

CLOSING ADDRESS

IMPROVING CULTURE TO END RACISM

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My last book, *The End of Racism: Principles for a Multiracial Society*,¹ found itself immersed in controversy even before it hit the bookstores. My book discusses the politics of race and gender on campus, but I have eliminated the issue of gender from this Article because gender does not result in the same degree of social balkanization as race. But rather than dwell on the controversy, I will discuss the book's main points regarding the race issue.

The basic argument I forward is that, in a liberal society, two goals are important: the equality of rights for individuals and the equality of results for groups. I probably need not argue the importance of the former, which is a restatement of Martin Luther King's idea that we want to be judged on our merits as individuals.² I also argue, however, for the importance of the latter: the equality of results for groups.³

Group equality is important in a pluralistic and inclusive society because very few people would want a societal structure in which some groups are permanently ensconced at the top and others are consigned to the bottom. In short, Americans who do not want to live in a racial caste society cannot be wholly indifferent to claims of group inequality.

However a problem arises because these goals are in basic conflict. Equality of rights for individuals does not lead to equal-

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1. DINESH D'SOUZA, *THE END OF RACISM: PRINCIPLES FOR A MULTIRACIAL SOCIETY* (Free Press 1995).

2. See Martin Luther King, Jr., *I Have A Dream*, in *A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS OF MARTIN LUTHER KING, JR.* (James Melvin Washington ed., 1986).

3. See Linda S. Greene, *Race in the Twenty-First Century: Equality Through Law?*, 64 *TUL. L. REV.* 1515, 1540 (1990).

ity of results for groups.⁴ This corollary was illustrated dramatically when the regents of the University of California decided to eliminate racial preferences.⁵ This generated a tremendous uproar for a very simple reason: many studies have shown that if the University of California at Berkeley were to admit students solely based on merit—that is, solely based on grades and standardized test scores—virtually the entire university would be comprised of whites and Asians.⁶ Whites and Asians would account for more than ninety percent of the student body, Hispanics most of the remainder, and African-American enrollment would plummet to between one-half to two percent.⁷

This outcome would be extremely embarrassing to the Berkeley admissions office because the University of California at Berkeley is a state university and therefore is accountable to a racially diverse population. Yet Berkeley finds that equality of rights for individuals would not lead to equality of results for groups. To sidestep that fact, the University of California has established racial preferences and embraced the doctrine of proportional representation to achieve a student body that roughly approximates the racial breakdown of society at large. Berkeley, like many institutions in our country, is trying to balance equality of rights for individuals on the one hand with equality of results for groups on the other.

The goal of proportional representation also underlies the intellectual foundation of our civil rights law. Employment discrimination is a relevant example.⁸ If a company in Manassas, Virginia has Hispanics as only one percent of its workforce and the surrounding area is seven to nine percent Hispanic, then the company is liable for employment discrimination. If a disparity in numbers exists in the relevant work-force, the Equal Employment Opportunity Commission automatically presumes a company to be guilty of discrimination. The company then suffers

4. See Carl Hoffman & John Reed, *When Is Imbalance Not Discrimination?*, in DISCRIMINATION, AFFIRMATIVE ACTION, AND EQUAL OPPORTUNITY (W.E. Block & M.A. Walker eds., 1981).

5. See Tom Morganthau & Ginny Carroll, *The Backlash Wars*, NEWSWEEK, Apr. 1, 1996, at 54, 55 (reporting that the regents voted to abolish affirmative action in July 1995).

6. See Dinesh D'Souza, *Failure of Cruel Compassion*, in CHRON. HIGHER EDUC., Sept. 15, 1995, at B1.

7. See *id.*

8. See MICHAEL SOVERN, LEGAL RESTRAINTS ON RACIAL DISCRIMINATION IN EMPLOYMENT (1966).

the burden of proving that it does not discriminate.⁹

Why this legal structure? The presumption of discrimination occurs because the government assumes that, if the company were not discriminating, each group in the surrounding or appropriate population would permeate into the workforce at roughly its strength.

Historically, proportional representation is the direct and logical expression of the philosophy of cultural relativism. By cultural relativism, I mean simply the proposition that all cultures are basically equal. No culture is better or worse than, superior or inferior to, any other. The standards for judging a culture must come from within that culture. No culture may impose its values on another culture.

Historically, this notion of *cultural relativism* developed to fight the *old racism*. Starting in the Fifteenth Century and culminating in the Nineteenth Century, the *old racism* was based upon a notion of civilizational hierarchy. Believing that all human populations pass through three stages—savagery, barbarism, and civilization—these racists confidently and arrogantly averred that only whites achieved the last stage of development. They believed that only whites are suited or capable of civilization and that other groups occupy intermediate rungs on the ladder—either savagery or barbarism.

This was the *old racism*, and if one lived a hundred years ago, one's experience of the world appeared to corroborate this paradigm. In other words, one who lived in the Nineteenth Century would see a civilization in which one culture, that of Europe, built the Cathedral of Notre Dame, invented the telescope and microscope, and mapped the globe and the planets. Other cultures, by comparison, appeared hopelessly far behind, hopelessly primitive. Racism offered a sort of common-sense support for the belief that this civilizational gap was due to nature, because it was difficult to come up with an environmental explanation having to do with rivers or climate that would account fully for the extremely large differences in intellectual learning, scientific advances, technological development, and other aspects of civilized life.

In the Twentieth Century, a group of scholars, social scientists, and anthropologists launched a ferocious attack on this *old ra-*

9. See *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971).

cism. They did so in the name of *cultural relativism*. In effect, they argued that cultures cannot be ranked on a totem pole from savagery to civilization. Rather, superiority or inferiority are in the eye of the beholder. Every culture is a unique adaptation to its own set of circumstances. All cultures are basically equal. None may be proclaimed superior or inferior; all are equally worthy of respect.

A great battle then erupted in the early part of the century between the *old racists* and the new *cultural relativists*, a battle that was settled by a single event: World War II. Hitler discredited the *old racism*, but not by proving that it was false. Hitler did not produce anthropological studies to show that human beings did not pass through these three stages. He proved the theory wrong by demonstrating that it had genocidal consequences. After World War II, cultural relativism established itself as the only ethical alternative to genocide. *Cultural relativism* supplied not the conclusions but the assumptions that guided the civil rights movement from the outset.

The civil rights movement was based upon the following syllogism. Because races or groups are equal in ability, potential, and talents, society should expect that equality of rights for individuals will produce equality of results for groups. That is, because racism is a system of imposed group inequality, outlawing racial discrimination should produce group equality quickly. This theme emerges repeatedly in the rhetoric of Martin Luther King.

Martin Luther King said that African-Americans are not asking for anything other than a system of laws that judges each individual on his or her merit.¹⁰ He suggested that if such a system were implemented, privileges and property would become widely distributed in this country among individuals of all ethnic groups. It is part of my argument that this fundamental assumption of the civil rights movement has been proven false in the intervening generation.

Equality of rights for individuals does not lead to equality of results for groups. Moreover, merit, no less than the old racism, produces inequality. Merit produces inequality not only between

10. See Martin Luther King, Jr., *I Have A Dream*, in A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS OF MARTIN LUTHER KING, JR. 219 (James Melvin Washington ed., 1986) ("I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character.").

individuals, but also between groups. It is a sad, but true, fact in our society. We would like to live in a multiracial society in which all groups are basically equal but in some ways still different. In such a scheme, multiculturalism could work; we could celebrate differences. But that is not the society in which we live. That is not the society that we see.

What we do see is that, according to virtually every measure of academic achievement or economic performance, America is developing something resembling a racial hierarchy—Asians and whites at the top, Hispanics in the middle, African-Americans at the bottom. This outcome does not occur because there are bigots in the Berkeley admissions office keeping African-Americans out. If that were the problem, there would be a very easy solution: give each applicant a number—as when a standardized test is administered.

The real problem is that African-Americans are not competitive with other groups in our society. This is the multicultural dilemma. The reason for this lack of competitiveness is not that the tests are biased. The racial gaps in the math section of the test typically are larger than on the verbal section of the test. It is also true that these gaps are not purely socioeconomic.

I point out in my book reams of data that show, for example, that blacks who come from families earning over \$60,000 a year score lower on the scholastic aptitude test every year than whites or Asians who come from families making less than \$10,000 a year.¹¹ For a generation, a liberal illusion has sustained itself in the belief that these problems can be cured automatically with economic policies. Instead, I would argue that racial inequalities have a cultural and social dimension as well.

The real problem is that we have seen something resembling a cultural breakdown in this country. Moreover, the effects of this cultural breakdown are particularly harsh and bitter when it comes to African-Americans in general, and poor blacks in particular.

In the black community, this cultural breakdown is characterized by the following features: (1) a very heavy and perhaps excessive reliance on government;¹² (2) a sometimes virtual paranoia that racism is to blame for all problems, including those

11. See D'SOUZA, *supra* note 1, at 456.

12. See *id.* at 495.

that are quite personal;¹³ (3) hostility to academic achievement, which is very often, particularly in the inner city, dismissed as a form of *acting white*;¹⁴ (4) a call to violence that has spread and that threatens the integrity of our inner cities; and finally, perhaps most tragically;¹⁵ (5) the normalization of illegitimacy in the inner city.¹⁶

These are painful facts, but this is an American problem. The illegitimacy rate for the country as a whole is far too high.¹⁷ For whites, the illegitimacy rate is twenty-two percent,¹⁸ which, although shocking, is about one-third of that of blacks which approaches seventy percent.¹⁹ Illegitimacy is a problem with a national dimension, but it is one whose effects are particularly severe when it comes to the black community.²⁰

I make the point clearly and repeatedly in my book that these problems are not the result of genes, nor are they the result of racism. I can offer irrefutable evidence of this by pointing out that many of these problems did not exist a generation ago. For example, there are many scholars who have confidently stated that the black illegitimacy rate and the breakdown of the black family is the result of slavery.²¹ They usually follow this assertion with gruesome stories about slave owners breaking up families, selling off children, and so on, which are all or often true. But

13. *See id.* at 487.

14. *See id.* at 499.

15. *See id.* at 477.

16. *See* D'SOUZA, *supra* note 1, at 514; CHARLES MURRAY, *LOSING GROUND: AMERICAN SOCIAL POLICY 1950-1980* (1984).

17. In 1992, 30.1 percent of all childbirths were to unmarried women. *See* CONGRESSIONAL RESEARCH SERV., *WELFARE REFORM 7* (August, 1995); U.S. DEP'T OF COMMERCE, ECONOMICS AND STATISTICS ADMIN., BUREAU OF THE CENSUS, *STATISTICAL ABSTRACT OF THE UNITED STATES 1995*, at 77 (1995).

18. In 1992, 22.6 percent of white childbirths were to unmarried women. *See* U.S. DEP'T OF COMMERCE, ECONOMICS AND STATISTICS ADMIN., BUREAU OF THE CENSUS, *STATISTICAL ABSTRACT OF THE UNITED STATES 1995*, at 77 (1995).

19. In 1992, 68.1 percent of black childbirths were to unmarried women. *See id.*

20. In 1992, a striking 49.4 percent of teenage mothers giving birth to illegitimate children were black. *See* GENERAL ACCOUNTING OFFICE REPORT TO THE CHAIRMAN, HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON HUMAN RESOURCES, COMMITTEE ON WAYS AND MEANS, *FAMILIES ON WELFARE: TEENAGE MOTHERS LEAST LIKELY TO BECOME SELF-SUFFICIENT 21* (1994). Moreover, in 1992, current and former teenage mothers comprised nearly 42 percent of all single women on AFDC. These women are among the poorest of the AFDC population. *See* GENERAL ACCOUNTING OFFICE REPORT TO THE CHAIRMAN, HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON HUMAN RESOURCES, COMMITTEE ON WAYS AND MEANS, *FAMILIES ON WELFARE: FOCUS ON TEENAGE MOTHERS COULD ENHANCE WELFARE REFORM EFFORTS 2* (1994).

21. *See, e.g.,* W.E.B. DU BOIS, *THE PHILADELPHIA NEGRO* (1899).

there is a problem with their argument.

When W.E.B. Du Bois²² wrote in the early part of the century, around 1910, thirty years after slavery was abolished, the illegitimacy rate for blacks was about twenty-five percent, ten times the white rate.²³ But in fact, this figure is markedly lower than the African-American rate of today. The breakdown of the black family cannot be blamed primarily on slavery. It is a product of the last generation.

Similarly, this same pattern is echoed with the crime rate among the black population. Over the last generation, the gene pool has remained the same. Although there has been no notable change in the gene pool, racism was far worse a generation ago. Society has faced the effects of cultural deterioration, not racism, and that is the problem that must be addressed.

My argument in *The End of Racism: Principles for a Multiracial Society* is as follows. African-Americans as a group have developed a culture that represents an intelligent, sophisticated, and legitimate adaptation to historical oppression.²⁴ Unfortunately, it is also a culture that, in many important and definable respects, is a liability today.

An example lies in attitudes toward the government. Historically, most whites have viewed government as the enemy of rights. The Bill of Rights, for example, reads as a list of limitations on the rights of government.²⁵ The government is regarded as the enemy of rights and freedoms. For African-Americans in this country, however, the experience has proven opposite. The government has been a helper, a deliverer of rights. It was the federal government that ended slavery in this country,²⁶ the federal government that ended segregation.²⁷ It was the federal government that was an employer of last resort for much of the century. The federal government during the New Deal, and even

22. See W.E.B. DU BOIS, *THE PHILADELPHIA NEGRO* (1899); W.E.B. DU BOIS, *THE SOULS OF BLACK FOLK* (1903); W.E.B. DU BOIS, *THE NEGRO PROBLEM* (1903); W.E.B. DU BOIS, *THE NEGRO AMERICAN FAMILY* (1908). For a more complete analysis of the race thinking of Du Bois, see ANTHONY APPIAH, *THE UNCOMPLETED ARGUMENT: DU BOIS AND THE ILLUSION OF RACE*, IN *RACE, WRITING AND DIFFERENCE* 21-37 (Henry Louis Gates, Jr. ed., 1986).

23. See W.E.B. DU BOIS, *THE NEGRO AMERICAN FAMILY* 151-52 (1908).

24. For an insightful commentary on this subject, see ALBERT MURRAY, *THE OMNI-AMERICANS: BLACK EXPERIENCE AND AMERICAN CULTURE* (1970).

25. See U.S. CONST. amends. I-X.

26. See U.S. CONST. amend. XIII (abolishing slavery).

27. See *Brown v. Board of Educ.*, 347 U.S. 483 (1954).

more so during the Great Society, served as a transmission belt for many blacks to make it to the middle class. The attitude that looks to government to be a helper is perfectly understandable in the crucible of history. Yet today, it is one that is dysfunctional.

The federal government no longer has either the resources or the understanding to solve problems effectively. Public confidence in government is at an all-time ebb. Instead of looking to the federal government for help, other groups in America are looking to themselves to raise the condition of their circumstances. At the same time African-Americans are gathering in Washington, a million or more at a time, to implore the government to do more, Koreans are setting up shops, grocery stores, and other small businesses. As a result of their efforts, Korean children will become valedictorians and Korean families will move to the suburbs. Ethnic and cultural strategies are clearly decisive.²⁸

One of the worst, grossest, and most incomprehensible misunderstandings about my book is the belief that I draw a line between white culture and black culture or that I draw a line between groups in our society. To make my point clearly and explicitly, I cite the urban anthropologist Elijah Anderson.²⁹ According to Anderson, two cultures exist in our inner city: "a hegemonic culture of pathology and a besieged culture of decency."³⁰ The first is a culture of decency characterized by people who struggle to hold their families together, who make it to church, who keep steady jobs, and who try to provide an enclave of security. The second Anderson calls the dominant culture of irresponsibility. It is a culture characterized by slurs, misogyny, sex abuse, violence, promiscuity, illegitimacy, drugs, routine depredations in the public square, and so on. These are two cultures not necessarily divided by race, but by behavior.³¹

We have arrived at a terrible impasse because cultural relativism makes it extremely difficult to say that one culture is simply

28. Chia-Wei Woo, former president of San Francisco State University attributes the success of Asian-Americans to a pronounced work ethic in their culture. See Suzanna Sherry, *Responsible Republicanism: Educating for Citizenship*, 62 U. CHI. L. REV. 131, 153 (1995) (quoting D'SOUZA, *supra* note 1, at 45).

29. See ELIJAH ANDERSON, *STREETWISE: RACE, CLASS AND CHANGE IN AN URBAN COMMUNITY* (1990).

30. D'SOUZA, *supra* note 1, at 528.

31. See *id.* at 516-18.

better than the other. Cultural relativism, which historically was the weapon for destroying and toppling the old racism, has now become a kind of millstone around our necks. It makes it difficult for us to recognize civilizational decline—specifically the cultural decline in the African-American community. In fact, it makes it virtually impossible—as I am discovering only too well—to discuss these problems in public.³²

Although these issues are discussed incessantly in private, there is a subtle, unspoken taboo about discussing them in public. This taboo is even greater for those who are not African-American. In fact, when I was on a talk show, one of my critics underscored this by saying in essence, “Listen, it’s okay for us to discuss this, but not you.”

There is a sense that a code of silence exists which goes all the way back to a generation ago when Daniel Patrick Moynihan wrote his report on the black family.³³ This sensitivity essentially has silenced the race debate in society. Although this is a common, shared problem in society, cultural relativity and the code of silence has made it difficult to address this problem in an open and honest way. We need to abandon relativism and to return to the ancient distinction between civilization and barbarism. The *old racists* based their case on two premises: (1) cultures can be ranked hierarchically; and (2) these differences are biological. Liberalism has denied (1) for almost a half century, asserting that cultures cannot be ranked hierarchically and all cultures are equal. I admit (1), but deny (2). I believe that cultures can be ranked hierarchically, at least in a functional sense.

Some cultures and ways of life simply are better than others. Some cultures embrace shared American goals better than other cultures. Blacks and whites in this country do not have vastly different goals. They have shared goals. They merely differ on the means of achieving these goals.

A twofold solution is required. First, public policy must be strictly race-neutral.³⁴ I call this the separation of race and state.

32. See JOHN H. BUNZEL, RACE RELATIONS ON CAMPUS: STANFORD STUDENTS SPEAK (1992).

33. See OFFICE OF POLICY PLANNING & RESEARCH, U.S. DEP’T OF LABOR, THE NEGRO FAMILY: THE CASE FOR NATIONAL ACTION (1965).

34. For a discussion of color-blind policy, see John E. Morrison, *Colorblindness, Individuality, and Merit: An Analysis of the Rhetoric Against Affirmative Action*, 79 IOWA L. REV. 313 (1994); see also *Hopwood v. Texas*, 78 F.3d 932, 947-48 (5th Cir. 1996) (“[T]he use of race to achieve diversity undercuts the ultimate goal of the Fourteenth Amendment: the

Such a policy is needed to get the government out of the race business. Although many black conservatives believe that a color-blind policy alone is enough to achieve equitable results, it is not.³⁵ The equality of rights for individuals promptly will lead to scandalous inequality of results for groups. If a color-blind policy is implemented alone, the social embarrassment that is sure to follow in the wake of inequality will lead us back on the road to affirmative action. This is exactly what happened a generation ago.

Instead, in addition to color-blindness, we need a concerted and direct effort to raise the cultural standards of all groups and particularly that of blacks. If significant change is to occur, we specifically must address the cultural breakdown in the African-American community.

Racism will end in this country when blacks are fully competitive with other groups. What we now have is an industry that tells us why the equality of blacks can never be achieved. As these explanations become decreasingly plausible, I think many have begun to entertain suspicions of genetic inferiority, an idea that two African-American scholars in *New Republic* call rumors of inferiority. When certain groups always seem to fail, it is tempting to believe that this is because these groups are inferior.³⁶ This is certainly not the case. The best way to discredit racism and solve the American dilemma is for blacks to prove the racists wrong—to prove that they can compete fully and effectively with other groups. That is the best antiracism.

end of racially-motivated state action.”), *petition for cert. filed*, 64 U.S.L.W. ____ (U.S. Apr. 30, 1996) (No. 95-1773).

35. See T. Alexander Aleinikoff, *A Case for Race-Consciousness*, 91 COLUMN. L. REV. 1060, 1115 (1991) (arguing that a color-blind policy also produces undesirable outcomes).

36. See Ray Hammond & Jeff Howard, *Rumors of Inferiority: the hidden obstacles to Black success*, NEW REPUBLIC, Sept. 9, 1985, at 17.