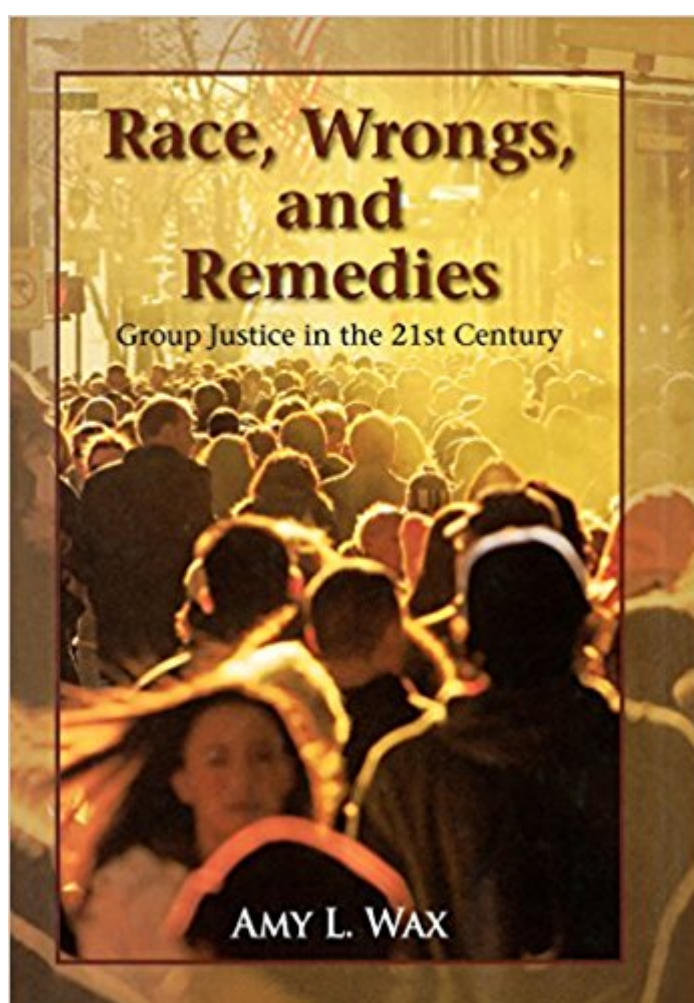


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Race, Wrongs, And Remedies: Group Justice In The 21st Century (Hoover Studies In Politics, Economics, And Society)



Synopsis

Black Americans continue to lag behind on many measures of social and economic well-being. Conventional wisdom holds that these inequalities can only be eliminated by eradicating racism and providing well-funded social programs. In *Race, Wrongs, and Remedies*, Amy L. Wax applies concepts from the law of remedies to show that the conventional wisdom is mistaken. She argues that effectively addressing today's persistent racial disparities requires dispelling the confusion surrounding blacks' own role in achieving equality. The evidence overwhelmingly suggests that discrimination against blacks has dramatically abated. The most important factors now impeding black progress are behavioral: low educational attainment, poor socialization and work habits, drug use, criminality, paternal abandonment, and non-marital childbearing. Although these maladaptive patterns are largely the outgrowth of past discrimination and oppression, they now largely resist correction by government programs or outside interventions. Wax asserts that the black community must solve these problems from within. Self-help, changed habits, and a new cultural outlook are, in fact, the only effective tactics for eliminating the present vestiges of our nation's racist past. Published in cooperation with the Hoover Institution

Book Information

Series: Hoover Studies in Politics, Economics, and Society

Hardcover: 200 pages

Publisher: Rowman & Littlefield Publishers; 1st Edition edition (July 16, 2009)

Language: English

ISBN-10: 0742562867

ISBN-13: 978-0742562868

Product Dimensions: 6.3 x 0.8 x 9.4 inches

Shipping Weight: 15.2 ounces (View shipping rates and policies)

Average Customer Review: 3.9 out of 5 stars 8 customer reviews

Best Sellers Rank: #219,656 in Books (See Top 100 in Books) #26 in [Books > Law >](#)

[Constitutional Law > Discrimination](#) #80 in [Books > Law > Constitutional Law > Civil Rights](#)

[#384 in Books > Politics & Social Sciences > Politics & Government > Specific Topics > Political Economy](#)

Customer Reviews

(Amy Wax) reviews a great deal of social science data showing the pallid or perverse effects of policies aimed at teenage pregnancy, education, job training, prison rehabilitation, and many more.

(American Lawyer, October 1, 2009) Amy Wax's *Race, Wrongs, and Remedies* is a provocative discussion of policies to close the race gap in America. Using the insightful legal distinction between liability and remedy, she shows that self-help can be a powerful force for remediating social wrongs. This book will help change the dialogue of race in America from a discussion about passive victims, guilt, and reparations to a more active embrace of individual responsibility and human agency. Its message is bold and clear. (James J. Heckman, professor of economics, The University of Chicago) Professor Wax's book is the quintessence of cool, clean, and unassailable good sense. One is to be pardoned for wondering whether the most important book on race of the year could be one by a white female law professor. Well, one need wonder no more--it is. (The New Republic 2010-07-14) Amy L. Wax combines conceptual insights from the law of torts and remedies with a thorough reading of the scholarship on racial disparities to bring much-needed clarity to the discussion of the black man's burden. (Claremont Review of Books 2011-07-01) Wax combines conceptual insights from the law of torts and remedies with a thorough reading of the scholarship on racial disparities to bring much-needed clarity to the discussion of the black man's burden. Every officer in the Department of Families, Housing, Community Services and Indigenous Affairs should read this book. Indeed, every federal or state public servant delivering services to, and/or making policy for Aborigines should think deeply about the applicability to Aborigines of Amy Wax's insights into the plight of black Americans. (Public Administration)

Professor Wax's book is the quintessence of cool, clean, and unassailable good sense. One is to be pardoned for wondering whether the most important book on race of the year could be one by a white female law professor. Well, one need wonder no more--it is.

One of my close friends is a black journalist who maintains it's not easy to talk publicly about race. Reading the reviews and comments on this book reinforces his view. Prof. Amy Wax's book is provocative in that it attempts to shed more light than heat about systemic racism, its effects, and potential ways to change cultural thinking in both whites and blacks. She provides a fresh perspective, but one that will challenge conventional thinking by well-meaning people. Wax believes that structural systemic efforts by government or other external entities to eliminate racial inequality have both helped and hurt the black community. After fifty years of major racial progress in many areas, there has been backsliding in others. She argues that although emphasis on law and policy may have once made sense, the time has come to assign priority to self-improvement through behavioral, cultural, and moral reform. She never advocates

abandoning the former, but believes there is now more progress to be made in the latter areas. Through the simple “parable of the pedestrian,” Wax defines the situation succinctly. A pedestrian crosses the street at the crosswalk and with the light. A driver runs a red light, hitting the pedestrian, causing major physical damage. Under the law and common sense, the driver should be responsible for returning the pedestrian to his previous status by paying for medical care and rehabilitation. But what if that rehab requires physical therapy that the pedestrian refuses to participate in? The pedestrian’s injured status is not fair and was not his fault. Nonetheless, the driver is powerless to return the pedestrian to his former status without some effort by the pedestrian. So it is with the racial victim. Not his fault, not fair, but requires some additional effort on his part to return to a “normal” status. Contrary to a couple of negative reviews posted here, Wax fully blames whites for both racism against blacks and the residual effects of that racism. The main topic of this book is, “Where do we go from here” to either reduce or remove those residual effects. In other words, what works and what doesn’t. She also addresses head on the charge of “blaming the victim” in infinite detail, devoting a full chapter to the discussion, so I don’t understand the reviewer who levels that charge. Wax does nothing of the sort. Words have meaning, and the author discusses terminology designed to cut through emotion and bring some reality to the discussion of racial inequity. Remedial idealism, the rescue and moral fantasy, is a belief that we can always return a victim to a prior status or “normal” condition if we can only apply some external solution. Wax easily points out the fallacies of this belief system by way of many examples. She would like to replace the term with remedial realism. Find out what works and do more. Find out what doesn’t, and do less of it. Focusing totally on the past will not provide for the future of the black community. As with the parable of the pedestrian, identifying the perpetrator and establishing the causal mechanism of harm need not point to the only way of relief. Like all books discussing reams of source materials, there are a few misinterpretations of studies and some over-simplification of remedies. This does not detract from the main thrust of the book. To fully understand Wax’s arguments, read the book in its entirety. In typical lawyer-like fashion, she builds her case bit by bit. Her views about cultural and behavioral elements are held by many black commentators as well as defined in many books by black authors. Those are not the majority black views, however, and she explains why in detail. Wax points out that some black leaders have financial skin in the victimization game and some politicians gain votes by enacting various programs for their communities, whether those programs are effective or not. The majority

of the black community has been raised with a victimization culture, not without reason, and will be unaware of the many studies showing that there is no simple solution to racial inequities. Thus, it will be left to community organizations to bring about the cultural and behavioral changes in the black community required for advancement. Wax does not say that any of this will be easy, but it is necessary. Racial pride alone will make scrutiny of the black community culture, even if done internally, a minefield. In the end, whether you agree with Wax's remedies or not, you will gain a better understanding of racism and its inequities by reading this book.

This is a courageous book. Describing its perspective as 'self-help', the author argues that structural, governmental, 'external' solutions for inequalities by race have now largely run their course and their returns have diminished significantly. The solutions to inequality now rest with the black community itself. 'Hard struggles' remain, but 'brick walls' have largely been removed. The principal problems causing the continuing inequalities are behavioral and cultural. Given the response to arguments along this line from Bill Cosby, Juan Williams, et al., this is not a point of view that is likely to be warmly and enthusiastically embraced. She comes to the argument with a lawyer's perspective, one informed particularly by the laws governing liability and remedies. Her key insight/example concerns a parable of an injured pedestrian. The pedestrian is hit by a guilty motorist. The motorist is directed to do all in his power to make the injured pedestrian whole. He attempts to do so. However, there are certain things that the injured pedestrian must do for himself. The guilty driver will pay for his medical care, medications and physical therapy, for example, but the injured pedestrian must show up for his appointments, fill and take his prescriptions and perform the exercises required by his physical therapist. In some ways this seems unjust. The motorist was guilty, the pedestrian innocent, but his return to health is dependent on his, not just the motorist's actions. The author's argument is that this does in fact appear to be unjust, and that we cannot absolve the motorist of guilt. At the same time, the irreducible fact is that in the current (admittedly unfair) circumstance, the pedestrian will not walk again unless and until he takes responsibility for those things which he and only he can do. The author rehearses some well-known facts: that the black family was stronger prior to the 1960's and that out-of-wedlock births have increased (to the 70% level) at a time when individuals experience less discrimination. She studies test scores and the per-pupil investments in public education (slightly higher now in the largely black community than in the largely white). Her prescriptions are traditional ones: establish stable families, avoid having babies prior to marriage, complete high school and develop characteristics that will help further one's success in school as well as on the job--dependability, tenacity, dedication, and so

on. There are several reasons why the initial reactions to the book have been far less hostile than one might have expected. First, the author is a senior law professor at an ivy league institution. In all that she says she appears to be a serious and fair-minded person who genuinely seeks the end to racial inequalities. The issues at stake are, in many cases, legal ones and she has expertise in this area. Most important, the book is a thoroughgoing, scholarly one. Its relatively brief text is anchored by weighty annotation. Like many social scientists, she feels the need to document nearly every assertion. Of course, in an area as important and controversial as this, one needs to document such assertions. She does so. This is not to suggest that the book is an unreadable tome. It is not. It is written with lucidity and clarity and it is accessible to any reader interested in the subject. She anticipates the responses of political and community critics and does so generously and politely. She also examines the 'deterministic' and reductionist nature of previous arguments based in the social sciences and assesses their usefulness. We have come, she argues, as far as we can with 'external' solutions; we now need 'internal' ones. This book will now be an important element in any future discussion of race and inequality in America.

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