

What's Discrimination Got to Do with It?¹

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I am honored to have been asked to comment on this morning's remarks by our distinguished guest, professor Walter E. Williams. No doubt I was chosen on the assumption that I could be counted upon to disagree with professor Williams, and, in due course, I will. Before I do, I would like to thank the Erhardt Foundation for its sponsorship of this event and to add my voice to those who have welcomed Walter Williams to Cornell.

Professor Williams, yours is an important voice in the American dialogue on race, and I am delighted that you are here to share your insights with us. Given our history as a people, it is a good thing for America if our attitudes, values, and policy prescriptions are not polarized along racial lines. Your views depart from what may well be the modal view of African-Americans on issues of race. And, in a similar spirit, my remarks this afternoon may well depart from the modal view of European-American men.

Turning now to professor Williams' speech, "How Much Can Discrimination Explain: the False Civil Rights Vision," I confess a certain disease and a certain ambivalence when entering into any conversation about race. Race is biologically meaningless and sociologically profound. According to my best understanding of biology there is simply no such thing as a black race or a white race. There is some genetic diversity within the human race, but we are all cousins, we are all of African origin, and it is impossible to draw any clear line between black and white. Despite race's lack of biological meaning, as a social scientist, I am acutely aware that as a mental construct employed by people in their daily lives, race has had, and continues to have, profound effects on behavior. I suspect, but do not know, that professor Williams might agree with this assessment. In any event, it seems to me that professor Williams' remarks address race not as a biological category but as a social construction with behavioral consequences. Certainly that is the sense in which I will use the term this afternoon.

Professor Williams' talk this morning focused on four pathologies of American society: racial discrimination, ineffective education, violent crime, and family disintegration. Each of these pathologies has affected African-Americans with more devastating consequences than it has affected whites.

Professor Williams attaches the phrase "a false civil rights vision" to the preoccupation with racial discrimination among these four pathologies. He believes that racial discrimination is over rated as a contributor to the failure of many African-Americans to prosper in American society. He argues that focusing our activities on overcoming racial discrimination is unwise as a matter of public, and he offers two major arguments. First, some efforts to address racial discrimination

¹A response to Walter E. Williams, John M Olin Distinguished Professor of Economics at George Mason University, on the occasion of the Second Annual Earhart-Cornell Lecture on Liberal Arts and the Public Square, May 4, 2000

are counterproductive. Second, if not counterproductive, efforts aimed at reducing discrimination are inefficient because they tend to direct resources to areas where small gains are possible—ending discrimination—and away from areas that would be more productive—addressing education, crime and family.

I intend to raise some objections to the policy proposed by professor Williams and to the arguments and evidence used to support it.

As an example of a counterproductive emphasis on racial discrimination, professor Williams cites data from the University of California systems to make the broader point that race-conscious affirmative action programs in America's colleges and universities have placed African-American students in colleges and universities for which they were not qualified, thus setting them up for failure. I don't doubt the veracity of the data, but I wonder whether data from one university system in the 1980s is a sufficient foundation upon which to rest this point. And I certainly do doubt that SAT scores can be taken as a definitive measure of aptitude for college.

If African-Americans have disproportionately failed to prosper in American society, should we be surprised that African-American students disproportionately fail to thrive in American universities? Is this a matter of African-Americans being unqualified, or is a reflection of some broader cultural disconnect that limits black chances in American society generally? American colleges and universities have always practiced social engineering; in a manner of speaking, social engineering is what education is all about. Is it appropriate for a college to cut a kid some slack on his SAT score if his father is George Bush, but to refuse to do so if he seems to have pulled himself up by his own boot straps?

I confess to some concern that affirmative action in higher education has had the perverse effect professor Williams describes. But even if that is so, it seems to me that is an argument against one specific method of addressing discrimination rather than an argument against addressing discrimination in general. Indeed, an argument often made against affirmative action is that it is racial discrimination.

Professor Williams' second argument is that a focus on racial discrimination redirects resources that might better be spent elsewhere. This is certainly a plausible hypothesis, but I am unconvinced that discrimination plays a minor role or that addressing issues of education, crime and family would necessarily be more productive.

How pervasive and debilitating is racial discrimination in the lives of African-Americans? Professor Williams devoted the first half of his talk to minimizing its importance. He offered two primary arguments. First, discrimination is less pervasive than you think. And second, discrimination is less debilitating than you think; progress is possible in spite of discrimination.

As evidence that discrimination is less pervasive than you think, professor Williams argues that statistical disparities by race don't prove racial discrimination. Of course they don't. I would be

tempted to argue that professor Williams is knocking down a straw man here, but I recognize that many commentators on my side of this issue pointlessly insist on propping this straw man back up. So I agree, mere statistical disparity cannot prove racial discrimination. But does that mean, as a matter of public policy, that we ought to ignore such disparities? Surely everyone must admit statistical disparities do not prove the absence of racial discrimination.

I think instead we must be more sophisticated consumers of the data. Statistical disparities should not be taken to prove racial discrimination, but they should, perhaps be taken to create a rebuttal presumption of racial discrimination. In short, they should trigger our interest, and, in a society that has legislated against racial discrimination it is reasonable to raise the question: what accounts for these disparities if not racial discrimination?

Statistical inference is a powerful tool. It would be as foolhardy to abandon statistical inference because it can be abused as it would be to abolish prescription drugs for the same reason. When statistical disparities between races in income, for example, persist even after controlling for education, experience, and a variety of other factors, discrimination is a reasonable inference. The picture is rarely simple. I agree with professor Williams that the preponderance of African-Americans in the American penal system reflects a high level of criminal activity among African-Americans, but I am not convinced that is the whole story. That preponderance also reflects a criminal justice system that tends to observe, stop, question, frisk, arrest, arraign, indict, try, convict, incarcerate, and execute blacks in preference to whites.

Furthermore, there is direct evidence of continuing racial discrimination in the United States, evidence that does not depend upon drawing inferences from aggregate statistics. The Shoney's restaurant chain recently agreed to a 65 million dollar out of court settlement after evidence surfaced that employment applications were color-coded by race and that white managers had been pressured to limit the number of black employees and to keep them in the kitchen where they would not interact with guests.

Direct evidence of racial discrimination continues to come from controlled experimentation where blacks and whites are carefully taught to behave in the same manner, provided with identical resumes, and sent forth to apply for jobs or loans or to rent or buy real estate. This controlled experimentation continues to show that where race is the only variable, members of the white majority continue to prefer those who share their skin tone.

On the basis of this more direct evidence I conclude that racial discrimination remains a significant impediment in the road to success for African-Americans in American society. As such, it is not self-evident that resources devoted to extinguishing that discrimination are wasted resources.

As evidence that discrimination is less debilitating than you think, professor Williams points to the success of Jews, Asians, and West Indian Americans, all of whom appear disproportionately to have prospered in American society despite a legacy of discrimination. We are predominantly

a nation of immigrants. Relative prosperity has been in part of matter of time. Second generations have done better than the first, and third generations better than second. Why have Jews and Asians prospered in a way the African-Americans have not? I'm confident the answer to that question is a complicated one, and I am equally sure that I cannot provide a satisfactory answer. Still, hypotheses do suggest themselves. The Jewish and Asian immigrants have had in common extended families, entrepreneurial cultures, middle to upper class origins, and skin tones and physical features which more closely approximate those of the dominant group. If the central point is that the kinds of discriminations faced by minority groups in the United States can be overcome in some cases, there are plenty of African-American examples, including professor Williams himself. But, neither the notable prosperity of some African Americans nor the more general success of Jews and Asians provides me much leverage in explaining why large numbers of African Americans do not prosper. A compelling explanation would be a major triumph of social science.

In the end, professor Williams has provided us with a policy proposal: The solution, he says, is to abandon our obsession with racial discrimination, which is less serious than imagined, and to focus our attention on solving the more serious problems of educational failure, criminal behavior, and family disintegration. Solving these three problems would constitute an unmitigated blessing to black and white Americans alike. But these problems have proven incredibly resistant to solution.

Educational failure, criminal behavior, and family disintegration have certainly not been ignored by policy makers, yet in the last 40 years SAT scores have fallen, crime has risen, and the rate of illegitimate births has exploded among both blacks and whites. By contrast 40 years of anti-discrimination policy has produced enormous improvement in the legal rights and economic opportunities of African Americans. Resources spent fighting discrimination have produced results that are hard to document for resources spent addressing problems of education, crime and family. I am not at all sure that it makes sense to divert resources from an area where investment has paid dividends to areas where it has not.

One final point. Professor Williams does not specify a target audience for his policy proposal. Is his call for changed priorities directed to governments or to individuals? Is it directed to blacks or to whites? I believe that the utility of his prescription varies with the audience to which it is addressed.

If the message is aimed at governments, Professor Williams' prescription has important implications for American federalism. Fighting racial discrimination, vindicating the rights of Americans under the Constitution, has been, and ought to be, a national responsibility. Civil rights gains like the 13th, 14th, and 15th amendments, *Brown v. Board of Education*, the Civil Rights Act of 1964, and the Voting Rights Act of 1965 were accomplished by federal action over the objections of state and local officials proclaiming "states' right." Reducing our emphasis on fighting discrimination implies a diminished role for the level of government that has exercised leadership on issues of racial justice. By contrast the primary Constitutional responsibility for

issues of education, crime, and family belongs to the states. Emphasizing these issues moves the debate over race into an arena that, historically, has been less hospitable to black aspiration.

If the message is aimed at individuals rather than, or in addition to, governments, let me suggest that some division of labor is in order. Black and white Americans do not suffer the same consequences, nor do they bear the same responsibility with respect to racial discrimination.

If by “a false civil rights vision” professor Williams means that it is counterproductive in practical terms for African Americans to wallow in victimization, using discrimination as an excuse for failure to achieve, then I agree completely. Far better, to be sure, that African Americans lay claim to education, abandon crime, and build strong families. These are choices that individuals of any race can make; and making the right choices is good advice for everybody. Victims of discrimination improve their own lot, and they strengthen the nation when they persist despite the obstacles. But, if it is counterproductive for blacks to blame the victimizer for their plight, it is unjust and immoral for whites to blame the victim. I worry that professor Williams’ proposal to scale back the fight against racial discrimination may be taken as unwarranted absolution by whites who need to be part of the solution rather than part of the problem.

Thank you.