoch's well known discussion of a mother and her daughter-in-law in the "The Idea of Perfection" (See Murdoch, *The Sovereignty of Good*, (London: Routledge, 1970), chapter 1): "The central example of the mother and daughter-in-law in IP is, I think, meant not as a case where the mother merely changes the application of an unrevised set of concepts, but rather as one where the mother appreciates, perhaps dimly, the unsatisfactoriness of whole ranges of concepts she has earlier employed unreflectingly. (She says to herself, 'I am old-fashioned and conventional. I may be prejudiced and narrow-minded. I may be snobbish.' IP17/ 313.) The implication is, I think, that some more general conceptual reconfiguration takes place as the mother experiences the difficulty of consistently and confidently applying her initial set of concepts to the reality of the daughter-in-law before her (IP 31-4/324-6): 'We . . . grow by looking' (31/324). (Does it make sense, one might ask—filling in what might be one step in the mother's reflections—, for her to judge her daughter-in-law as being, *or not being*, 'insufficiently ceremonious' (IP 17/312)? What kind of ceremoniousness would it be appropriate for her to expect from her daughter-in-law? Is the presumption of a standard here itself something that needs to be put in question?" Iris Murdoch, *Philosopher*, ed. Justin Broakes (Oxford: Oxford University Press, 2012), p.13.

¹³ <http://www.nerve.com/news/politics/rush-limbaugh-calls-michelle-obama-uppity>

already changed from black to white) and that putatively black defendants were white, Houston challenged the plaintiffs to specify criteria sufficient clearly to distinguish blacks from whites, Negroes from non-Negroes. Plaintiffs' failure to meet Houston's challenge showed, he seems to have believed, that plaintiffs' concepts of a Negro, a white, and a non-Negro were too vague to serve the purpose of showing that the covenants had been violated.¹⁴ For Houston, challenging the aptness of these concepts for the purposes of enforcing covenants was "an educational technique that might shake up white covenant enforcers."¹⁵

Haslanger elaborates her account of ideology and ideology critique through a sympathetic yet critical appraisal of Tommie Shelby's account of the same. Shelby maintains 1) that racism is a type of ideology; 2) that an ideology is "*a widely held set of loosely associated beliefs and implicit judgments that misrepresent significant social realities and that function, through this distortion, to bring about or perpetuate unjust social relations;*" and 3) that the *function* of ideological belief justifies moral criticism, while the *false, propositional content* of ideological belief justifies epistemic criticism.¹⁶ Haslanger agrees with Shelby that racist ideology comprises beliefs and implicit judgments. But, she insists, that is not all it comprises.

Haslanger advances two reasons for rejecting or, at least, for supplementing, Shelby's understanding of racist ideology. The first—to use the terminology I have

¹⁴ For discussion of Houston's attack on racial definitions, see Clement E. Vose, *Caucasians Only: The Supreme Court, the NAACP, and the Restrictive Covenant Cases* (Berkeley: University of California Press, 1967), pp. 60-61, 84-87.

¹⁵ Richard R.W. Brooks and Carol M. Rose, *Saving the Neighborhood: Racially Restrictive Covenants, Law, and Social Norms* (Cambridge: Harvard University Press, 2013), p.131.

¹⁶ See Tommie Shelby, "Racism, Moralism, and Social Criticism." *DuBois Review* 11 (1), pp. 66, 68, 70. Shelby's emphasis.

introduced here, but which I take to be faithful to Haslanger’s argument—is that its scope is too narrow, for, by her lights, Shelby’s notion of racist ideology excludes conceptual repertoires. The second, related reason is that Shelby’s understanding of racist ideology, precisely because it is too narrow in scope, precludes the possibility of regarding the disruption of racist conceptual repertoires that form and guide social practices as a kind of epistemic criticism—that is, as *epistemic ideology critique*.

In Haslanger’s view, racist ideologies—that is, racist conceptual repertoires—partly *constitute* racist social practices (social practices that give people “reason to act in racist ways”¹⁷) as such. Thus, she argues that criticism that disrupts racist conceptual repertoires and that creates new experiences—by “queering our language, playing with meanings, and monkey-wrenching or otherwise shifting the material conditions that support our tutored dispositions”—effectively unsettles the racist practices that depend on these conceptual repertoires for their coherence and identity.¹⁸ Shelby’s understanding of racist ideology cannot count this kind of criticism as epistemic ideology critique, however, for it is the kind of criticism that targets practices and the conceptual repertoires practices entrench, not only the false beliefs (or implicit judgments) that perpetuate injustice. For Haslanger, Shelby’s understanding of epistemic ideology critique, no less than his understanding of ideology per se, is insufficiently wide in scope, for it restricts epistemic ideology critique to criticism (through reasoned debate and dialogue, for example) that questions the truth of false beliefs.¹⁹

¹⁷ Haslanger, “Racism, Ideology, and Social Movements,” p. 16

¹⁸ Ibid., p.10

¹⁹ Haslanger acknowledges that Shelby sometimes suggests that epistemic ideology critique can target cognitive error, as well as false beliefs. But to target cognitive error, she argues, is to target what is erroneous in “the individual’s thinking or

Haslanger's discussion of racist ideology belongs to a larger, social-theoretical argument about the nature of racist social practices and the social structures—the racial formations—they constitute. Here and elsewhere in her discussion of social practices and social structures, her analysis tends to shift back and forth between two themes: on one hand, the idea that social practices consist of causally and constitutively interdependent resources and interpretive schemes (including but not limited to culturally shared beliefs and concepts); on the other hand, the idea that individuals participate in practices.

Haslanger takes the two themes to be related, for she holds that individuals' participation in practices expresses the behavioral and emotional dispositions they form through the absorption (internalization) of interpretive schemes.²⁰ Through the remainder of this paper, I concentrate on the second idea—that individuals participate in practices—while remaining neutral with regard to the general usefulness of Haslanger's resources/schema framework for explaining the formation of individuals' behavioral and emotional dispositions.²¹ With a more limited agenda than Haslanger, I focus on individuals'

reasoning...not the very [conceptual and other] tools that our language and culture provide us in order to think." Ibid., p.9.

²⁰ Ibid. See, also, Sally Haslanger, "What is a (social) structural explanation?", *Philosophical Studies*, January 2016, Volume 173, 1: pp 113–130 and Sally Haslanger, *Resisting Reality* Oxford: Oxford University Press, 2012), chapters 15 and 17.

²¹ Here, I express just one reservation regarding Haslanger's account of racial formations: namely, that notwithstanding the suggestion that racial formations are dynamically homeostatic it fails to capture the historically fluid, processual character of these formations, which has resulted, in part, from the ongoing, political contestation of racist interpretive schemes. For contrasting, alternative accounts of racial formations that accord a central place to political struggle and contestation, but without reducing dynamism to "adjustments" to hierarchy (Haslanger, "Racism, Ideology, and Social Movements," p.17), see Michael Omi and Howard Winant, *Racial Formation in the United States* (New York: Routledge, 1986) and Desmond S. King and Rogers M. Smith, "Racial Orders in American Political Development," *American Political Science Review*, vol. 99, No. 1 (February 2005), 75-92.

agency—on their participation in social practices—in order to make a preliminary case for the thesis that a certain class concepts—what I shall call “anti-black concepts”—can play a critical role in constituting our social practices.

2. What is a Social Practice?

In recent work, philosophers have pointed to two, perhaps incongruous features of social practices. According to Michael Thompson, practices are at once general and actual. A practice is general in that a “social practice must be something that will characteristically be exhibited in indefinitely many acts of indefinitely many agents.” Thus, whatever else may be true of practices, whatever else they are, they “do not come to a limit in any action or event or in any totality of actions and events that could thereby be said to *satisfy*, *execute*, or *complete* them; they can only be said to be *manifested*, *instanced*, or *exhibited* in any such thing.” A practice is actual in that “however we are to understand such a thing, [it] evidently does not exist except through people’s acting and being disposed to act in accordance with it.”²²

In a similar vein, and expressing something of an air of paradox, Rahel Jaeggi writes that practices “are to a certain extent subject-independent patterns of action that are...not entirely trans-subjective; or in more concrete terms, they arise as it were *through* subjects and yet exist *prior* to them (and their intentions)...When engaged in a practice, we participate in something that already exists and at the same time we create it through our actions.”²³ Jaeggi points to the generality of practices, when she notes that they exist independently of, and seem to transcend, the intentional actions of the persons

²² Michael Thompson, *Life and Action: Elementary Structures of Practice and Practical Thought* (Cambridge: Harvard University Press, 2008), pp. 159-160.

²³ Rahel Jaeggi, *Critique of Forms of Life* (Cambridge: Harvard University Press, 2018), forthcoming.

who participate in them. She points to the actuality of practices, when she notes that they exist only through the actions that constitute them.

In the present section I build on Thompson's and Jaeggi's insights with the hope of rendering the concepts of generality and actuality, in Thompson's formulation, less "obscure."²⁴ To that end, I turn to Vincent Descombes' rearticulation of the account of social practices that Charles Taylor set forth nearly fifty years ago in his now classic essay, "Interpretation and the Sciences of Man."²⁵ "[P]ractices...cannot be conceived as a set of individual actions," Taylor wrote, "but...are essentially modes of social relation, of mutual action."²⁶

Taylor begins to explain the idea that practices are modes of social relation by alluding to John Searle's concept of constitutive (as distinct from regulative) rules—that is, rules, like the rules of chess, that define the very possibility of certain kinds of behavior, e.g., the kinds of moves a bishop or any other chess piece can make. If one suspended these rules, Taylor remarks, "then the whole range of behaviour—in this case, chess playing, would not be." Extending Searle's notion of the constitutive beyond strictly rule-governed behavior, Taylor proposes that social practices owe their coherence, not to constitutive *rules*, but to "constitutive *distinctions* [and]...*ranges of language* which are...inseparable" from the practices they constitute. For Taylor,

²⁴ See Thompson, *Life and Action*, p. 161.

²⁵ Charles Taylor, "Interpretation and the Sciences of Man," in Charles Taylor, *Philosophical Papers 2* (Cambridge: Cambridge University Press, 1985), pp.15-57; Vincent Descombes, "Is There an Objective Spirit," trans. Daniel M. Weinstock, in *Philosophy in an Age of Pluralism: The Philosophy of Charles Taylor in Question* (Cambridge: Cambridge University Press, 1994), pp.96-118; and Vincent Descombes, *The Institutions of Meaning: A Defense of Anthropological Holism*, trans. Stephen Adam Schwartz (Cambridge: Harvard University Press, 2014).

²⁶ Taylor, "Interpretation and the Sciences of Man," p. 36.

constitutive distinctions are modes of social relation that define and constitute social practices.²⁷

In his discussion of constitutive distinctions, Taylor suggests not simply that they define practices, but, in addition, that the application of such distinctions is essential to participating in—to carrying on—a practice. For example, applying the distinctions between being elected and not being elected; between a valid vote and an invalid one; and between a real choice and a coerced one is critical to participating in the practice of voting. Similarly, implementing the distinction between the sorts of things it is appropriate to do or say to break off negotiations and the sorts of things it is appropriate to do or say, say, to make a new offer is essential to participating in the practice of negotiation.²⁸ Taylor relies on the notion of a constitutive distinctive to capture what Thompson and Jaeggi describe as the generality of practices and the priority of practices to the subjects who enact them. And he relies on a picture of persons as engaging in and carrying on practices through the implementation of constitutive distinctions to express the insight that practices are actual, that they exist only by virtue of the actions of the individuals who participate in them.

But what, exactly, is a constitutive distinction, and what does it mean to say that a constitutive distinction is a “mode of social relation?” In his interpretation of Taylor, Vincent Descombes helps us to answer these questions by focusing in particular on the distinctions between the complementary social roles, statuses, and positions that

²⁷ For the material quoted in this paragraph, see Taylor, “Interpretation and the Sciences of Man,” pp.34-35.

²⁸ Ibid., pp. 32-35.

constitute practices and institutions²⁹: for example, the distinction between buyer and seller, which constitutes the practice of purchasing; between teacher and student, which constitutes the practice of teaching; between lord and serf, which constitutes the institution of serfdom; and between Roman citizen and Roman woman, which constitutes the institution of the Roman household. According to Descombes, each of these distinctions is a distinction between internally related roles or statuses: that is, between roles or statuses such that each role or status is intrinsically defined through its relation to a contrasting role or status. On this view, then, the proposition that distinctions constitute a practice is just shorthand for the claim that the roles and statuses constituting a practice are intrinsically defined through their relations to (at least some) contrasting roles and statuses. And, on this view, the idea that constitutive distinctions are modes of social relation is but shorthand for saying that a constitutive role's (or status's) internally defining relations to (at least some) contrasting roles (or statuses) make it a *social* role. Social relations can be polyadic, but at minimum, Descombes suggests, “the social...exists in the form of a *dyadic unity*.”³⁰

²⁹ On this account, roles and statuses count as complementary just in case they are intrinsically defined through their relations to one another. On this point Castoriadas is illuminating: “There would be no roles if there were not a play; how could there be any roles, if the ensemble of roles did not form one play?... It is possible that at times people drape themselves in Roman tunics to play the bourgeois revolution—or that a general wants to play Joan of Arc in twentieth-century dress; but how is it that, in real history, it is never Zerlina who replies to Agamemnon and that Brutus never has Monsier Perrichon for his friend and confidant? There is no serf without a lord, and vice versa.” Cornelius Castoriadas, *The Imaginary Institution of Society*, trans. Kathleen Blamey (Cambridge: MIT Press, 1998), p. 366.

³⁰ See Descombes, “Is There an Objective Spirit,” pp. 117-118 and Descombes, *The Institution of Meaning*, p. 307. For the textual bases of my summary account of Descombes reading and reconstruction of Taylor, see “Is There an Objective Spirit,” *passim*, as well as *The Institutions of Meaning*, pp. 295-303.

Descombes remarks on the insight that practices will characteristically be exhibited in indefinitely many acts of indefinitely many agents when he describes the “meaning” of practices as “anonymous” and “impersonal”—that is, as defined independently of the opinions and prior to the actions of any one of the individuals whose actions manifest the practice. To this insight, Descombes adds the thought that the anonymous generality characteristic of social practices also characterizes the internally related social roles and social statuses that constitute them. In this connection, he writes that the complementary roles and statuses that constitute a practice are “determined by an established rule, a social custom” that the indefinitely many partners enacting those roles and statuses follow.³¹ The role-enacting actions of these partners could be said to be *mutual*, in Taylor’s sense, for an agent’s actualization of a practice-constituting role or status implements and relies in common on the same structure of internally related roles and statuses as any other agent’s participation in the practice.

In this section, I have been explaining Taylor’s and Descombes’s relational conception of social practices—what Descombes calls a “holistic” conception³²—and using it to elaborate the idea that practices can be at once general and actual. In the next section, further to clarify this idea, I contrast the relational conception to the conception that Taylor rejects—the notion of practices as sets of individual actions—by comparing two accounts of the practice of slavery: one, by the slave-turned-abolitionist, Frederick Douglass; the other, by the contemporary philosopher, Jason Stanley.

³¹ Descombes, *The Institutions of Meaning*, p. 301.

³² Descombes dubs his relational conception, “structural holism,” which he contrast with “collectivist holism,” a form of holism that “makes an indivisible whole out of a plurality,” and that he rejects (see *Ibid.*, xxii and *passim*). See Haslanger, “What is a (social) structural explanation?” for the articulation and defense of a structural holist account of structural explanation.

3. Slavery, Stanley, and Douglass

I begin with Stanley. To appreciate Stanley's conception of slavery as a practice, we must take a detour through his theory of ideology.

Stanley takes ideology to be a matter of belief; drawing inspiration from David Hume, he claims that the "distinctive and controversial property of ideological belief is its resistance to rational revision." For Stanley, resistance to rational revision is the feature of beliefs that a theory of ideology is devoted to explaining. And beliefs resist rational revision, he argues, because the prospect of abandoning them threatens our social identities. Among ideological beliefs, Stanley focuses in particular on *flawed* ideological beliefs, where a flawed ideological belief is "a difficult to abandon false belief the presence of which hinders the acquisition of knowledge." Stanley similarly takes concepts to be flawed when, like flawed ideological beliefs, they inhibit the acquisition of knowledge. Flawed ideologies comprise flawed concepts and conceptual schemes, as well as flawed beliefs.³³

A signal virtue of Stanley's theory is that it proposes an account of the relation between ideological beliefs and social practices. Stanley illustrates his understanding of that relation through a discussion of the ideology of the members of a prosperous, antebellum slave-owning southern family, who have grown up with the expectation that their slaves will cook and clean for them, raise their children, and work the plantation to provide for their well being. Stanley writes:

³³ For the material quoted in the paragraph, see Jason Stanley, *How Propaganda Works* (Princeton: Princeton University Press, 2015), pp. 187, 199. For a more detailed and critical analysis of Stanley's theory of propaganda and ideology, see Robert Gooding-Williams, "Review Essay: Jason Stanley's Theory of Propaganda and Ideology," *Constellations* 24 (2): 267-273.

The beliefs that are part of this ideology are beliefs like (i) the belief that slaves will cook them dinner, (ii) the belief that slaves clean the house, and (iii) the belief that the slaves will work in the field and collect cotton that is sold on the market for the family's gain. These are beliefs that constitute the ideology of this family. They are, as [Sally] Haslanger writes, "representations of social life that serve in some way to undergird social practices." It is because of the expectation of a dinner without labor that they arrive at the table without first cooking in the kitchen. It is because of the expectation of slaves cleaning the house that they retire to bed without doing any household chores. It is because of the belief that slaves should do fieldwork that they spend the day in the house rather than laboring in the hot sun. These beliefs are the ones that explain their everyday behavior. This is what I will provisionally at least take to be their ideology³⁴

In Stanley's example, the beliefs in question count as ideological because they resist rational revision, and they resist rational revision because they would be difficult to abandon. Stanley adds that these beliefs might well "give rise" to flawed ideological beliefs that would keep the members of the slave-holding family "from gaining knowledge about their social world."³⁵

The members of the slave-owning family would find it difficult to abandon the beliefs that the slaves will cook, clean, and so forth, because, by hypothesis, these beliefs "guide" the family members through their social lives;³⁶ or, more exactly, because family members take the prospect of abandoning these beliefs as a threat to their social identities. The flawed ideological beliefs to which the beliefs that the slaves will cook, clean, and so forth could give rise include the false, racist beliefs that blacks are inherently lazy, violent, and incapable of self-governance. These beliefs would count as ideological, for, as before, they would resist rational revision; and they would count as

³⁴ Ibid., p.193

³⁵ Ibid.

³⁶ Ibid.

flawed, for they would be hard to abandon false beliefs the presence of which protected family members “against considering the hypothesis that slavery is an unjust institution.”³⁷

How do social practices figure in Stanley’s example? Notice, first, that the example equates the slave-owning family’s “practices” with the “everyday behavior” of the family members: that is, with the daily performance of multiple sets of successive individual actions, the succession of which actions tokens (exhibits) one or another habitual, behavioral routine:³⁸ e.g., the routine of arriving at the table without first cooking in the kitchen; the routine of retiring to bed without doing any household chores; and the routine of spending the day in the house rather than laboring in the hot sun.³⁹ Notice, too, that Stanley invokes Haslanger to support the view *that ideological beliefs explain the daily enactment of behavioral routines*⁴⁰—in the example, that family members’ beliefs that they will dine without labor, that slaves will clean the house, and that slaves will work the cotton fields explain the everyday performance of the routines of arriving at the table, retiring to bed, and so forth. In elaborating the example, Stanley adds that family members might advance flawed ideological beliefs to justify the beliefs and the expectations that explain their routine behavior.⁴¹

³⁷ Ibid., p.194.

³⁸ Stanley’s suggests elsewhere that the structure of a practice is constituted through habit. See, Ibid., pp. 196-197.

³⁹ Here, I am thinking of routine-exhibiting actions like “arriving at the table without first cooking in the kitchen” as inclusive actions that comprise a succession of individual actions. On this idea, see Thompson, *Life and Action*, p. 158.

⁴⁰ For the Haslanger passage that Stanley quotes, see Haslanger, *Resisting Reality*, p. 411.

⁴¹ Stanley, *How Propaganda Works*, p.194.

I have turned here to Stanley's description of the practice of slavery not in order to challenge his evident effort to show that his account of the relation between social practices and ideology can accommodate Haslanger's practice-centered approach, but, again, to contrast a relational conception of social practices to a conception that treats social practices as sets of individual actions.⁴² Perhaps unfairly, I have relied on Stanley's brief but philosophically interesting portrait of American slavery to exemplify the second conception and, more importantly, to throw into relief Frederick Douglass's autobiographical illustration of the first. Let me turn, then, to Douglass's *My Bondage and My Freedom* (henceforth *Bondage*).⁴³

In the letter Frederick Douglass contributes to the "Editors Preface" to *Bondage*, he tells his readers that he has written his autobiography in order to enlighten the public mind as to the "true nature, character, and tendency of the slave system."⁴⁴ Douglass's narrative serves this purpose, I suggest, because it illuminates the slave's lived experience of subjection to the slave system. Throughout *Bondage*, Douglass most emphasizes not the perspective of the masters—not, for example, the beliefs and expectations that explain the everyday behavior of the masters—but the perspective of the slaves; and he emphasizes the perspective of the slaves, not, chiefly, to identify the beliefs and expectations that explain the slaves' behavior, but to give an account of the practice of

⁴² In at least one place, Stanley presents his account of social practices as relational. It is significant, however, that the relations he has in mind are external relations between individual persons, not internal relations between roles and social statuses. See *Ibid.*, p.196.

⁴³ Frederick Douglass, *My Bondage and My Freedom*, ed. Williams Andrews (Urbana: University of Illinois Press, 1987).

⁴⁴ *Ibid.*, p.4.

slavery—that is, of the nature, character, and tendency of the *slave system* as an enterprise that conditions his and other slaves’ daily lives.

According to Douglass, slavery is, in essence, the practice of treating human beings as chattel; or, more exactly, as a kind of specifically animal property; a core feature of the practice, he repeatedly argues, is the subjection of slaves to the unconstrained (absolute), arbitrary power of the persons who own them—that is, to the arbitrary power of their masters, or their masters’ proxies (e.g., overseers). For Douglass, the practice of treating human beings as animal property is constituted by several constitutive distinctions—that is, by several internally related roles and statuses, as well as by the omission of several, internally related roles and statuses.

Regarding the former, Douglass emphasizes that chattel slavery relies on the status distinction between living beings that may be treated as property and living beings that must be treated as persons.⁴⁵ In a similar vein, he highlights the internal relations of rank—e.g., between master and slave, overseer and slave, and master and overseer—that generally organize the slave plantation.⁴⁶ Douglass also highlights distinctions between the contrasting roles and functions that masters assign slaves: e.g., between the role of the “discriminately selected” house servant and the role of the field hand whom the house servant resembles in “nothing, except in color”; and, e.g., between the slave purchased to

⁴⁵ Ibid., pp.272-277.

⁴⁶ See, e.g., Douglass’s remark that “[t]he idea of rank and station was rigidly maintained on Col. Lloyd’s plantation. Our family never visited the great house, and the Lloyds never came to our home. Equal non-intercourse was observed between Capt. Anthony’s family and that of Mr. Sevier, the overseer.” See, too, his account of the “legal and social relation” obtaining between master and slave. A master, he says, “is one...who claims and exercises a right of property in the person of a fellow-man.” Ibid., pp. 53, 272.

labor and the slave purchased to mate with other slaves.⁴⁷ Finally, and quite brilliantly, he shows that the masters, overseers, and other proxies who enact the practice of treating human beings as animal property apply a specific range of vocabulary and concepts to mark these practice-constitutive distinctions—indeed, he uses quotation marks and/or italics to call attention to the most relevant vocabulary, the sense of which he explains with reference to the distinctions that this vocabulary marks.

Douglass notes, for instance, that a slave overseer may conceptualize a female slave “simply ‘*as a breeder*’” to be mated with other slaves, so that the overseer can obtain the “respectability” that comes with the accumulation of wealth in human property. Commenting on the terminology that masters and overseers use to manage recalcitrant, animal property, he likewise notes that the charge of “impudence” is standardly used to pick out slaves for punishment. In addition, he emphasizes that, while some deferential slaves have been “*well broken*” and rendered tractable, others need “*to be broken*” and to be “put...out” to men like Edward Covey, “the Negro Breaker,” who have mastered the “art of negro breaking.”⁴⁸

Regarding the omission of certain distinctions, Douglass remarks that “[a] person of some consequence here in the north, sometimes designated *father*, is literally abolished in slave law and slave practice,” adding that “[s]lavery does away with fathers, as it does away with families, and its laws do not recognize their existence in the social arrangement of the plantation.” In treating human beings as chattel, the legally structured practice of slavery treats neither biological slave fathers nor biological slave mothers as persons who could assert custodial rights with regard to their children; thus, it never

⁴⁷ Ibid., p.71.

⁴⁸ For the material quoted in this paragraph, see Ibid., pp. 61, 78, 126, and 135.

mobilizes the concept of a biological slave parent who could claim that deontic status, or the concept of a slave family that is constituted (in part) by such deontic statuses. Indeed, it is precisely because the practice of slavery has and in principle can have no use for these and other related statuses that, I propose, Douglass regards it as failing to recognize the existence of fathers and families.⁴⁹

A thought experiment helps to clarify the point: suppose that slave masters were to attempt to mobilize a concept of “deontic parenthood,” hoping thereby to establish a distinction of legal standing between slaves who enjoyed custodial rights vis a vis their biological children and slaves who enjoyed no such rights. Were the slave masters successful in this effort, then, Douglass suggests, they would have ceased to treat as slaves, as animal property, the biological parents to whom they had assigned custodial rights, because treating them as deontic parents would have been inconsistent with treating them as slaves. After all, what farmer takes account of the custodial rights of an ox before striking its offspring with an ox goad?

“The condition of a slave,” Douglass writes, “is simply that of a brute beast...he is spoken of, thought of, and treated as property.”⁵⁰ With these words, Douglass summarizes his belief that slavery is not simply an aggregate of sets of individual actions that token general, behavioral routines: e.g., the routines of beating impudent slaves and favoring house servants; or, to revert to Jason Stanley’s scenarios, the routines of arriving at the table without first cooking in the kitchen and retiring to bed without doing any household chores. In addition, it is a system: a structure of anonymous and internally related social roles and statuses, the enactment and implementation of which in

⁴⁹ For the material quoted in the paragraph, see *Ibid.*, pp. 29, 38.

⁵⁰ *Ibid.*, p. 252.

indefinitely many acts of indefinitely many agents 1) treats, thinks of, and speaks of human beings as animal property that may be broken and sold as oxen may be broken and sold; that may be bred as dogs may be bred; and that may be flogged and punished as horses may be flogged and punished; and 2) omits to treat, think of, and speak of those same human beings as *anything but* animal property. When we conceptualize the practice of slavery simply as an aggregate of sets of individual actions, then, Douglass implies, we exclude from our understanding of the practice the very background social relations we presuppose in characterizing an action, or a set of individual actions, as participating in the practice: e.g., the background social relations we presuppose in describing an act of partisanship *as an action favoring house servants and, therefore, as exhibiting the practice of slavery*; or that we presuppose in describing an act of arriving at the table without first cooking in the kitchen *as an action expressing a prerogative of slaveholders and, therefore, again, as exhibiting the practice of slavery*.

I began this paper by indicating that one of its key aims is to shed light on the thesis that conceptual repertoires constitute practices. To that end, I conclude the present section by considering Douglass's belief that the concepts of property and, specifically, animal property help to constitute the practice of slavery. As I read Douglass, his central thought is that the concept of animal property is a general, constitutive feature of the practice of treating human beings as chattel because the application of that concept to human beings is an essential feature of several of the internally related roles constituting the practice—e.g., the roles of master and overseer.⁵¹ Douglass develops this thought, as

⁵¹ If, following Anthony Giddens, we think of roles as specifying “generalized expectations,” then Douglass's point could be rephrased as claiming that one of the generalized expectations defining the roles of master and overseer is the

well as the idea that resistance to an oppressive social practice can disrupt the application of the concepts that constitute it, through his depiction of his fight with the aforementioned overseer and “Negro breaker,” Edward Covey.

Social and political philosophers have variously analyzed Douglass’s narrative of his fight with Covey, but here I emphasize just one aspect of that narrative⁵²: namely, Douglass’s explanation of Covey’s decision to terminate his effort to break Douglass. Douglass initially suggests that Covey was motivated by fear of physical harm to avoid a “second fight.” But to that explanation, Douglass adds a second: namely: that “[a] man without force is without the essential dignity of humanity. Human nature is so constituted that it cannot *honor* a helpless man, although it can *pity* him; and even this it cannot do long, if the signs of power do not arise.” With these remarks, Douglass implies that a slave who remains helpless in the face of domination will not manifest the dignity he must manifest to motivate anyone with a human nature to accord him the honor—the respect—he deserves. Dignity expresses the slave’s struggle to resist the practice of treating him as animal property. And dignity is “essential,” not because a human being cannot be human without it, but because he cannot induce respect without it—either the respect of others or self-respect. Douglass suggests, in effect, that by fighting Covey and

expectation that master and overseers will apply the concept of animal property to the individuals they dominate and treat them accordingly. See Anthony Giddens, *Social Theory and Modern Sociology* (Stanford: Stanford University Press, 1987), p.118.

⁵² See, e.g. Cynthia Willet, *Maternal Ethics and Other Slave Moralities* (New York: Routledge, 1995), chapter 6; Bernard Boxill, “Fight with Covey,” in Lewis Gordon ed., *Existence in Black: An Anthology of Black Existential Philosophy* (New York: Routledge, 1997), chapter 21; Robert Gooding-Williams, *In the Shadow of Du Bois: Afro-Modern Political Thought in America* (Cambridge: Harvard University Press, 2009), chapter 5; and Neil Roberts, *Freedom as Marronage* (Chicago: University of Chicago Press, 2015), chapter 2.

Ideology Paper (Draft 3)

resisting Covey's treatment of him as animal property, he compelled him to acknowledge his (Douglass's) humanity, the acknowledgement of which motivates Covey to terminate his effort to break Douglass.

But why would Douglass believe that this acknowledgement would make a difference to Covey, motivating Covey to cease treating Douglass as he had been treating him? *Bondage's* epigraph, which comes from Samuel Taylor Coleridge's *A Dissertation on the Science of Method*, suggests an answer to this question:

By a principle essential to Christianity, a PERSON is eternally differentiated from a THING; so that the idea of a HUMAN BEING, necessarily excludes the idea of PROPERTY IN THAT BEING.⁵³

Bondage's epigraph entails that the application of the concept of property to a human being is inapt. It is plausible to suppose, then, that Douglass held that Covey's acknowledgement of his humanity made a difference to Covey because Douglass reasons 1) that that acknowledgement entailed Covey's recognition that, since Douglass is a human being, the concepts of property and animal property are unsuitable in their application to Douglass; and 2) that Covey, in recognizing that the application of these concepts to Douglass has been inapt, also sees that other concepts constitutive of the practice of treating human beings as chattel are (or would be) unsuitable in their application to Douglass: e.g., the concept of "negro breaking," which applies to unruly property, and the concept of a "breeder," which applies to property that can be mated with other property to produce more property. Quoting Coleridge's dissertation, Douglass expresses his own belief that the application of these concepts to human beings

⁵³ For Douglass's epigraph, see *Bondage*, p.1. For a more detailed discussion of Douglass and Coleridge, to which I am indebted, see Roberts, *Freedom as Marronage*, chapter 2.

is unsuitable and amounts to a category mistake. Representing his fight with Covey as a form of successful, epistemic ideology critique, he depicts Covey's termination of his effort to break Douglass as stemming from Covey's coming to endorse the belief that, in treating Douglass as animal property, *his* application of these concepts to Douglass was unsuitable and amounted to a category mistake.

4. The Ferguson Report

I turn now to the US Justice Department's investigation of the Ferguson Police Department. According to the Justice Department, a confluence of racial bias and policing-to-raise-revenue in the FPD resulted in a pattern of conduct that violated statutory as well as constitutional law, and that disproportionately harmed Ferguson's African American citizens. To substantiate the attribution of the racially disparate and harmful impact of FPD policing to racial bias and discriminatory intent, at least in part, the Ferguson Report cites as evidence 1) that police supervisors and court staff (including FPD supervisors and commanders) regularly circulated and forwarded e-mails that stereotyped racial minorities as criminals and 2) that several city officials, in their interviews with the Justice Department, often stereotyped African Americans as lacking personal responsibility. This "personal-responsibility refrain," the Report notes, "reflects many of the same racial stereotypes found in e-mails between police and court supervisors." More generally, the DOJ "investigation uncovered direct evidence of racial bias in the communications of influential Ferguson decision makers." The Ferguson Report describes "[t]he content of these communications...[as] unequivocally derogatory, dehumanizing, and demonstrative of impermissible bias."⁵⁴

⁵⁴ *The Ferguson Report*, pp. 5, 71.

For present purposes, the most salient feature of the Ferguson Report’s admittedly limited account of the role of racial bias in the FPD’s policing activities is the information that, within the FPD, racial bias and stereotype not only circulated but circulated without being “reported as inappropriate.”⁵⁵ What this suggests, I propose, is that explicitly disparaging and stigmatizing anti-black racial stereotypes shaped the ordinary, business-as-usual, communications of the FPD, and that we may err in taking these stereotypes simply, or primarily, as evidence of bias, or of the intent to discriminate—that is, as evidence of psychological states attributable to discrete individuals. To be sure, I do not deny the power of such an approach. Here, however, I take a different tack, and suggest that we take FPD employees’ taken for granted, quotidian e-mail communications of pejorative stereotypes as evidence of the workings of a *practice of policing* in which police officers participated—as evidence, that is, of what the DOJ report describes as a policing “culture.”⁵⁶

In recent work, law professors Bryan Stevenson and Paul Butler have considered racist policing in a similar perspective. According to Stevenson, “People of color in the United States...are burdened with a presumption of guilt and dangerousness...this presumption of guilt and the racial narrative that created it have significantly shaped every institution in American society, especially our criminal justice system.”⁵⁷ In a similar vein, Paul Butler has argued that “the crisis in law and order in the United States

⁵⁵ Ibid., p. 72.

⁵⁶ The literature on police culture is extensive. I have found Janet Chan’s Bourdieu-inspired approach to be especially helpful. See, e.g., Janet B. L. Chan, *Changing Police Culture: Policing in a Multicultural Society* (Cambridge: Cambridge University Press, 1997).

⁵⁷ Bryan Stevenson, “The Presumption of Guilt: The Legacy of America’s History of Racial Injustice,” in *Policing the Black Man: Arrest, Prosecution, and Imprisonment*, ed. Angela J. Davis (New York: Pantheon, 2017), pp.4-5.

stems from police work itself rather than from individual cops....Police violence and [racially] selective enforcement are not so much flaws in the American criminal justice system as they are integral features of it.”⁵⁸ While Stevenson and Butler present historical and sociological evidence for their claims, my related but different aim here is conceptually to illuminate the distinct picture of policing and criminal justice in the United States that they outline and defend. More exactly, it is to use the Ferguson Report to construct a partial but general (Thompson), subject-independent (Jaeggi) model of the American practice of policing that captures Stevenson and Butler’s suggestion that selective enforcement, a racialized presumption of guilt, and anti-black racial bias, besides rendering this practice racist, are *integral, constitutive* features of the practice itself.⁵⁹

Consider, then, the Ferguson Report’s summary description of the policing culture exhibited by Ferguson’s approach to law enforcement:

Partly as a consequence of City and FPD [revenue generating] priorities, many officers appear to see some residents, especially those who live in Ferguson’s predominantly African-American neighborhoods, less as constituents to be protected than as potential offenders and sources of revenue.

⁵⁸ Paul Butler, *Chokehold: Policing Black Men* (New York: The New Press, 2017), pp. 2, 6.

⁵⁹ My thought here is that it is fruitful to consider racial bias and the presumption of (blacks’ and especially black men’s) guilt *not* as psychological states, but as dispositional features of the American practice of policing. Put differently, I am attempting to conceptualize racial bias and the presumption of guilt in relation to the practice of policing as Michael Thompson conceptualizes the disposition of fidelity in relation to the practice of promising. Thompson (*Life and Action*, p. 209) writes that “that through which we understand any one person’s many practice-instancing acts of fidelity is precisely that through which we understand any other act of fidelity performed by him, or indeed by any other agent; considered as a cause or source of action, this item is not a prior event and is in some sense present in any of the agents; it might be formulated in a description of the practice.”

This culture within the FPD influences officer activities in all areas of policing, beyond just ticketing. Officers expect and demand compliance even when they lack legal authority. *They are inclined to interpret the exercise of free speech rights as unlawful disobedience, innocent movements as physical threats, indications of mental or physical illness as belligerence.* Police supervisors and leadership do too little to ensure that officers act in accordance with law and policy, and rarely respond meaningfully to civilian complaints of officer misconduct. The result is a pattern of stops without reasonable suspicion and arrests without probable cause in violation of the Fourth Amendment; infringement on free expression, as well as retaliation for protected expression, in violation of the First Amendment; and excessive force in violation of the Fourth Amendment.⁶⁰

At least three features of the practice of policing sketched here merit attention. I note, first, that the Ferguson Report describes a practice of subjecting black neighborhoods to the arbitrary power of police officers—just the sort of power that Martin R. Delany, the 19th century black political philosopher, took to be the linchpin of the racial domination of free blacks and black slaves alike. Because police supervisors failed to hold officers accountable to the requirements of law and policy, Ferguson’s police officers consistently discarded several of the constitutional rights (elsewhere, the Report documents Fourteenth as well as First and Fourth Amendment violations) otherwise enjoyed by black citizens; to borrow Delany’s words, the police force effectively “degraded” and “debased” the citizenship of black citizens.⁶¹ In Ferguson, the practice of policing black neighborhoods occasioned the political subordination of black citizens, for it was a practice of coercively and wrongfully stripping their citizenship of some of its generally treasured prerogatives and, therefore, of rendering it inferior in rank to the citizenship of the white citizens of Ferguson. In Imani Perry’s felicitous words, it

⁶⁰ *The Ferguson Report*, p. 2. Emphasis mine.

⁶¹ Martin R. Delany, *The Condition, Elevation, Emigration, and Destiny of the Colored People of the United States* (Bensenville: Lushena Books, 2014), p.153.

was an unjust “practice of inequality.”⁶² To the extent that Ferguson’s white citizens regarded FPD actions as generally bearing the authority of the state, we may worry that they regarded this practice of inequality as legitimate.⁶³

I note, second, that the internally related roles of police officer and offender constituted the practice of policing Ferguson’s black citizens. Indeed, a scrupulous reading of the entire Ferguson Report—over and beyond the summary description I have quoted here—suggests that the FPD treated black citizens not simply as “potential offenders” whose offences could be financially exploited, but as *actual offenders* whose offences could be so exploited. In effect, the FPD’s political subordination of black citizens obtained through the indefinitely many acts of indefinitely many police agents who, through their actions, exhibited a practice structured by the roles of police officer and *criminal*.

I note, third, that individual members of the FPD acted in accordance with the general role of police officer *when they assigned black citizens the role of actual offender—that is, the role of criminal; or, in other words, when they applied a concept of criminality to black citizens*. In Ferguson, subsuming black citizens under a concept of criminality was an essential feature of the role of police officer; thus, some such concept was a general, constitutive feature of the FPD’s practice of policing. Put otherwise, when FPD police officers violated black citizens’ constitutional protections, based on their

⁶² See Imani Perry, *More Beautiful and More Terrible: The Embrace and Transcendence of Racial Inequality in the United States* (New York: New York University Press, 2011), passim.

⁶³ For related considerations regarding the perceived authority and legitimacy of pornography, see Rae Langton, *Sexual Solipsism: Philosophical Essays on Pornography and Objectification* (New York: Oxford University Press, 2009), pp. 44-45.

interpretation of black citizens’ “exercise of free speech rights as unlawful obedience”; or based on their interpretation of black citizens “innocent movements as physical threats;” or based on their interpretation of black citizens “indications of mental or physical illness as belligerence,” they were applying a practice-constitutive notion of criminality to black citizens and satisfying an anonymously general demand of their role.

But what notion were they applying? In answering this question, I follow Haslanger and Jennifer Saul in distinguishing between operative and manifest concepts. Let us say that the manifest concept of a term is the concept that we would come to endorse by way of reflective equilibrium—e.g., by comparing our intuitions about individual cases, both actual and hypothetical, to the definitions we formulate when asked to reflect on our concepts. And let us say that the operative concept is the one tracked by our actual use of a term in practice. Saul helpfully explains the distinction by contrasting our operative and manifest concepts of democracy:

If we are investigating our operative concept of democracy, then, we may well find that we apply the term far more broadly than our manifest concept would suggest. It may turn out that our operative concept of democracy requires only regular elections and that all adult citizens be formally permitted to vote. This is compatible with substantial voter intimidation, great variation in access to polling places, and ballots going uncounted. We could find out that this is our operative concept by noticing that in fact we apply the term ‘democracy’ even when we know that voters were intimidated, ballots went uncounted, and so on ⁶⁴

So which concept of criminality—manifest or operative?—were the FPD officers implementing when, in exhibiting the role of the police officer and the practice of

⁶⁴ See Haslanger, *Resisting Reality*, chapters 2, 13; See also Sally Haslanger and Jennifer Saul, “Philosophical Analysis and Social Kinds, II, Gender and Race,” *The Aristotelian Society Supplementary Volume* 80, 1 (June 2006): 124.

policing, they applied a concept of criminality to black citizens? What, moreover, was the content of the concept they implemented?

The right answer to the first question, I suggest, is “the operative concept”: that is, the concept of criminality tracked by the e-mails cited in the Ferguson Report as stereotyping racial minorities. Regarding the second question, I propose that the operative concept of being a criminal in Ferguson was a cluster concept, such that having no one property was necessary to make a person a criminal, while having any one of several properties, or several sets of properties, sufficed to make a person a criminal.⁶⁵ I refrain from spelling out details here, except to conjecture that one of the properties the possession of which sufficed to satisfy the FPD’s operative concept of being a criminal was the property of being black. If that suggestion is right, then the FPD’s operative concept of criminality was racially loaded, for it licensed the tendency to interpret black citizens’ rejoinders to police actions, their innocent movements, and their expressions of illness as so many instances of criminal behavior, and hence as warranting police actions that in fact violated black citizens’ First and Fourth Amendment protections. In Ferguson, the role of police officer required subsuming black citizens under a concept of criminality that counted black citizens as criminals just in virtue of being black.⁶⁶ An e-

⁶⁵ The literature on cluster concepts is extensive. For the purposes of the present essay, I have especially benefitted from David Hull, “The Effect of Essentialism on Taxonomy--Two Thousand Years of Stasis (II),” *The British Journal for the Philosophy of Science*, 16, 61 (May, 1965): 1-18

⁶⁶ In recent work, Tommie Shelby has argued that intrinsic institutional racism obtains if, for example, the criteria for assigning an individual one or more of the roles belonging to the formal system of roles constituting an institution are racially biased. In a related vein, and to state my point in Shelby’s terms, I am arguing that the FPD’s practice of policing relied on a racially biased criterion—the property of being black—to assign black citizens the role of criminal, a role that, in this case, is *not* formally defined through the specification of a system of roles. Still, it is

mail that circulated among police supervisors and court staff seems explicitly to have tracked and expressed precisely this concept when it “joked about an abortion by an African-American woman being a means of crime control.”⁶⁷

It is reasonable to characterize the concept of criminality that was operative in the FPD’s practice of policing black neighborhoods as a racist, *anti-black concept*: that is, as a concept that authorizes citizens to infer, from the consideration that a fellow citizen is black, that he, she or they is an outlaw—broadly speaking, a deviant whose beliefs, character, capabilities, and/or behavior contravenes conventional and mainstream norms and expectations, thereby rendering that person a misfit, an inferior, a dysfunctional blight on civil society, a threat to law and order or, at the very limit, something other than human.⁶⁸ To be sure, the idea of an anti-black concept deserves more attention than I can give it here, but we should consider the possibility that such concepts pervade our world. Another, perhaps obvious example is the notion of personal responsibility that was operative in the e-mails sent between police officers and court supervisors in Ferguson, where it seems that having the property of being black sufficed to rule out the possibility of being personally responsible. A less obvious, counterintuitive, but all the more pertinent example is the concept of romantic love, but Darryl Pinckney’s reading of the

plausible, I think, to describe the FPD’s practice as an instance of intrinsic institutional racism. See Tommie Shelby, *Dark Ghettos: Injustice, Dissent, and Reform* (Cambridge: Harvard University Press, 2016), pp. 25-26. Thanks to Cesar Cabezas Gamarra, whose recent work alerted me to the connection between Shelby’s thinking on these issues and the line of argument I develop here.

⁶⁷ *The Ferguson Report*, p.5.

⁶⁸ In the language of John Locke’s *Second Treatise*, anti-black concepts, at the limit, support the inference that, if a someone is black, he/she/they is “a Criminal, who having renounced reason, the Common Rule and Measure...hath...declared War against all Mankind, and therefore may be destroyed as a *Lyon* or a *Tyger*” (see John Locke, *Two Treatises of Government*, ed. Peter Haslett (Cambridge: Cambridge University Press, 1960), p.274.

movie *Moonlight*—specifically, the claim that the film “bestows the capability of feeling romantic love onto a figure that has long been a symbol of predatory sexuality: the big, bad black male”⁶⁹—interprets it as exposing the anti-blackness implicit in the concept of romantic love that animates the lives of our fellow citizens. As Pinckney views the film, it prompts us to see, much to our chagrin, that our operative concept of romantic love excludes the possibility that big, bad black men enjoy tender, amorous feelings of affection. In a similar vein I suggest that Chris Ofili’s painting *The Thinker*, a portrait of a hyper-sexualized black woman in the image of Rodin’s famous sculpture, compels us to recognize that the concept of intellectual seriousness operative in some of our colleagues’ professional practices and some of our fellow citizens’ daily lives excludes the possibility that black women think weighty thoughts.⁷⁰

Where anti-black, operative concepts circulate in a political culture like the one we currently inhabit in the United States, politicians will often mobilize them through the deployment of coded, anti-black political discourse. It would be a mistake, however, to suggest that the political mobilization of such concepts is all that should worry us. For, as the Ferguson report suggests, and as I have been arguing, unnoticed anti-black concepts constitute and shape ordinary practices (like policing black neighborhoods) and involvements (like falling in love and deciding whose ideas to take seriously). When

⁶⁹ Darryl Pinckney, “Moon Over Miami,” *The New York Review of Books*, April 20, 2017 Issue.

⁷⁰ As I interpret Ofili’s painting, it shows that our taken for granted, operative concept of intellectual seriousness tends to exclude black women, for, in the perspective of our culture’s “white gaze,” black women are hyper-sexual and being hyper-sexual is incompatible with being intellectually serious. Ofili’s painting and *Moonlight* demonstrate what Martin Heidegger famously described as the world-disclosive power of works of art, for they expose the anti-black conceptual motifs that contaminate the world, or worlds, inhabited by US citizens. Another artwork that deserves mention in this vein is Claudia Rankine’s *Citizen: An American Lyric*.

anti-black concepts become the stuff of our entrenched common sense, a part of the point of epistemic ideology critique is to render them explicit and, as Haslanger has suggested, to unsettle them. Regarding practices of policing and political subordination of the sort that we have seen in Ferguson and elsewhere, the Black Lives Matters movement has played a critical and salutary role in advancing precisely these aims. For to take seriously the *exhortation* that “Black Lives Matter” (and “Black Lives Matter” is not simply a statement of fact, it is also an exhortation) is, in part, to answer a call to acknowledge and challenge the latent yet pervasive anti-black practices and conceptual repertoires that the movement has insistently and relentlessly brought to light, demanding that we see and transform them.⁷¹

⁷¹ In further pursuing the line of argument I have sketched here, it is obvious to me that a serious consideration of the growing literature around Afro-Pessimism and its treatment of the theme of anti-blackness—as exemplified, e.g., in the work of Frank Wilderson III and Jared Sexton—is called for. I hope more substantially to engage this work in writing to come. In the meantime, I refer the reader to Jared Sexton’s useful introduction to Afro-Pessimism, “Afro-Pessimism: The Unclear Word,” *Rhizomes* 29 (2016).