

Negative Action: The Moral Impossibility of Affirmative Action



by [Samuel Hux](#) (March 2022)

I remember as a child watching a minstrel show before a segregated audience, which concluded with black-faced Kiwanians singing in chorus “And we’ll Heil Pfut, Heil Pfut, right in the Fuehrer’s face,” which I recall rhymed with something about “the Master race.” Things change. Attention

is slow to become law, and law to become practice. The *political* struggle ended the way one would have wished: in firmly established law. The social struggle continues whether it need to or not. It would be wonderful if we did something intelligent about it. . . . which, with all due respect to practicality, I do not think one resolution in firmly established practice is. Affirmative Action.

It is harder to discuss this matter than any other social issue I know of. That's not simply because discussants are required by popular dictation to display liberal intentions before being allowed to enter the discussion (No conservatives need apply!); but because while *discussion* ordinarily implies the hope that what's under discussion can be resolved, some of the most urgent voices in the discussion are not really looking for solutions. Rather, the appearance of struggle for justice is a lot more satisfying to some than any possible resolution. That is what I am forced to believe, since some supposed "solutions" are either pointless or even dangerously counter-productive—a fact as clear as an unpolluted stream.

There is a twilight world of politics which follows a logic not greatly different from that of mainstream politics. In the mainstream there are public men and women much more taken with *politicking*, the process, than with any substantial social policy that might result. They're what we mean by "politicians" when we use the word cynically or contemptuously. But outside the mainstream, in the politics of protest movement, there is often an intensity of excitement which, for some, the pleasures of resolution will never equal. An extreme, dramatic, and now dead manifestation of what I mean: Had the government for some reason, accepted all the demands of the "Weathermen," I cannot imagine them satisfied to see their heady imperatives become part of ordinary politics: without apocalypse they'd have had nothing to live for. The Weather Underground passed into inanity, but they neither gave birth to nor laid to rest that mentality

they so well represented.

A mentality. I'm not talking about membership in a group, a party; I'm talking about a sort of hazy cultural phenomenon. Hence it's not easy to document, as you document a membership, but I think it recognizable nonetheless. And since it's not an organized Who but a cultural What, I'm not sure there is a great deal to be done about it in a practical way. Nonetheless, for the sake of sanity and truth we should face the fact that no matter how serious and necessary a specific subject of public debate, some discussants are simply not serious about the subject of discussion, no matter how serious they are about their need to enter the discussion. And they may be the most vigorous, compelled and energetic, and apparently most committed, and they will inevitably corrupt the process of debate and slow down the movement toward any just resolution. Upon which hangs an argument.

A great deal of truth and fancy has been written about the idea of class conflict both in support and dismissal of it as political strategy or historical fact. It can't be denied historically or now, although Marxism was not prophetic about its assumedly obvious strategic and tactical uses. Class conflict will out in some fashion or other whatever the specific social, economic, and political coloration of a country. It may not achieve a clear dialectical class consciousness and organized political expression; it may instead seethe as impotent resentment of those who have less for those who have more, with attendant spasmodic gestures of unorganized insurrection. But in any case it will be there because in any society yet devised *some will have more* and *people are* resentful.

Whether you're a strict egalitarian or a strict meritocracist, you implicitly recognize the resentment of class even if you call class by some other name. The egalitarian of the strictest sort would transcend class by levelling it: no one deserves more than another because no one is in control of his

having been born with more—talent, cash, position—or with less. The meritocrat of the strictest sort would transcend class as it is by rearranging it: the meritorious should be rewarded instead of those who without merit botch things. And in the society the egalitarian dreams of an inchoate and fractured class conflict would remain, because enough of those with most talent would resent those with least having the same position as they. In a strict meritocracy an inchoate class conflict would remain, because people are not likely to accept gracefully the judgment that they are not among the meritorious.

We are neither the one nor the other, but a little of this, a little of that. And we suffer a confusion of slogans. “Meritocracy” has a magic rhetorical appeal, and people will rally to it, including people whose talents are not practical and cashable and who are consequently not going to be particularly rewarded by the idea they rally to. “Equality” also has a magic rhetorical appeal, and people will rally to its slogan, assuming that what’s meant is “equality of result or condition” when what’s meant is “equality of opportunity,” and equality of opportunity is the condition most favorable to the talented and least favorable to the ordinary citizen. The point is that half of us don’t know what we’re talking about, or listening to.

Some opportunities are “more equal” than others—and those are the ones enjoyed by people with a head start in “cashable talent,” a configuration of not just intelligence, which like unintelligence is ubiquitous, but: A legacy of high expectation which gives one confidence and a sense of one’s “right.” The proper education, which is more than schooling, is as well a kind of seconding of oneself and one’s ambitions by one’s immediate environment, and is thus related to a legacy of high expectation. A degree at least of recognizable cultivation, which need not be very profound but which nonetheless gives one an aura of well-roundedness and provides

one with a certain ease of manner in varying circumstances. And a combination and fruit of all these one might call "luck"—and luck, we profess to think, is something made, is not merely a matter of being lucky.

The configuration I've described is a middle-class (or above) phenomenon. Below the middle class, and whatever the virtues of any single aspirant, it is simply not the case that you find this configuration. Instead of a legacy of high expectation: a nervous desire to get ahead and leave one's legacy of settling for less behind. Instead of a seconding of oneself by the immediate environment: a need to dissociate oneself psychologically from that environment. Instead of an easy if superficial cultivation: a resolute fixation on the clearly practical at the expense of "frippery"—yet one more course in Accounting, no time for Music Appreciation. And instead of luck, which is something made: luck, which one had damned well better make or else!

None of this makes for the classical Marxist class struggle—the struggle of a class to replace another in the possession of the means of production, etc. But it means class nonetheless, and it means struggle—the struggle of individual members of one class to escape their class. And it means, even for those successfully escaping, the animosity of class: distaste and jealousy of the one who has to climb for those who "have it much easier." And it works the other way as well, although with perhaps more condescension than animosity. The moment that one safe in his position and expectations says that class doesn't really exist, is just a necessary fiction, someone walks into the restaurant, reveals a certain style of gesture, and one "places" him immediately.

Now: what can a people do about class discrepancies and inequalities of result or condition? Several things. We are so creative.

(1)—We may argue for a thorough-going meritocracy so arranged

that the only consideration is the individual him- or herself and not where he or she comes from. But who is going to do the arranging, pray tell?

(2)–We may argue for a thorough-going avoidance of questions of individual merit in such a way as to insure equality of result. But who is going to be responsible for the avoidance, I wonder?

(3)–Since a society functions more intelligently when the most responsible positions are held by those of clear talent, we may argue for a meritocracy; but since it is not someone's fault that he or she was born with less native talent, have it be a meritocracy with the reward being responsibility itself, not inordinate income, the income being distributed as closely as feasible along egalitarian lines. But who would select the meritorious and distribute the income: the federal government, and wouldn't that be delightful?

(4)–Accept the discrepancies and inequalities as inevitable and not worry over them.

There is however another alternative, an extremely American one, or so it has become: ignore or deny the reality of class and deflect the matter elsewhere:

Observing that such a high number or percentage of American Blacks, Spanish-surnamed, etcetera, are sub-standard in terms of actual economic position and legacy of expectation, etc., one assumes that the majority of the "White" majority is well off enough—which is fallacious. One then assumes he's observing a matter of ethnic deprivation—not class! Or if one has to admit that to some degree it *is* a matter of class, one then indulges in a superficial version of synecdoche (a part stands for the whole) and concludes that minorities (or rather, some minorities) stand for the lower class, and, what the hell, *are* the lower class. One can elevate the minorities (or a minority) by "Affirmative Action," even if that means

quotas and quotas necessarily mean discrimination against a certain number or percentage of the majority not fortunate enough, in this instance, to be of the minority.

That certain number or percentage "*affirmed*," however, will almost invariably be from roughly the corresponding strata of society. That is, if the job is skilled blue-collar, it will be high-school educated Black (or Spanish-surnamed) instead of high-school educated White. If unskilled manual, uneducated Black instead of uneducated White. If corporate executive, Ivy-educated Black instead of Ivy-educated White. And if it's educational quotas we're talking about: the quotas at Greenwood County Community College will be filled by working-class Blacks at the expense of some working-class Whites; those at Harvard by middle-class Blacks. . . . This is no more than a slight shifting about of cast—not a revision of caste.

It can be argued that Affirmative Action and quotas are two quite different things—not very convincingly argued, I don't think, but it obviously can be said. If Affirmative Action means that one should, with a humane violation of the letter of civil rights legislation in favor of the perceived spirit, take race, ethnicity, or sexual identification into consideration and "be on the lookout" for job candidates conventionally overlooked or bypassed, then perhaps one should "act affirmatively." But this could be merely benevolent intention honored in many breaches without an accounting of number. I doubt the intention or imperative of affirmative action becomes *Affirmative Action* without quotas.

But even so, quotas do not strike me as necessarily "affirmative" in the sense their proponents use the word. Quotas seem to carry the potential to backfire—and I am not talking about "backlash." That is, if say in a given situation three of ten positions were to be set aside, and if it happened that six of the clearly best candidates were from the designated minorities, those doing the hiring would be

under no obligation to hire more than three of those best; indeed, would be protected in avoiding doing so. "We've filled the quota, haven't we?"—and I doubt that any policing agency would look beyond that.

So what would I propose instead? I only ask the question in recognition that people like me have our arms twisted. One reason that Affirmative Action has any purchase at all among Americans at large is that people seem to assume that if you disapprove of a government policy you are obligated to propose in its stead a superior policy. The assumption is not only that (1) it is appropriate for government to legislate social relations, but that (2) racial and ethnic distinctions *should* be accorded the status of official and recorded recognition. I quite simply reject both assumptions.

Re: the first assumption. We are not very good at drawing distinctions between what's appropriate for governmental responsibility and what isn't. We rarely make a firm distinction between social security (no caps) and social engineering: between securing life on the one hand, and telling people how to live it on the other. Social Security (caps), unemployment insurance, Medicare, are one thing. Telling people with the force of law that they may not smoke, must mind their epithets, and must integrate their Chinese restaurant staffs are something else. Liberals, enamored of social security, tend to buy social engineering as a logical part of the package; they are so blinded by their affections they cannot see straight. Some conservatives, offended by social engineering as they damned well should be, would throw out social security as well, mistaking it for the same. Affirmative Action does not *secure* life. Affirmative Action *engineers* it: It will be so much better for you, don't you see, that since ten percent of the population is Such-and-Such you all should work or study in an economic or educational environment that reflects the demographic pattern? The British phrase "the nanny state" sounds for our state far too

mild and even loveable.

Re: the second assumption. Why should racial and ethnic distinctions be accorded official status? Knowing that a population is ethnically diverse is simply a matter of observation. Knowing the percentage of the whole of collective accidents of birth may be useful for some forms of pedestrian sociological research, but beyond that is pedantic. According official recognition to each collection of birth accidents is the perverse elevation of pedantry. Do these "economists and calculators," as Edmund Burke would call them, never become embarrassed setting forth their mathematical utopias? How dull must a mind be really to believe it desirable that each educational institution, each profession, each corporation, should reflect as closely as possible the racial-ethnic coloration of society? It is a great perversion of truth that such insistence on predictable mathematical sameness should be applauded as preference for diversity.

My skeptical understanding of Affirmative Action some will say is over simple, others too complex. But more important to some: it's *boring*. But pitting ethnic group against ethnic group, race against race, now that has the quality of drama, it is so *exciting*. And of course *pitting group against group is what Affirmative Action inescapably is*. Not to see that requires a certain willed blindness. But my point from the beginning is that we are not dealing here with the "visually challenged," but with people who see clearly what they are doing or what they are approving. These 'sighted' people come in three classes, it seems to me.

Some are not overly disturbed by the pitting of group against group ("Well, that's the price we have to pay"): those who think that quotas, which can *include* only by *excluding*, are just realistically the only way. But of course these—among whom I count my liberal friends and colleagues—are not themselves really *paying* anything, since they were, the older

of them, educationally and professionally included before there was any chance of being excluded by quotas; and, the younger of them, are lucky enough to be included among the left-over after quotas are filled (a kind of Affirmative Passivity, so to speak); and thus they, elders and youngsters, can be rather liberal with the fortunes of others. In any case, they lend a kind of liberal credibility to the second class, whose demagoguery might be expected otherwise to offend, that is:

Those who welcome the pitting ("Without it we don't get paid our price"): the Affirmative Action establishment that replaced the old civil-rights leadership, the not-disinterested victimologists like Jesse Jackson and Al Sharpton and their ilk, whose professional survival depends upon the continuing of hostilities at some steady simmering just short of the level of revolutionary heat. In any case, this class is an inspiration for the third: Some are positively excited by the pitting, practitioners of the politics of brave triviality thrilled at the thought of being in a risky avant-garde. I can characterize them best by getting pointed and specific about one of their more dramatic manifestations.

The most coherent objections to Affirmative Action have come from organizations intending to represent groups which have in the past suffered from *restrictive* quotas and are understandably suspicious of *reverse* quotas. Now, while most of my Jewish friends are wool-dyed liberals who will buy any liberal agenda even to point of near suicide, nonetheless the opposition to quotas has come to be seen in some circles as a Jewish cause, not Italo-American or Polish- or whatever. And has come to be seen thus not simply because the objection is indeed voiced by some Jewish organizations, but because enough proponents of quotas have preferred it that way: Jewish! I don't think this at all accidental, given the realities of the "progressive wing" of the Democratic Party, the party which

has judged, for instance, that Al Sharpton's history of antisemitic mischief is merely a story of peccadillos.

No social cause is served. All that's served is the sense of heady excitement of the figure so common to the politics of our time, the person who hates the dull and ordinary and difficult so much more than he minds injustice. I honestly can see the issue no other way, unless all proponents of Affirmative Action quotas are simply unintelligent—which I cannot believe to be the case.

Yes, the gains that Americans may imagine Affirmative Action provides seem calculable—more minority students got the BA or BS this year, or some such—but the losses are longer term. For official federal recognition of racial-ethnic groups—as opposed to one nation under God and law—and special treatment of one *group* at the necessary expense of *others*, instead of equal treatment of *individuals only*. . . . There is no need to finish that sentence, I think.

So: an unholy alliance between well-intentioned liberals, convinced that laissez-faire is active cynicism, and cunning victimologists, who know a good deal when they see it, which means that for the apparent sake of human justice the possibility of one nation under God is instead fractured by human decision into the inevitability of racial and ethnic resentment and animosity. And you can take that to the bank.

The reality of "Affirmative Action" is *Negative Action*.

The afternoon I completed the final edition of this piece, my wife fortuitously called my attention to a headline on TV: "Biden's plan to combat racial wealth gap." Here we go again.

[Table of Contents](#)

Samuel Hux is Professor of Philosophy Emeritus at York College of the City University of New York. He has published in *Dissent*, *The New Republic*, *Saturday Review*, *Moment*, *Antioch Review*, *Commonweal*, *New Oxford Review*, *Midstream*, *Commentary*, *Modern Age*, *Worldview*, *The New Criterion* and many others.

Follow NER on Twitter [@NERIconoclast](https://twitter.com/NERIconoclast)