

The Strange Politics of Affirmative Action

Few issues in American politics are more hotly debated than affirmative action. Yet the programs themselves are only one source of controversy, our author writes. Another is the new style of politics that has accompanied the rise of affirmative action and other issues, a politics of “weak membership,” maximum publicity, and sharp confrontation.

by Peter Skerry

Not long ago, a California labor organizer complained to me about how hard it was to create a Latino caucus in the state employees' union. She recounted how time and again, after helping a member with a grievance, she would go back and ask the person to lend a hand to her effort, or at least to contribute a few dollars. The response was almost always the same: “Thanks, but I got what I deserved here. I don't see any need to contribute to your caucus.”

Researchers with the Diversity Project at the University of California at Berkeley heard something similar from a Chicana undergraduate: “Yeah, I do belong at Cal. Affirmative action may have helped me get my foot in the door, but I walked through the door by myself.”



A new kind of political leader has come to the fore, media-savvy and eager for conflict, often fitting the mold of New York's flamboyant Rev. Al Sharpton.

Or listen to the words of the young black executive quoted by Yale University law professor Stephen Carter in *Confessions of an Affirmative Action Baby* (1991): “I’ve made it because I’m good.”

When we hear such claims, we tend to focus on the word “good”—the speaker’s self-conscious claim of accomplishment and achievement, of meritocratic virtue. But we should also pay attention to the “I”—the individualistic claim that *I* made it because of my own hard work and effort.

Vignettes such as these remind us that, as sociologist Seymour Martin Lipset observes, “affirmative action policies have forced a sharp confrontation between two core American values: egalitarianism and individualism.” And, as these illustrations show, it is not only white Americans who feel the conflict. Affirmative action poses a challenge to the individualistic values of its minority beneficiaries as well. This is not to say that these beneficiaries reject affirmative action. But it does force them to confront unsettling questions: How do members of minority groups reconcile the benefits they receive from affirmative action with their own individualistic values? Does their individualism pose problems for minority leaders trying to attain group objectives?

These questions point to a paradox that lies at the heart of affirmative action. Even though they are frequently criticized for granting “group rights” to designated minorities, affirmative action programs do nothing of the sort. They in fact grant benefits to individuals—directly—without their having to belong to a formally constituted group or organization. Yes, one must be a member of a designated minority, but these minority groups have no official membership rolls or criteria. So in contemporary America it is possible to benefit from “group rights” without formally belonging to a group—and without having to give anything back to it.

Critics such as George Will may in some sense be justified in characterizing affirmative action as “racial spoils.” Yet in American political history, the “spoils system” refers to a quid pro quo between vic-

torious politicians and their loyal supporters. This is the Tammany Hall tradition, the system that fueled machine politics from Boston to San Antonio, where fealty to the local ward heeler might lead to a reduced property tax assessment or maybe even a personal loan to get through a rough patch. But with affirmative action there is no organizational tie—no reciprocal connection of reward (and restraint) between individual beneficiaries and leaders.

Only if one looks at how group boundaries are defined and policed in other nations does the curious nature of affirmative action in the United States become clear. In Malaysia, for example, the federal constitution establishes membership criteria for Malays and other protected groups. Those who wish to take advantage of employment and educational preferences must produce documentary proof that they are members of the appropriate groups. Similarly, in the former Soviet Union (as well as present-day Russia), each citizen is assigned a nationality at the age of 16, typically on the basis of the mother’s nationality. An individual can belong to one and only one nationality, which is recorded on his or her passport and cannot be changed. Such tightly regulated groups and official membership criteria simply do not fit with fundamental American notions of individual liberty and choice. The American alternative to officially recognized groups has always been voluntary associations.

To be sure, in the past the status and composition of minority groups, especially of the black population, were not matters of individual choice but were rigidly defined and policed by the state. But this is hardly the situation today. Indeed, it is striking that under affirmative action we leave it to potential beneficiaries themselves to declare if they are members of a favored group. Similarly, the U.S. census tallies racial and ethnic data based on how individuals identify themselves to the government, not on how the government identifies them.

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In short, affirmative action is not a system of officially designated groups with enforced boundaries and memberships. Affirmative action is an example of American exceptionalism, another unique but typically American hybrid: rights are afforded to groups that are weakly constituted. To put it differently, these are group rights in which the benefits are received by individuals without the mediation of any meaningful organizational effort or tie. The group rights of affirmative action get refracted through our individualistic political culture. The result is neither as compatible with American values as its supporters suggest, nor as balkanizing as its critics assert.

Yet this very ambiguity may help explain why affirmative action is so contentious. To be sure, much of the controversy surrounding affirmative action can be traced to the challenge it presents to long-held American values. But a good deal of that controversy can also be attributed to the specific institutional context within which we conduct our political business today. In other words, the continuing controversy over affirmative action has as much to do with the nature of contemporary American politics as with the state of race relations. And while some comfort can be had in this finding, it also suggests that the controversy will be all the more difficult to resolve.

The fierce national debate over affirmative action has obscured the fact that members of minority groups share the traditional American attachment to individualism. Analyzing all the available survey data on affirmative action, political scientists Lee Sigelman and Susan Welch conclude that “blacks, like whites, believe in merit as the major criterion in hiring.” Yet they also report that “blacks are more supportive of affirmative action than whites.” How can this be? Sigelman and Welch argue that blacks are caught between their very American commitment to individual merit and their belief that racism and discrimination hinder its realization. The authors conclude that blacks and whites define affirmative action differently: “Most blacks concede that preferential treatment is unfair, but still support the other compo-

nents of affirmative action [specified by the authors as compensation for past racism and assurance of future fairness].” Whites, however, tend to see preferential treatment as a damning “central component” of affirmative action. There is no question, however, that there is a significant commitment to individual merit among black Americans.

Of course, individualism among blacks competes with intense pressures for conformity or, to use a more positive term, solidarity. Sociologist Elijah Anderson captures some of these crosscurrents in *Street Wise: Race, Class, and Change in an Urban Community* (1990), a study of a racially and ethnically diverse big-city neighborhood. Anderson identifies two social types among blacks. One type, generally working- and lower-middle-class in character, tends to “view the social world mainly in terms of ethnicity and color.” Its members see “retaining their racial identity, or ‘blackness,’” as a central problem in their lives. The other type, more typically middle-class, includes those who “are inclined to see themselves as ‘individuals’ and thus to choose their friends not so much by color as by apparent social attitudes, interests, and affinities.” But as political scientist Terri Susan Fine concludes from her analysis of the survey data, such educated, individualistic, and self-reliant blacks are the most likely to back affirmative action. Far from being antithetical to black individualism, support for affirmative action actually correlates with it.

The two distinct types identified by Anderson can and do coexist within individuals. For testimony to this fact one need look no further than the recent spate of well-received memoirs by prominent black writers. To varying degrees, Carter’s *Confessions*, Brent Staples’s *Parallel Time* (1994), Gerald Early’s *Daughters* (1994), and Henry Louis Gates’s *Colored People* (1994) are portraits of successful people struggling with the contest between the individualism of mainstream America (however imperfectly realized) and the group ties of black America.

Yet the point here is not psychological or even sociological, but political—rather, it concerns the character of political organi-

zation in contemporary minority politics. Whatever their personal values, the beneficiaries of affirmative action encounter few, if any, organizational ties that would oblige them to acknowledge that they owe at least part of their success to someone or something outside themselves. Such individuals are what economists call *free-riders*—beneficiaries of efforts to which they have not contributed.

Many of today's minority leaders seem acutely aware of this phenomenon. New York activist Rev. Al Sharpton recently scolded minority journalists attending a convention in Atlanta for criticizing the civil rights movement: "The movement created options for many of you to get the jobs you have. You come in and condemn something that really sponsored your careers." John Jacob, former president of the National Urban League, observes that "we have now raised a generation of young people who've never known poverty, who've never lived in our 'segregated' communities, who went—by America's definition—to the finest schools and who have come to believe that their achievement is predicated on the fact that they are smart." Or, as a middle-aged Mexican-American politician once said to me about the younger generation, "There's no way to make them feel guilty."

Curiously, this free-rider problem was anticipated by black nationalists in the 1960s. As Stephen Carter recounts in his memoir, leaders of the black power movement considered affirmative action nothing more than an attempt by the terrified white power structure to co-opt "the talented tenth": "By opening to them the rewards that corporate capitalism bestows upon those at the top, the system would skim off the cream while leaving essentially unchanged the situation of those at the bottom."

The excesses of the 1960s black nationalists should not keep us from appreciating their prescience about the negative impact of integration and affirmative action on disadvantaged blacks. Black nationalists also worried about the destructive impact of American individualism—a concern demonstrated by Harold Cruse's use of the phrase "Individualism and 'The Open Society'" as the title of the first chapter of

his 1970 polemic, *The Crisis of the Negro Intellectual*. Cruse did not object to integration out of any hatred of whites or even race pride—though there is an undeniable strain of the latter in his writing. Rather, his objection was based on his preoccupation with the contradiction between America's formal regime of individual rights and the political power actually exercised by groups:

America, which idealizes the rights of the individual above everything else, is in reality, a nation dominated by the social power of groups, classes, in-groups and cliques—both ethnic and religious. The individual in America has few rights that are not backed up by the political, economic, and social power of one group or another. . . . Thus it can be seen that those Negroes . . . who have accepted the full essence of the Great American Ideal of individualism are in serious trouble trying to function in America.

For Cruse, "the crisis of the Negro intellectual" was precisely that black intellectuals, and the middle class from which they emerge, are more susceptible than other blacks to the attractions of individualism and its rewards. If they succumbed, he feared, ordinary blacks would be deprived of the leadership critical to forging the political solidarity necessary for genuine advancement in America.

Echoing Cruse, Charles Hamilton and Stokely Carmichael based their case for black power (in their 1967 book by that title) explicitly on the experience of European immigrants. What was the model for black power? Irish power. "Italians vote for Rubino over O'Brien; Irish for Murphy over Goldberg, etc.," they wrote. "This phenomenon may seem distasteful to some, but it has been and remains today a central fact of the American political system."

It was only a short step from this insight to an embrace of the white ethnics' instrument of political advancement: the political machine. Writing in the late 1960s, Hamilton and Carmichael were predictably critical of what was left of the machines, but they also held a grudging respect for their adversaries' *modus operandi*.

This should come as no surprise. The

political machine provided what black nationalists understood to be missing in programs like affirmative action: an institutional mechanism to bridge the gap between the upwardly mobile and those left behind. In other words, a mechanism to tax the free-riders and bind the fates of the two groups together. One can exaggerate the extent to which machines served this function. But for countless immigrants through decades of American history they did provide a means of preserving ethnic ties despite the atomizing effects of assimilation.

Today, of course, the machines are gone—in great measure because their ethnic-group loyalties offended the ethos of American individualism. At the same time, however, Americans have developed extraordinarily high expectations about including minorities, the poor, and other previously excluded groups in the political process. Minority leaders thus feel acutely the lack of disciplined, community-based institutions capable of mobilizing the disadvantaged and maintaining their loyalty.

Faced with an enormous gap between means and ends, these leaders and their allies have done what might have been predicted: they have created new organizations with drastically reduced membership costs—costs measured not merely in dollars but in commitments of time, energy, and loyalty. In some instances, those costs have been reduced to zero.

The quintessential example is the Mexican American Legal Defense and Educational Fund (MALDEF), which seeks to represent not only all Mexican Americans but all of the nation's 27 million Latinos. This claim is widely accepted, and the organization has played a prominent role in recent debates over immigration and affirmative action. Yet MALDEF has no members. It gets most of its funding from corporations and foundations, especially the Ford Foundation, which played the critical role in establishing it in the late 1960s. Lacking members, MALDEF has no real bonds of accountability to the communities it strives to represent.

With *no* membership base, MALDEF is an extreme case. But it differs more in degree than in kind from other organizations repre-

senting minorities, such as the National Council of La Raza and the National Urban League.

And the phenomenon is hardly confined to minority politics. For MALDEF and similar organizations are part of a broad public-interest movement that since the 1960s has sought to represent a variety of otherwise unrepresented interests or constituencies. These groups span the spectrum, ranging from Common Cause to Mothers Against Drunk Driving, from the Center for Individual Rights to the Children's Defense Fund.

All of these groups represent interests that are difficult to organize and that do not ordinarily get articulated. The individuals concerned may lack the resources—money, time, skills—to create a vehicle to advance their interests. Or they may be stymied by being geographically dispersed and not in easy or frequent contact with one another. Indeed, they may not even be aware of one another's existence and common interests. Finally, the broad interests concerned may be relatively marginal to the day-to-day, narrowly defined, and explicitly self-interested concerns that conventional interest or professional groups typically pursue.

In overcoming such obstacles, public interest organizations invariably assume certain characteristics. As I have already suggested, they may not actually enroll members. If they do, the members do not typically provide a substantial share of the money necessary to run the organization. Such organizations have what political scientist Jeffrey Berry refers to as "cheap membership," consisting of little more than writing a check for annual dues. Indeed, as Harvard University political scientist Robert Putnam observes, public interest organizations are low in "social connectedness." As Putnam noted in his controversial 1995 article, "Bowling Alone," members of such groups typically do not attend meetings, and in fact "most are unlikely to ever (knowingly) encounter any other member." Their ties "are to common symbols, common leaders, and perhaps common ideals, but not to one another."

The weak membership ties of public interest organizations also reinforce the tendency, present in any organization, for the

leadership or headquarters staff to dominate. Not surprisingly, the leaders of these organizations are more accountable to the wealthy patrons, foundations, and government agencies that provide the bulk of their resources than to the constituents whose interests are being represented. And to the extent constituents or members are dispersed across the nation or even the world, the need to maintain contact with them causes leaders to rely on high-tech communications (such as computerized direct mail, fax machines, and Web sites), which further devalue whatever social and communal resources the grassroots might be able to muster.

Public interest organizations also tend to supplement the quiet, inside lobbying of traditional interest groups with “outside” strategies that involve attracting public—especially media—attention. One reason why is suggested in a study of public interest law firms by Burton Weisbrod and his colleagues at the University of Wisconsin at Madison. They point out that because the services of such firms are not for sale in the market, their sponsors assess performance in terms of positive media attention rather than revenues. Unlike conventional law firms, public interest firms end up maximizing publicity, not profit.

Political scientist Jack Walker, of the University of Michigan at Ann Arbor, points to another factor feeding the public interest groups’ appetite for publicity. Because these organizations are not rooted in the face-to-face interactions of individuals who live or work together, they must rely on the media to keep their widely dispersed members (and patrons) informed. To keep all these parties engaged, public interest leaders resort to a kind of high-pitched revivalism, continually and publicly recommitting the organization to its lofty goals—and in the process pointing out threats from enemies. Some of the media that leaders use are internal, such as newsletters, but the incentives to reach out by grabbing the attention of TV, radio, and newspapers are strong. After all, as Walker argues, those drawn to public interest activities expect to see results in the *public* arena.

Such regrettable tendencies may emerge

in any political endeavor. Yet they consistently characterize public interest politics. And while public interest organizations hardly dominate contemporary American politics, they have helped acclimate us to a style of politics in which the participants are “organizations” virtually in name only and in which posturing and confrontation play a central role.

More to the point, the curious and often perverse dynamics of public interest politics shape controversies involving race and affirmative action. The 1994 ouster of Benjamin Chavis as executive director of the National Association for the Advancement of Colored People (NAACP) is a good example. The internal rift over Chavis’s management of the organization’s \$3.8 million debt was widely reported in the press. But it was seldom noted that his removal was instigated not by the membership but by the Ford Foundation, which withheld a major grant until the NAACP’s finances were put in order. One of the few observers who did note it was *Washington Post* columnist William Raspberry, who wrote: “The obvious question is how such a venerable organization, still 600,000 members strong, has come to the point not just of being in debt but also of being beholden to a private foundation for its survival?” Answering his own question, Raspberry cited the NAACP’s “inability to ask its natural constituency for what it needs.” Such is the effect of foundation patronage even on a well-established organization that—unlike MALDEF—has a substantial membership base.

The use of outside strategies to make up for weak organizational ties to minority constituents shows up in other controversies, such as the disputes in 1980 and 1990 over the undercounting of minorities by the U.S. census. As noted earlier, the census gathers racial and ethnic data based on the self-identification of individual respondents. In 1990, minority leaders spent considerable resources—theirs as well as the government’s—urging their constituents to “make yourself count.” That meant not only filling out and returning census forms but checking the boxes identifying themselves as members of the appropriate racial and ethnic groups. As part of the same high-profile

Yet neither should this analysis offer any false hope. It may be tempting to conclude that the principle of individual merit is so fundamental to our way of life that it will eventually undermine affirmative action. But this assumes that black Americans and members of other minority groups are not really committed to affirmative action. I believe that they are, albeit by means of a specific, and perhaps strained, interpretation of how such programs work.

Still, the forces of individualism in America are so strong that they create other problems—and this is my real point. For the irony is that just when America sees itself as a society rent by hostile groups and verging on balkanization, the reality is that the barriers between groups have probably never been lower. Despite some trouble signs, Americans still enjoy substantial social, economic, and residential mobility. One of the most telling indicators—intermarriage rates—is strikingly high. Demographer Barry Edmonston of the National Academy of Sciences and his colleagues report that 12 percent of married Asians in 1990 had non-Asian spouses, while 19 percent of married Hispanics had non-Hispanic spouses. For the children and grandchildren of Asian and Hispanic immigrants, intermarriage rates are much higher. To be sure, the intermarriage rate for black Americans was only six percent in 1990, but even this figure is higher than it was a generation ago.

The catch is that the high degree of mobility among Americans helps weaken the ties between individuals and larger groups, fueling the intense group competition and conflict that we are enduring today. Precisely because many political leaders have such anemic ties to those they seek to represent, they must resort to the publicity-seeking, media-oriented tactics that are so inflammatory. The lack of strong, organized bases of support also helps explain why black leaders have been willing to dilute their historically unique claims on the American conscience by accepting women, Hispanics, and the handicapped as equal claimants for the benefits of affirmative action. Deprived

of the organizational resources formerly available to leaders that allowed them to discipline as well as reward constituents, minority leaders today resort to rhetoric and ideology to enforce conformity. Shorn of patronage, they resort to passion.

The lesson, then, is a sobering one. Our problems with affirmative action may be more intractable than we realize. If we assume, as I believe we must, that the political aspirations of minorities are not about to abate (or be sublimated, as some have urged, into economic activity), then it is clear that those aspirations will continue to be channeled through the kinds of socially disconnected, funder-dominated organizations that I have examined here. There are not many alternatives on the horizon.

A glimmer of hope is represented by the work of the Industrial Areas Foundation (IAF), founded more than 50 years ago by Saul Alinsky. Infused since the 1960s with a new generation of leaders, the IAF attempts to build genuine grassroots organizations in minority and nonminority neighborhoods around the nation. Outfits such as Communities Organized for Public Service in San Antonio and East Brooklyn Churches in New York manage to avoid many of the problems that beset weak-membership groups. Still, the IAF approach is hardly without difficulties, not the least of which is a dearth of skilled organizers. But the bigger problem is that the IAF is fighting a lonely uphill battle against powerful social, cultural, and political trends.

These trends explain why Californians, having just approved the anti-affirmative action Civil Rights Initiative, may now find that it is easier to eliminate affirmative action *programs* than to temper the excesses of affirmative action *politics*. For the same reasons, there is cause to be suspicious of claims that class-based affirmative action would be significantly less rancorous and divisive than race-based efforts. The unhappy imperatives of politics in contemporary America would certainly remain unchanged. Indeed, class-based affirmative action might pull even more of us into the maelstrom.