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BOOKS RECEIVED

THE DIFFERENCE BETWEEN RACE AND COLOR: IMPLICATIONS FOR CHANGING THE RACIAL DISCOURSE

A review of Color Conscious: The Political Morality of Race, by K. Anthony Appiah and Amy Gutmann. Princeton, New Jersey: Princeton University Press, 1996. Pp. 191. Hardcover.

Thuy N. Bui

"Racial injustice may be the most morally and intellectually vexing problem in the public life of this country. How should we respond?" In their recent book, Color Conscious: The Political Morality of Race, Amy Gutmann and Kwame Anthony Appiah tackle this century-old "problem of the color line"—to borrow W.E.B. Du Bois' words—in a fresh and provocative manner, proposing answers concrete enough to lay the foundation for a new racial discourse, yet sufficiently visionary to anticipate its many changing facets. Appiah's essay, Race, Culture, Identity: Misunderstood Connections, begins with an in-depth analysis of historical thoughts on race to illustrate why the current concept of race fails to adequately explain social distinctions in the United States, and ends by offering the concept of "racial identity" as the basis for a more productive discourse, one that "can be the basis of

^{*} Teaching Fellow, Santa Clara University School of Law, B.A. University of California at San Diego 1991, J.D. Santa Clara University School of Law 1994, J.S.M. Stanford Law School 1996.

^{1.} Amy Gutmann, Responding to Racial Injustice, in K. ANTHONY APPIAH & AMY GUTMANN, COLOR CONSCIOUS: THE POLITICAL MORALITY OF RACE 10 (1996).

^{2.} W.E.B. Du Bois, The Souls of Black Folks 54 (Signet Classic 1995).

resistance to racism" by allowing for the redefinition of personal and collective identities. Gutmann's essay, Responding to Racial Injustice, responds to existing social inequities by insisting that fairness demands color conscious public policies when class conscious policies and color blindness fail to correct racial injustice. In making her arguments, Gutmann distinguishes between race consciousness and color consciousness, suggesting similar problems with the concept of race as raised by Appiah, and offers that color consciousness is morally correct because it is consistent with the color blind principle of fairness.4 What makes this book a unique and invaluable addition to racial discourse is, first, the authors' visionary and well-reasoned explorations of the moral and political significance of race, and, second, the collective value of the two essays as they intertwine and interact in the reader's mind to produce even richer possibilities of how we all might re-address these shared concerns. The introduction by David B. Wilkins also provides a helpful context upon which the reader can begin his or her own discourse with the authors.5 This review briefly assesses each author's contribution to racial discourse through these particular essays, and outlines an array of practical applications of their visions.

Racial Identity As the Basis of Resistance to Racism

From the outset, Appiah challenges current racial discourse by tackling the concept of race head-on: "American social distinctions cannot be understood in terms of the concept of race: the only human race in the United States... is the human race." Of course, this direct and controversial approach is not surprising. A prominent participant in the debate over the definitional, moral, political, and social significance of race, Appiah has written extensively on the topic, critiquing the social processes behind racial designation of

^{3.} K. Anthony Appiah, Race, Culture, Identity: Misunderstood Connections, in K. Anthony Appiah & Amy Gutmann, Color Conscious: The Political Morality of Race 30, 104 (1996) [hereinafter Appiah, Race, Culture, Identity].

^{4.} Gutmann, supra note 1, at 112-14, 173.

^{5.} David B. Wilkins, *Introduction: The Context of Race, in* K. Anthony Appiah & Amy Gutmann, Color Conscious: The Political Morality of Race 3 (1996).

^{6.} Appiah, Race, Culture, Identity, supra note 3, at 32.

groups and offering controversial alternatives to the concept of race. Consistent with his past works, Appiah reinforces in Color Conscious the rejection of essential and biological conceptions of race for their failure to explain American social distinctions among individuals and groups. In an interesting shift from his prior proposal that we replace the notion of race with the notion of culture, however, Appiah suggests here that "replacing the notion of race with the notion of culture is not helpful," for "the American social distinctions that are marked using racial vocabulary do not correspond to cultural groups, either. Rather, Appiah offers a new proposal, "that, for analytical purposes, we should use instead the notion of a racial identity."

Notably, Appiah spends a considerable portion of his essay in an analysis against the existence of races before explaining racial identity. Comprehensive and profound, Appiah examines two theories of meaning to illustrate the inadequacies of race thinking. One, the "ideational" view of race, accounts for the meaning of the term "race" by laying a set of rules for applying that term. The second, the "referential" account of race, is explained as a causal theory: "if you want to know what object a word refers to, find the thing in the world that gives the best causal explanation of the central features of uses of that word." The difference between the two, Appiah explains, is that the referential view, as a causal theory, requires an historical exploration of the meaning of race that the ideational view does not. 14

Since "exploring the history of the term is central to understanding what it means," Appiah does just that and dives into the history of the ideas of some intellectual elites in the United States, from Thomas Jefferson to Matthew Arnold.¹⁵

^{7.} See, e.g., the collection of essays in KWAME ANTHONY APPIAH, IN MY FATHER'S HOUSE: AFRICA IN THE PHILOSOPHY OF CULTURES (1992) [hereinafter APPIAH, IN MY FATHER'S HOUSE].

^{8.} Appiah, Race, Culture, Identity, supra note 3, at 30-74.

^{9.} Appiah's essays from In My Father's House suggested using the term culture rather than race to overcome the problems of biological and essential conceptions of race. APPIAH, IN MY FATHER'S HOUSE, supra note 7.

^{10.} Appiah, Race, Culture, Identity, supra note 3, at 32.

^{11.} *Id*.

^{12.} Id. at 34.

^{13.} Id. at 39.

^{14.} Id. at 40-41.

^{15.} Id. at 40-67.

This exploration results in a thorough account of how race evolved into biological and scientific conceptions of differences among human beings. By revealing the falsity of these conceptions, Appiah leads us to a persuasive conclusion that neither the ideational nor referential accounts of race satisfactorily explains social distinctions. On the ideational view, race was supposed to show the "correlation between the biological and the moral, literary, or psychological characters of humans," which "has turned out not to be true." On the referential view, two possible race concepts exist, neither of which is particularly helpful in racial discourse. The first is the idea of biological races, roughly amounting to calling as "races" different local populations that are clustered and reproductively isolated from each other, with biological differentiations, but still are sufficiently similar to inter-breed if brought together artificially.¹⁷ Appiah rejects this concept, correctly pointing out that "this doesn't happen in human beings,"18 and it certainly does not define "racial" groups in the United States. The second potential concept of race from the referential view would define groups by general physical characteristics corresponding to dominant patterns for the major geographical regions. 19 This Appiah rejects as problematic for failure to include individuals who are the product of mixtures between the dominant groups. Moreover, the use of biological characteristics to define groups fails to establish any correlation with group characteristics that are important for moral or social life, which lie at the heart of the racial discourse.20

The bottom line is this: you can't get much of a race concept, ideationally speaking, from any of these traditions; you can get various possible candidates from the referential notion of meaning, but none of them will be much good for explaining social or psychological life, and none of them corresponds to the social groups we call "races" in America.²¹

Thus, racial identity proves a useful notion because it explains not that there are differences between people, but

^{16.} Appiah, Race, Culture, Identity, supra note 3, at 71.

^{17.} Id. at 73.

^{18.} Id.

^{19.} Id.

^{20.} Id. at 74.

^{21.} Id.

that there are distinctions made between people which carry a social and personal impact. "Once a racial label is applied to individuals, ideas about what it refers to . . . come to have their social effects," hence social distinctions between groups are reinforced and perpetuated. But these labels also shape "identification," the ways in which people conceive of themselves. Racial labels ascribe to individuals "scripts" which they individually perform, having shaped themselves largely on the identity given to them. The idea of racial identity as "scripts," or socially constructed "collective identities," therefore, carries significance for racial discourse:

the persistence of racism means that racial ascriptions have negative consequences for some and positive consequences for others—creating, in particular, the white-skin privilege that it is so easy for people who have it to forget; and it is clear, too, that for those who suffer from the negative consequences, racial identification is a predictable response, especially where the project it suggests is that the victims of racism should join together to resist it.²⁶

That ascription—the process of applying labels to people—and the resulting identification can exist no matter how we choose to label people suggests that racial identities could persist even if nobody believed in race as essential differences between people.²⁷ We might then think of racism as the positive and negative consequences resulting from social distinctions made on arbitrary group identities.

This is perhaps Appiah's greatest contribution to the racial discourse in this particular essay. By revealing the falsity of race conceptions, Appiah has liberated us from a dependence on any particular definition of race. Instead, we can focus on the social repercussions of group identities without losing sight of the fact that each individual is comprised of both a collective and a personal dimension.²⁸ The collective dimension is the involuntary membership in some social category that may not have static or noncontradicted defini-

^{22.} Appiah, Race, Culture, Identity, supra note 3, at 78.

^{23.} Id.

^{24.} Id. at 78-96.

^{25.} Id. at 96.

^{26.} Id. at 82-83.

^{27.} Id. at 82.

^{28.} Appiah, Race, Culture, Identity, supra note 3, at 93.

tions (such as race), and the personal dimension allows us to choose how central that membership is to our selfidentification.

Responding to racial injustice, then, means doing something about the unfair negative consequences of racial ascriptions. While Appiah recognizes that "one form of healing" for members of disadvantaged groups has been to "insist on the right to live a dignified life" despite the negative limitations socially ascribed to that group, he points out that this response reinforces the very limitations of those old "life scripts." When a black person insists on being treated with equal dignity despite his being black, for example, he has made concessions that "being black counts naturally or to some degree against (his) dignity," and will therefore end up asking to be respected "as a black," rather than as a human being. The more fruitful response is, Appiah argues, "to take the collective identity and construct positive life scripts instead." "In the construct of the

This push for taking steps beyond merely celebrating the difference between individuals may be deemed by some as "waging the battle too fiercely," of which Appiah has been accused in the past.³² Yet Appiah's proposal makes perfect sense if one thinks of it as attacking the problem of racism at its roots—that is, changing how people perceive and conceive of particular "races," or, more accurately, racial identities. Rather than simply celebrating my difference as an Asian, proclaim my pride in being Asian (although there are undeniable values in doing this)—in doing so implicitly conceding that I am limited to being Asian-I can take the next step toward changing what it means to be Asian in America and actively construct my collective identity, not accepting the Asian-American "life script" handed to me if I so choose. In invoking the autonomy of our personal dimensions, Appiah envisions us combating racism without letting "racial identi-

^{29.} Id. at 98.

^{30.} Id.

^{31.} Id.

^{32.} Jayne Chong-Soon Lee, Navigating the Topology of Race, 46 STAN. L. REV. 747, 754 (1994). Lee argues that the abandonment of the term race and all biological and essential conceptions of race invites "reactionary appropriation" of Appiah's arguments, as well as depriving the antiracist necessary flexibility in confronting racism. *Id.*

ties subject us to new tyrannies,"33 without letting our ethnoracial identities become "the be-all and end-all" of our lives.34

So it is toward this "fruitful imaginative work of constructing collective identities for a democratic nation" that Appiah looks, leaving the reader with only one reminder of his vision: "the identities we need will have to recognize both the centrality of difference within human identity and the fundamental moral unity of humanity." How we are different matters, but not any more than how we are alike, which morally guarantees us equality.

The Importance and Utility of the Distinction Between Race Consciousness and Color Consciousness

Gutmann's own words best explain her proposal to replace race consciousness with color consciousness in public policy considerations:

In considering the value of color consciousness, we would do well to distinguish it from race consciousness. Race consciousness assumes that racial identity is a scientifically based fact of differentiation among individuals that has morally relevant implications for public policy. Color consciousness rejects this idea of racial identity. But color consciousness recognizes the ways in which skin color and other super-ficial features of individuals adversely and unfairly affect their life chances. What's right about color consciousness... is also the partial truth in color blindness: all human beings regardless of their color should be treated as free and equal beings, worthy of the same set of basic liberties and opportunities.³⁶

The unmistakable focus here is fairness: justice as fairness requires not only that society responds to racial injustice, but that the response itself be fair. To the extent that "the moral case for responding to racial injustice does not rest on disproving the idea that there are separate human races," Gutmann moves away from definitional arguments on race altogether and concentrates on the unjust impact of discrimination on the basis of skin color: "Because a child's life chances in the United States today vary with his or her

^{33.} Appiah, Race, Culture, Identity, supra note 3, at 104.

^{34.} Id. at 103.

^{35.} Id. at 105.

^{36.} Gutmann, supra note 1, at 112.

^{37.} Id. at 114.

color, even after controlling for other factors... fairness itself may call for color conscious policies."³⁸ Thus, "to respond to racial injustice with a color conscious principle or policy is therefore not to commit any wrong at all, provided the principle or policy is consistent with fairness."³⁹

Gutmann cautions, however, that "fairness does not . . . call only or even primarily for color conscious policies," since not all such policies are right.40 She points out that many economic and educational policies, such as a policy which ensures work for all those who can work, are color blind and consistent with fairness.41 Even color blind determinations, however, cannot be made without some degree of color consciousness if society is to be fair. For example, a social program aiming at providing work for all able adults, regardless of color, would still need to be color conscious in determining the kind of work that is beneficial to society, otherwise special needs of those who have suffered the effects of racial discrimination may be ignored.42 Given that our current society is not a just one, Gutmann argues that some degree of color consciousness is necessary for the color blind principle of fairness to truly be fair.

This point may be seen in the reverse if one recalls Stephanie Wildman's discussion of how invisible privilege perpetuates racial injustice in America. Wildman writes at length about the inherent value assumptions behind well-meaning policies and well-meaning people which inadvertently promote racism because they reflect perspectives so pervasive that their unfairness is difficult to discern, even by those who suffer the negative consequences of such value assumptions. The same logic reveals that color blind policies can contain inherent value assumptions of the majority, often to the detriment of the minority, such that implementing color blind policies without taking this kind of imbalance into account cannot result in fair outcomes. Since public policies aim at fairness, there is no set requirement that public policies be color blind, so long as they are fair: "If we need not be

^{38.} Id. at 110.

^{39.} Id. at 109.

^{40.} Id. at 109, 112.

^{41.} Id. at 110.

^{42.} Gutmann, supra note 1, at 110.

^{43.} See Stephanie M. Wildman et al., Privilege Revealed: How Invisible Preference Undermines America (1996).

color blind, then we may be color conscious."⁴⁴ In invoking fairness as a justification for color consciousness, even as she advocates a new approach toward the problems of race, Gutmann's arguments are reminiscent of Justice Blackmun's famous words from twenty years ago, "In order to get beyond racism we must first take account of race. There is no other way.... And in order to treat people equally, we must treat them differently.⁴⁵

How should we treat people differently is the next question into which Gutmann dives, paying attention in particular to arguments for class consciousness. While recognizing the advantages of class conscious policies (color blind, not constitutionally suspect, etc.), Gutmann points out that class consciousness only responds to economic injustice, not racial injustice. Moreover, the same evidence used to support class conscious policies also supports color conscious policies. Average SAT scores, for example, show a 196-point gap between all black and white students that narrows only by 21 points when black and white students of the same income level were considered.46 Both income and racial/ethnic background can be said, then, to impact SAT performance. "Why, then, shift from color to class, rather than use both class and color, as independently important considerations in university admissions?"47 For Gutmann, "fairness speaks in favor of taking both class and color into account as qualifications."48

Of the many complex questions Gutmann raises, perhaps the most persuasively difficult one is whether distinguishing color consciousness from race consciousness actually does anything to combat racial injustice. Gutmann attacks this question by explicitly raising the problem with color con-

^{44.} Gutmann, supra note 1, at 132. Gutmann examines this question of whether public policy must be color blind in much greater depth than my comment suggests. She uses the *Piscataway* case to illustrate that qualification does not equal merit in employment, hence no injustice is done if one loses a job for which one qualifies. *Id.* "Why? Qualifications for a job are relative to the social purposes of a job," and those social purposes may extend to a range of qualifications that are not quantifiable. *Id.* at 120, 118-138. In this light, employers are not morally bound to color blindness, but rather to fairness, or non-discrimination.

^{45.} Regents of the University of California v. Bakke, 438 U.S. 265, 407 (1978).

^{46.} Gutmann, supra note 1, at 140-141.

^{47.} Id. at 143.

^{48.} Id. at 146.

sciousness—"the involuntary nature of the group identity." Conceding that "we can neither reflectively choose our color identity nor downplay its social significance simply by willing it to be unimportant," Gutmann likens color to language in the involuntaristic nature of both: "We no more choose our color than choose the language by which we communicate." She then dismisses the significance of the involuntary nature of both:

But our color no more binds us to send a predetermined group message to our fellow human beings than our language binds us to convey predetermined thoughts. Both color consciousness and linguistic consciousness offer us significant degrees of freedom to shape the messages that we send, even if we cannot escape the consciousness itself.⁵¹

Can the same not be said for race consciousness? Can one not argue that our race no more binds us to a predetermined life or predetermined beliefs and characteristics than our language binds us to predetermined thought? Gutmann's prior discussions suggest that one can make a convincing case that race may indeed bind some to a predetermined life, or at least affect life chances in such a way that those "degrees of freedom to shape" life are no longer significant.

The fact that a group identity is involuntary is thus not morally problematic for Gutmann, but the use of race as group identity is troubling because "it is a fiction parading or function as fact." Color consciousness is "neither a fiction parading as fact nor as likely to divide us in the cause of social justice." Replacing race consciousness with color consciousness, then, reflects more than a symbolic change:

By calling our attention to the superficiality of skin color (and facial features) as a continuing source of social differentiation, color consciousness helps expose in its very terminology the idea that race is a fiction and an ongoing source of social injustice.⁵²

It is still not clear, however, whether exposing the fiction of race will end racism. Gutmann herself points out that socially constructed cultures can support a group psychology

^{49.} Id. at 168.

^{50.} Id.

^{51.} Id.

^{52.} Gutmann, supra note 1, at 169.

that results in members of particular groups discriminating against others out of a self-ascribed sense of superiority. 53 Group identity by color or race can support the same superior group psychology—would the notion that white is more beautiful than black change simply because we refer to color and not race? Might we end up with honey-colored skin being preferred over darker caramel skin? Will color break individuals into a created number of groups by shades, and will this change racism at all? Color consciousness certainly does move the racial discourse forward by removing the need for definitional arguments on race, and by questioning the legitimacy of race as group identity. Patricia Williams once commented: "Categorizing is not the sin; the problem is the lack of desire to examine the categorizations that are made."54 By exposing the problems with using race to respond to racism, Gutmann has proposed a new language with which we can discuss the social injustice of group discrimination on the basis of color. More importantly, Gutmann gives us a means with which to embrace justice as fairness without abandoning color consciousness: "What's right about color consciousness is also the truth about color blindness, and vice versa."55 Focused on a vision of a just society, Gutmann leaves us with the thought of racism as temporary: "When color conscious policies are no longer instrumental to overcoming racial injustice, our political morality should prepare us to leave these policies behind."56

On the Intersection of Ideas

Although the two essays present very different styles and ideas in discussing the problems of race, Gutmann and Appiah raise some common concerns that allow their essays to reinforce and expand upon each other's points. Rarely, however, do they make explicit references or responses to each other's works. The intersection of ideas happens almost incidentally, never accidentally, and always provocatively in prodding the reader to interact and contribute his or her own perceptions in interpreting links between the suggested

^{53.} Id. at 164-165.

^{54.} Patricia J. Williams, The Obliging Shell (an informal essay on formal equal opportunity), in THE ALCHEMY OF RACE AND RIGHTS 98, 102 (1991).

^{55.} Gutmann, supra note 1, at 177.

^{56.} Id.

thoughts.

One example is the interplay between Appiah's insistent distinction between cultures and identities and Gutmann's "decoupling of color and culture."58 Appiah evokes for the reader an image of multicultural America, a nation with "many common cultures" rather than a single "coherent structure of beliefs and values and practices." In this light, racial identity is different from cultural identity because racial identity does not require nor necessarily impute a sharing of common beliefs and values and practices at all. As if building on this, Gutmann points out in her essay that "the cultural heritage of black and nonblack Americans is neither singular nor exclusive."61 Jazz, for example, is a reminder of many shared parts of our various cultures, and "attachments to cultures both change over time and vary among members of identifiable groups in such a way that is belied by the common notion of racial identity carrying a cultural identity with it."62

On this discussion about culture, Gutmann does not provide the reader with just a reminder of Appiah's point. She paints a separate vision of color consciousness as a means not only to expose the "fiction of race," but also to recognize that "the cultural values that have been tied to the history of racial oppression are potentially open to all individuals, regardless of their color." Color consciousness, then, envisions an "interactively multicultural" society by allowing individuals access to many cultural possibilities, yet recognize the potential disparate impact that color may have on individuals' life chances. Moreover, the reader is left to absorb this vision of society while remembering Appiah's words from earlier in the book, that it is problematic to claim "jazz belongs to a black person who knows nothing about it more fully or naturally than it does to a white jazzman."

This intersection of ideas reveals the beauty of these

^{57.} Appiah, Race, Culture, Identity, supra note 3, at 89.

^{58.} Gutmann, supra note 1, at 175.

^{59.} Appiah, Race, Culture, Identity, supra note 3, at 87.

^{60.} Id. at 85.

^{61.} Gutmann, supra note 1, at 167.

^{62.} Id.

^{63.} Id. at 167.

^{64.} Id. at 175.

^{65.} Appiah, Race, Culture, Identity, supra note 3, at 90.

well-reasoned and comprehensive essays. So many facets of the complex considerations of race weave together in each essay to form the proposed visions that the reader can pick out individual strands of thought from each to find that their threads in the other. The significance of culture on racial discourse mentioned is just one example; the intersecting ideas can be seen again, among other instances, in Appiah's explanation that racial identification is a result of racism and Gutmann's assertion that it is racist to force racial identification on people who suffer the negative consequences of racial ascriptions. This interplay I will leave future readers to discover for themselves.

Applying the Vision: Some Specific Contexts

That this review has focused primarily on the philosophical and analytical content of the two essays should not suggest that this book is reserved for critical race theorists or scholars contemplating problematic implementation of democratic principles. This book is for everyone who is concerned with racism and anything related to the problems of race. The authors themselves utilize a number of specific contexts to analyze the difficulties in responding to racism, among them affirmative action (both in employment and in university admissions), multiculturalism, immigration, and various specific historical contexts. Numerous other specific debates can benefit from application of the arguments and visions in *Color Conscious*.

An examination of bilingual education programs, for example, requires explorations of both ethnoracial group identities and linguistic categorization of individuals. Do bilingual education programs aim to remedy English language proficiency, or do they aim to correct ethnoracial injustice? Are linguistic categorizations color blind? To what extent do language, culture, and racial identity intertwine, and are they separable? These are questions rooted in the same concerns as those raised by Appiah and Gutmann; the application of racial identity and color consciousness in the affirmative action context can reflect in bilingual education as well.

Considerations of immigration and asylum laws and procedures will also raise similar concerns if one's focus is on responding to the social injustice in the application of American immigration laws. Without diving into details, it is sufficient

to note that asylum applicants are not all treated equally, nor are other immigrants, and racial differentiation lies the not-so-latent cause. If color consciousness exposes the fiction of race, will this impact application of immigration laws toward greater social justice? How will the application of color consciousness change immigration law?

These and many other potential application of their proposals reveal the comprehensive and complex nature of Appiah and Gutmann's works. It is perhaps, too, the nature of the question: race is, after all, the problem of this century.

Toward a New Conversation

Perhaps the greatest value of the book lies behind its contribution toward solving a problem poignantly summed up by David Wilkins, "Not only are we are nation destined to fail to solve the problem of the color-line in this century, but we are in danger of losing our ability to even talk about the subject intelligently."66 Indeed, as racially-based debates such as affirmative action grow more pervasive, attacks from both sides on their opponents have become increasingly distant from sound reasoning. One persuasive explanation for this phenomena is that "even people intensely concerned with affirmative action—whether for or against—rarely work hard to understand the arguments on both sides and to figure out how to persuade others. Instead, we usually talk about this difficult subject only with like-minded people and avoid the subject with others." Color Conscious confronts complex questions behind the problem of race to offer reason. to persuade, and, ultimately, to drive the discourse toward finding a "vision of the future that, despite our differences, we all can share."68

Solving the problem of race in America requires the entire nation to face up to the challenges of its democratic principles, "of living up to its best principles." Doing this, Gutmann and Appiah remind us, requires "citizens of every color to play their part in America's long conversation about

^{66.} Wilkins, supra note 5, at 3.

^{67.} CHRISTOPHER EDLEY, JR., NOT ALL BLACK AND WHITE: AFFIRMATIVE ACTION AND AMERICAN VALUES 5 (1996).

^{68.} Gutmann, supra note 1, at 178.

^{69.} K. Anthony Appiah, Epilogue, in K. ANTHONY APPIAH & AMY GUTMANN, COLOR CONSCIOUS: THE POLITICAL MORALITY OF RACE 179, 182 (1996).

race." We would each do well to begin, continue, and enrich our conversation by reading *Color Conscious*.

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