Moral Discourse and Slavery

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AFTER two hundred and fifty years of chattel slavery and a scant twenty years after the Emancipation Proclamation, Supreme Court Justice Joseph P. Bradley, arguing against the Civil Right Act of 1875, which guaranteed equality of access to public accommodations, made the following claim:

it would be running the slavery argument into the ground to make it apply to every act of discrimination which a person may see fit to make as to guests he will entertain, or as to the people he will take into his coach or cab or car, or admit to his concert or theater, or deal with in other matters of intercourse or business.'

Justice Bradley then states:

When a man has emerged from slavery and, by the aid of beneficent legislation, has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the ranks of mere citizen and ceases to be the special favorite of the laws, when his rights as citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected.'

According to Justice Bradley, any discrimination blacks faced in 1883 could not be seen as a result of slavery: "Mere discrimination on account of race or color were not regarded as badges of slavery."[3] The United States government,

according to Bradley, did not have the authority to prohibit private acts of discrimination; that was the role of individual states. He also did not feel that there was enough evidence to support the claim that a denial of public accommodation was comparable to a "badge of slavery." According to Bradley, the Civil Rights Act of 1875 was unconstitutional.

Bradley's comments show, at worst, a crass attitude toward equality for blacks or, at best, a failure to appreciate the impact of slavery on the lives of both blacks and whites. Bradley raises many perplexing questions about the relationship of the United States government to those persons formerly held in bondage. His remarks point out quite clearly how the language we use to frame a group's political and social status can have an impact on the public policy regarding that group. The vocabulary used to denote the legal status of blacks shifted from property and chattel during slavery to citizens and rights after emancipation.

The Language of Citizenship

Language is used to express thoughts, but it also shapes thoughts. Language as the later Wittgenstein noted, influences thought.[4] Language shapes the contours of our mental images of the world; thus, for ex-ample, feminist theorists have shown how language influences our conceptions of the place of women in the world.' Linguists are now aware that our language has a sexist bias. If our vocabulary tends to foster a morally unsatisfactory view of a group, then it is difficult to recognize the claims of that group or to marshal the support needed to address the social problems facing them.

The vocabulary of moral/political discourse is important for addressing social wrongs. If language embodies certain

sexist or racist assumptions, these assumptions will influence our attitudes toward women and racial groups. Words do not merely refer to our reality, they help to define it. If we are concerned with righting social wrongs, we must examine the language that frames our public policy.

Our moral/political vocabulary is morally unsatisfactory and inadequate for characterizing the plight of present-day black Americans. This, in turn, has serious social and political ramifications. Our moral discourse does not capture the reality of the legacy of inequality that blacks have experienced due to slavery and its aftermath. There is no word in our moral/political vocabulary that captures this state of affairs, and I shall argue that such a word or phrase is needed if we are to develop a just social policy. The simple thesis that ideas determine reality will not be defended here. The focus instead will be on the importance of language for the formulation of our ideas about black Americans and public policies.

Justice Bradley felt that recently emancipated blacks should be viewed as "mere citizens." The use of the term "citizen" in 1883 to express the political and legal status of blacks denoted a shift in the government's obligation to help blacks overcome the legacy of the slavery experience. Programs and policies to alleviate the unequal status of blacks could only be justified, according to Bradley, by claiming that black rights, as citizens qua citizens, were being abridged. But even these rights claims had to be balanced against the rights of other citizens. The term "citizen," however, as Gerald MacCallum notes, does not carry any suggestion of a history of submission or subjugation."[6] That a person has the status of a citizen tells us nothing about the social or political history of the individual prior to the acquisition of that status. Individuals

who become citizens of a given state may have a history of social and political oppression, but there is no suggestion of this conveyed by the term. The term "citizen" is thus not adequate to capture the social and political history of formerly enslaved groups.

Bradley's view about how recently freed blacks should be treated depends on the political/moral vocabulary of citizenship, by which was meant a person who is a full-fledged member of a given state, with all of the corresponding rights and privileges. This conception of citizen-ship is rooted in the democratic liberalism of the eighteenth and nineteenth centuries. It places supreme importance on respect for the individual as the primary social unit. Each individual is said to have an inherent self-worth that must be respected. In the American political and social context, this conception has come to mean that the individual- stands apart from any group of which he or she is a member. In our liberal democratic society, ethnic or racial groups have no political significance; only individuals have standing in the democratic state.

It has been well documented that black Americans were victimized by slavery and that they were subjected to gross social and economic injustices after slavery. Indeed, one of the justifications for the Civil War was making social and political freedom a reality for all persons born in America.

After the Civil War, blacks were formally declared to be citizens. As citizens, they should have been accorded the same rights and protections as white citizens. When blacks are called citizens, it is assumed that their political and social status is equal to that of other members of the state. This view of the political and social status of blacks is mistaken, as a review of their history will show.

After slavery, newly freed blacks did not have the same educational or economic advantages as white members of society. Thus, while legal slavery ended, blacks still suffered from unjust discrimination because of their former slave status. In America, skin color was taken as a sign of belonging to the despised formerly enslaved group.

It should be remembered that one of the justifications for enslaving blacks was that they were "aliens." Many rationalizations were given for slavery, but the most pervasive was the view that blacks were naturally inferior. As historian Winthrop D. Jordan has shown: "In the years immediately before and after the 1800s, white Americans often revealed by their words and actions that they viewed Negroes as a permanently alien and unassimilable element of the population."'

According to Jordan, many whites saw blacks as alien beings, sub-humans, or brutes. Blacks were not seen as equal to whites in any manner, and many whites thought that blacks would never be able to become their equals. Slavery created in the minds of many whites negative images of blacks. For example, Thomas Jefferson thought that blacks and whites would never be able to live in peace in America. If blacks were freed, he thought, it would lead to a destruction of one of the two races.[8]

The most conclusive and clear statement of this view in the later slavery period was embodied in the opinion of Chief Justice Taney in the Dred Scott case:

They (Negroes) had for more than a century before (the time of the Declaration of Independence and of the adoption of the Constitution) been regarded as beings of an inferior order, and

altogether unfit to be associated with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and the Negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it. This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics.[9]

The general belief that blacks were inferior did not change after emancipation, nor did the attitudes about incorporating blacks into the social fabric of society. It is unnecessary to cite all of the negative social and political experiences of blacks after emancipation. We should, however, note some of the ways in which race and racism were used to deny blacks access to the political arena.

The government failed to stop Southern politicians from passing laws that, in essence, denied blacks the right to vote. Several states adopted so-called grandfather clauses or poll taxes which further restricted their right to vote. White primaries and gerrymandering were also used to deny blacks access to the political arena.

Besides such techniques, property, educational, and "character" requirements were used to keep black citizens from voting. Perhaps the most effective means of disenfranchising blacks, however, were intimidation and violence.[10] These practices were effective in denying to blacks an extremely important right: the right to participate in the political process.

Thus, contrary to the official liberal ideology, the chances of all individuals gaining something as important as political participation were not equal. In America, being

black played an important role in being refused jobs, access to public accommodations, and political protection. Being black also made it difficult for individuals to be treated equally by the majority of the electorate, by the law courts, and by those who dominated the economics of the nation. [11]

Here arises the problem for people with a moral consciousness, those who are concerned to ensure that the liberal model works: What can be done to bring the social and economic status of blacks in line with that of white citizens?

First we must recognize that there is a residual aftermath of enslavement. William Julius Wilson, in his important work The Truly Disadvantaged, writes: "centuries or even decades of racial subjugation can result in a system of racial inequality that may linger on for indefmite periods of time after racial barriers are eliminated."" The social and political history of blacks in America is deeply connected to racism and the slavery experience. It is clear that blacks suffered a grave social injustice during the period of American slavery, but the impact of American slavery on the lives of blacks did not end with the Emancipation Proclamation.

Lexical Gaps and Social Policy

Since our language does not incorporate into its vocabulary the impact of slavery on blacks, it lacks a morphological and semantic basis adequate to the framing of policies for implementing programs to bring about true citizenship for blacks. The term "black citizen" does not capture the true political/social reality of black life.

When a language lacks a word to describe an event or a

thing, philosopher Adrienne Lehrer has proposed that the lack suggests that there exists a "lexical gap." [13] The term "lexical gap" is "multiply ambiguous and has been applied to all sorts of instances where a word is, in some way or another, missing." [14] The only kind of lexical gap a speaker is generally aware of is a functional gap—the lack of a convenient word to express what he wants to talk about.[15] An example of a functional gap can be seen with our use of terms to describe items that happen to be partly furniture and partly sculpture:"

English has no convenient word for such objects. Furniture implies some-thing [perhaps) functional and sculpture suggests something decorative and nonfunctional. One could coin a compound, sculpture-furniture or furniture-sculpture, but the result is rather long and speakers prefer short locutions.[17]

Is it necessary that all functional gaps be filled? While it is true that our language may not have words that express a particular concept, often there is no need for such words. Consider a recent "60 Minutes" television program where Andy Rooney claimed that we needed a name for the white stringy fiber that hangs from a banana when it is peeled. There appears to be no need for such a word. The reason is that even though one may attend to the removal of such fibers when eating a banana, one does not often, if ever, tell someone else to remove them.

Likewise, the phrase "man with stones in mouth" has no single word to express the concept. While it may be convenient to have a single word to express "white stringy fiber from a banana," at the present time it would serve no pressing communicative purpose. If there came a time when

the white stringy fiber from a banana or men with stones in mouth became an important part of the social structure, however, we would probably create a word and the functional gap would be closed.

The functional gap may indicate an evaluation placed on the concept. We have a special word for a dead human because of its importance to us, while we do not have one for the white stringy fiber from a banana because it lacks importance. It is, of course, true that certain occupations do have terms that have special meaning for those in that field. Many of these terms do not, however, become part of the popular discourse.

In social and political relations it often takes a while before a new word can be introduced to fill a conceptual gap. Consider the lack of a gender-neutral word to replace the pronoun "he." There is no word to express that concept because until recently, it was not considered important. But now it is recognized that the absence of such a word often leads to continued use of words reflecting sexist attitudes.

Drawing on Lehrer's analysis, I contend that our political language suffers from a functional lexical gap. (If there is a functional gap, it does not follow that there is a conceptual gap.) The issue for black Americans is that, while some persons have the concept of the legacy of black subjugation, there is no generally accepted word that denotes this condition. The lack of a concise descriptive word hampers the framing of appropriate social policy. The American slavery experience serves to illustrate very well how the lack of a word to articulate a group's social status makes it difficult even to take a census:

In 1860, Hundley published Social Relations in Our

Southern States, which sorted the South's inhabitants into eight categories. Hundley constructed a descending pecking order that ran from -gentlemen and cotton snobs through yeomen and poor white trash to the lowly slave. Nowhere did he find a place for the South's free Negroes. Hundley's omission suggests the anomalous position of free Negroes in the stratified, hierarchical society of the slave South. Negroes were supposed to be slaves. Free people were supposed to be white. People who were free and Negroes did not fit neatly into the idealization of Southern society, yet 250,000 of them unquestionably existed in the slave states in 1860.[18]

As we know, the census is an important tool for framing and implementing public policy. To many Southern whites, the concept of a free black in the social and political structure of the South was unthinkable. Southern political ideology had a conceptual gap. Thus Hundley had no word to designate free blacks. For Hundley, the term "free black" was an oxymoron, a contradiction in terms. The conceptual gap resulted in a functional gap.[19]

When the political or social status of a group cannot be articulated in the political vocabulary, it is impossible to frame appropriate social policy for them. A similar condition exists today. There is no word to help us frame or conceptualize adequate public policy to elevate the social conditions of blacks. Let me be clear here: I do not deny that some philosophers have appreciated the social and political history of blacks, but they have no word to express this situation.

When a group has an unequal social and political status and there is no word in the moral/political vocabulary that describes their status, political/social theorists who attempt to conceptualize the problems lack the vocabulary necessary to make this group's plight felt by other members of the

state. The lack of a word for accurately describing the situation of blacks has influenced thinking on affirmative action, compensatory education, busing, and other programs designed to achieve social justice. With no guiding word for blacks' postslavery political and social status, policy makers and social scientists have described their current condition in one of two ways: either blacks are described as "second-class citizens" because they are denied the means to make their citizenship meaningful; or it is argued that the social and political problems of blacks are no different from those of other groups who have faced hardships but who are now making their way, if not their fortune. It is clear that blacks are not slaves, but it is also clear that their holdings and opportunities are not on a par with typical white Americans, including later immigrants.[20]

Language and Governmental Policy

It may be objected here that while I have shown that no precise word exists that connotes the particular history of blacks, it is still unclear that we need such a word. It will be argued that since we do have terms like "oppressed citizen" and "second-class citizen" to denote unequal status, we can express the fact that individuals are not full members of the state. While this is true, the phrase "oppressed citizen" tells us nothing about how the person came to be oppressed. The word "oppressed" is used so much that, without qualification, it connotes a group or person being harmed in some manner. It may be true that adding the word "oppressed" to "citizen" gives more emotive force to the claim that the action is wrong or harmful, but this emotive force does not give us historical information about the specifics of the harm.

What about the term "second-class citizen"? While it is true that "second-class citizen" denotes that one does not have the status of full citizenship, it does not carry the necessary

historical significance needed to express the situation of many black Americans. Even convicts can be considered "second-class" citizens. Aliens can be considered "second-class" citizens. In the case of convicts, we might think that they are deserving of this status. However, blacks do not deserve fewer opportunities because of badges of inferiority due to their history. Any modifier placed before the term "citizen," e.g., "oppressed," "black," or "second-class," does not convey the actual history of blacks.

It may be objected, some whites and the government have not been totally insensitive to the plight of blacks. There have been governmental social programs that were meant to address the historical problems of blacks. The New Deal, the War on Poverty, and Reagan's trickle-down policies were said to address the special problems of blacks, particularly poor blacks.[21] But, quite to the contrary, these programs were aimed at the majority of American citizens and did not specially or effectively address the aftermath of slavery on blacks.[22]

It is now recognized, in the work of William Julius Wilson, that there is a segment of the black population that still suffers from the effects of slavery—the "black underclass." Wilson notes that social policy framed around either equality of opportunity or preferential treatment has failed to eliminate the economic or social inequality faced by this group. These approaches fail because they advance middle-class blacks but do not drastically change the position of the truly disadvantaged.[23]

But let us consider for a moment Wilson's comments about those programs that were based on the principle of equality of individual opportunity. This principle, according to Wilson, is the bedrock of the old civil rights movement,

which emphasized the rights of minority individuals. This was in line with the basic assumption of liberal democratic thought.

It was assumed that the government could best protect the rights of individual members of minority groups not by formally bestowing re-wards and punishments based on race or ethnic categories, but by using antidiscrimination legislation to enhance individual choice in education, employment, voting, and public accommodations. This position took its lead from Supreme Court rulings which stated that the Fourteenth Amendment was not a black-specific amendment. Equal opportunity was to be applied to individual standing and not groups. The individual, therefore, was the "unit of attribution for equality con-siderations," and the ultimate goal was to reward each citizen based on his or her merits and accomplishments.[24] In short, equality of opportunity meant equality for each individual citizen.

According to Wilson, this approach did not address the substantive economic and educational disadvantages of many blacks. Wilson adds:

There are some blacks for whom it is enough to remove the artificial barriers of race. After that, their entry into the American mainstream is virtually automatic. There are others for whom hardly anything would change if, by some magical stroke, racism disappeared from America. Everyone knows this of course. And hardly anyone is willing to say it. And because we don't say it, we wind up confused about how to deal with the explosive problems confronting the American society, confused about what the problem really is.[25]

This is my point. It is difficult for us to frame policy for

those blacks who suffer from the cumulative effects of racism because our language lacks a word to give their status a life in the public's mind. When blacks are thought of as mere citizens, there is a mental picture formed of their status and their ability to navigate the political and economic system.

As Wittgenstein argued, linguistic practices are intimately joined to "ways of life" defined by communal practices, beliefs, and attitudes. Wittgenstein's later philosophy emerged after he traced his early errors in doing philosophy to naïveté about how language influences thought. In reflecting on those errors, he remarked, "A picture held us captive.

And we could not get outside it, for it lay in our language and language seemed to repeat it inexorably." Earlier thinkers like Francis Bacon were also sensitive to this danger: "People believe that their reason governs words. But words turn and twist the understanding."[26]
Let me make it clear that I am not claiming that all we need to do is create a word and the problem of racial inequality will be solved. My point is that without a recognition of the power of labels, framing policy becomes even more difficult.

Wilson goes on to argue that any program to end black inequality must be part of a hidden agenda. The hidden agenda is to improve the life chances of groups such as the ghetto underclass by emphasizing programs in which the more advantaged groups of all races positively relate.[27]
What we must do, if Wilson is correct, is to mask our intent to help truly disadvantaged blacks. I disagree.

Wilson is aware that the majority of Americans would not look with great favor on monies being spent on what they

take to be undeserving blacks. But if we had a word to direct attention to the legacy of slavery, perhaps whites and blacks would begin to recognize that the problems blacks face have historical roots, and that blacks are not just trying to get something for nothing. In this regard, programs can be publicly acknowledged to be directed toward a group that finds itself in a socially disadvantageous position because of its social and political history. Furthermore, in the United States there is a tradition and practice of developing programs for groups who have been victimized, e.g., Japanese victims of internment, among others.

Consider the following description: a person who has fled or been ejected from his country of nationality or of habitual residence for reason of race, religion, nationality, political opinion, or warfare, as a victim of Nazi, fascist, or quisling regimes. The word used to signify this type of person is "refugee." The word "refugee" has descriptive and emotive force. When we hear the word we know what questions to ask or at least we have some idea about the circumstances that give rise to the designation. Refugees are often given comfort and aid and, in the United States, frequently provided with assistance in starting a new life. The word focuses our attention and understanding on the historical plight of those who are called "refugees."

In a like manner, an example of a group giving credence to their history can be seen in the Jewish expression "victim of the Holocaust." This phrase carries information about the history of the person so designated and it elicits social understanding of the person's plight. There is no comparable word that has been established for descendants of slavery. As I have said, any modifier placed before the term "citizen," e.g., "oppressed," "black," or "underclass," does not convey the social history of blacks in America.

What about the phrase "victim of American chattel slavery"? This phrase may be used to refer to blacks, but at the present time it has no recognized meaning. In a perverse manner, Confederate white Southerners who lost families, land, and status in the Civil War might want to claim that they were "victims of American chattel slavery." It is not evident that the phrase clearly denotes blacks.

In the United States, alienating racism has had profound effects on the lives of all Americans. Blacks were subjected to discrimination that caused them to be seen as less-than-equal members of the state. Being seen as less than equal undermines the self-worth of many blacks. Poverty and social deprivation plus racial discrimination can be a continuous crushing burden which presses a stamp of inferiority on its victims. These individuals often have little hope that they will ever share in the American dream.

Language and Affirmative Action

Without a word, it is difficult for policy-makers to convince other members of society that the situation of blacks has historical roots. The affirmative action debate can be used to illustrate this point. One argument often given to justify affirmative action policy is the backward-looking argument. Bernard Boxill states the basic backward-looking argument in this way:

Black people have been and are being harmed by racist attitudes and practices. Those wronged deserve compensation. Therefore, black people deserve compensation. Preferential treatment for black people is an appropriate form of compensation for black people. Therefore black people deserve preferential treatment.[28]

Boxill argues that the backward-looking argument is subject to two main criticisms: first, the claims to compensation through preferential treatment of black beneficiaries are unfounded or vacuously satisfied; and second, that any claims by blacks are outweighed by other considerations.[29] It is the first criticism that will be our focus here: blacks' claims of compensation are unfounded or vacuously satisfied.

This criticism has two major thrusts. First, those blacks who are qualified are not damaged by discrimination, for if discrimination were that bad they would not be qualified at all. Since they are qualified, they are less deserving than those persons who have really been wronged by discrimination. Boxill, rightly, notes that it is a leap of logic to claim that, because a black person has been successful, there must have been no discrimination, or that even if there was discrimination, the individual has not been harmed by it.

Boxill and Robert Paul Wolff think that it is clear that there was severe discrimination against blacks and that this harmed blacks as a group. Both Boxill and Wolff argue at length that it is as a group that blacks have been harmed. Boxill argues that the psychological harm done to blacks can be documented, while Wolff contends that to take the term "social injustice" seriously is to admit that individual membership in a particular group is relevant to our conception of social wrongs.[30] How else can we explain compensation to groups that find themselves victims of social injustice?

Even if we believe that there is social injustice, why should we think that the injustice suffered by blacks merits special consideration? Lisa Newton argues that blacks have no

special claim for compensation because other groups have also experienced discrimination. What about American Indians, Chicanos, Appalachian-Mountain whites, Puerto Ricans, Jews, Cajuns, and Orientals?[31] Blacks are often reminded that other groups came to America and made their way without any special help. Most whites assume that the country is made up entirely of minority-group persons, all of whom have risen, mostly by their own drive as individuals. Why not blacks?

The argument goes as follows: How can you compare slavery to what was done to the Native Americans or other groups? All of these groups have suffered and no attempt should be made to elevate slavery over the wrongs that other groups experienced. Since everyone has suffered some injustice, it would be wrong to give special status to the suffering of blacks. Slavery is just one wrong among many.

This also seems to be Michael Levin's position. Levin argues that the harm done to blacks is no greater than the harm done, for example, to someone who is murdered because he is Jewish. Racial discrimination, according to Levin, is just one harm of many that people can be subjected to. Levin writes that he would rather be discriminated against than murdered. He adds that the murderer violates his rights and "handicaps my children much more seriously than someone who keeps me out of medical school." If, according to Levin, we allow that blacks are owed compensation for racial discrimination, we must also compensate the children of persons who have been murder victims. Ac-cording to Levin, "there is nothing special about acts of discrimination."[32]

What is interesting about this line of reasoning is that it focuses entirely on the harm done to individuals and not to group wrongs. Boxill and Wolff realize that the social

history of blacks as a group is very important both to understanding their present condition and to justifying programs that address historic wrongs. What we must realize is that blacks are the victims of slavery and this has had negative con-sequences on the life chances of most blacks. As Wolff notes:

Social injustice is injustice imposed on a real social group because of its group characteristics. Such injustice strengthens the social definition of the group as a group and leads thereby very frequently to such destructive consequences as the internalization of negative self-images by members of the victim group. Insofar as the group identity is rooted in a common position in the social relationships of production and distribution, it will be powerfully reinforced by institutional arrangements that serve the interests of the dominant groups.[33]

American chattel slavery is a clear example of a social injustice. The slavery experience does give discrimination against blacks a different slant. Blacks were not enslaved because of their individual behavior.

This does not mean that other injustices are not wrongs. If we take into account the impact of slavery on blacks as a group, however, we should elevate the status of this wrong over others. Coming to appreciate the impact of slavery as a form of social injustice on the present social and economic standing of blacks as a group helps us to ac-knowledge this fact.
We have a legal and moral tradition of rectifying social wrongs, but our desire to right wrongs is based on our conception of the fact that a wrong has occurred. Someone or something must direct our attention to the wrong. The impact of slavery and segregation on the life-chances of present-day

blacks is one such wrong that needs to be bet-ter understood. We are reluctant to see the present social plight of blacks as the result of American slavery, given our lack of understanding of their unique social history in the United States. Our moral and political vocabulary reflects this deficiency. Supporters of the backward-looking argument will always be hard pressed to convince others that the social history of blacks is relevant without the help of a word to denote this history.

The Language of Moral Discourse

Moral language helps us to properly conceptualize the status of a group. While philosophers may work on principles of soundness and validity, usually individuals are moved by the emotive force of language. This point is Humean in that Hume recognized that the appeal to sentiment is often a powerful force in convincing persons to act or to accept social policies. In order to give the proper weight to the black slavery legacy, we must employ language that gives that experience evaluative force.

Generally speaking, evaluative terms apply to lines of conduct. They interconnect to form a rich language system that allows us to indicate whether (and to what degree) actions are justified or unjustified. For example, those who hold that South Africa's system of apartheid is morally wrong also hold that there is moral justification for its abolition.[34]

A word for the American slavery experience will give credence to the position that policies implemented to improve the social and economic standing of blacks are justified, not only in the minds of policymakers, but also in the mind of the general public.

It should be noted that because we introduce a word to denote being the victim of slavery does not mean that blacks are blaming present-day whites for slavery. It only gives formal recognition to the fact that present-day blacks are in a socially disadvantaged position and that this condition has historical roots. The United States government has taken historical factors into account in its formation of policy for addressing problems faced by certain groups.

We can take note of the provisions of the law to give compensation to United States citizens of Japanese ancestry for the injustice of the evacuation, relocation, and internment during World War II. The act is to acknowledge the injustice of internment; to apologize for the behavior of the United States; to provide an education fund to inform the public about internment so as to prevent the recurrence of any similar event; and to make restitution to those individuals of Japanese ancestry who were interned. At this writing, East Germany has apologized for the treatment of Jews during World War II, even though East Germany did not exist as a state then, and even though few of its present citizens were participants in the war.

Language and Slavery

The legacy of slavery still haunts the American consciousness. While a word by itself will not undo four hundred years of history, it is a start. It must be introduced in no less a manner than public recognition of the wrong and the establishment of educational programs about the impact of slavery on all Americans.

When Justice Bradley cast the status of blacks as "citizens," he set the tone for understanding how programs and policy for blacks were to be viewed. His use of the term "citizen"

cast the status of blacks in a positive light, but it also impeded any attempts to argue for policy based on their former slave status.

As I have argued, the language we use to frame a group's political and social status has an impact on public policy regarding that group. This maxim is understood by, for example, pro-life advocates. They have changed the words used to talk about a fetus from "potential person" to "unborn child." To call a fetus an unborn child is to recast its status in a socially important way. An unborn child is thought to be a member of the moral community in a manner that an unborn fetus never will be. The language creates a picture of an infant who has to be protected. Consider the statements, "she wanted to murder the fetus" and "she wanted to murder the unborn child." The latter evokes strong moral feelings.

The shift from the use of the term "unwed mother" to "single parent" is another example of how the language can influence our thinking on social issues. "Unwed mother" has been taken to connote a women who has fallen from grace, while "single parent" connotes a person (male or female) taking on the duties of parenthood alone. Our governmental policies are now geared to making the treatment of single parents equal to that of two-parent families. Finally, consider the shift in public perception when the language changed to refer to per-sons as "developmentally disabled" rather than as "mentally ill," "retarded," or "handicapped." These are examples of shifts in group labels, and these labels have political importance because they are used to influence both policymakers and public opinion. These labels are image-laden, appealing as much to the emotions as to the intellect. Although they provide basic categories of rational analysis, they may simultaneously evoke responses

that are neither analytical nor rational. This broader evocative power, the power to reach both mind and heart, gives the labels a political importance.[35] A word to denote the American slavery experience would have the same effect.

It may be objected here that what one needs is a distinction between choosing a word for reasons of public relations and propaganda and for reasons of morally justifying public policy. When a group has a social history that is deeply connected to the racist propaganda about it, it is clear that to get other individuals in the state to see the members of the affected group as victims will require some propaganda. Just saying that blacks have this history will not be enough; other members of the state and policymakers will have to be convinced. The language that we use to frame our arguments will be very important. This language will also underpin our moral theory.[36] If a situation is morally objectionable and we want the general public to appreciate the situation, the language we use to bring this condition to their consciousness will have a public-relations aspect. The language will set the tone for justifying policies to address the situation as well.

The importance of this aspect of language can be seen in the impact words have played in our understanding the black experience. From the beginning, language had to be crafted to justify the treatment of blacks.[37] As noted above, blacks were described as aliens, subhumans, heathens, savages, or brutes.[38] Consider the fact that for insurance purposes, slavers who threw their human cargo overboard during the middle passage called blacks "cargo" or "chattel." Both of these terms set a tone for how blacks were to be viewed as members of American society.[39]
What this meant was that the states could make legal and

social distinctions between the treatment of blacks and other citizens of the state.[40] It is from these conceptions of blacks that we get historians and other commentators defining slavery as a paternalistic system.[41] Evaluative language played a crucial role in this effort.

Recall, I am not claiming that things would improve dramatically for blacks if only there were a word which reflected the social and political plight caused blacks by their special history. This would simplify things a bit too much. After all, one might object that the white problem in relation to blacks is not so much that there is no word for the historical experiences of blacks as it is that whites do not wish to acknowledge their role in the oppression of blacks. In keeping with this line of thought, it might be pointed out that the reason why America responds in morally appropriate ways to refugees and Holocaust victims is that we can help them and feel sorrow for them without feelings of guilt. We can tell ourselves that the Holocaust is a German problem.

All of this may seem to cast doubt on the value of having such a word. But it seems clear that our moral and political vocabulary shapes how we think about social policy. If our language does not adequately describe a group's plight, how is that plight to be brought to the consciousness of the policymakers? While we do not want to overestimate the value of a word for denoting the social history of blacks, we do not want to underestimate its value either.

The history of slavery is a moral indictment on America. No one wants to take the blame. But recognizing that there is this history does not mean that you have to take blame for it. The history can still be part of our calculations of the problems groups face in their striving for equal standing.

Some whites might feel pressured by attempts to make the slavery experience part of our moral discourse. Indeed, many blacks would rather slavery not be discussed. As we have seen, slavery has had an important impact on the lives of all Americans. If we know this is true, then we need to have our language reflect this knowledge.

While there is no doubt that blacks are United States citizens, the language of citizenship gives the impression that blacks have the same social and economic chances as whites.[42] From the citizenship stance, it is thought that blacks are players in the political and power arenas in the same manner as whites.[43]

In sum, the lack of a word is an indication of a lack of interest Americans have in making the slavery experience a part of our moral deliberations. For experience shows-- consider the case of computers and music—that whenever an event has had a major impact upon the lives of people, new vocabulary is introduced.

What is important is that there is no word in English that can be used to characterize the plight of the descendants of slaves in our society. What is wanted is something on a par with "refugee." And what one must realize is that the fact that there is no such word is indicative of the interests and attitudes of the speakers of the language. We have single words for the things that are important to us, that we are concerned with. Language serves to focus attention. I wish to focus attention on the fact that while blacks are United States citizens, they are, by and large, the descendants of slaves; hence a word is needed. If no single word is available, then a short phrase will serve, but only if its meaning can readily be grasped, only if it serves to convey the right sense. For example, we might use the phrase

"descendants of chattel slavery."

Our English language is a rich one, as the philosopher John Austin noted decades ago, in its ability to describe actions, especially immoral ones. This important aspect of our language is often forgotten. We have terms like "discrimination," "exploitation," "abuse," and "genocide" to characterize, explain, and guide us around the wrongs that can be inflicted on other persons. But our current language is not exhaustive.[44] It is not yet rich enough to have a term that denotes the unique history of black Americans.