

Race, Wrongs, and Remedies: Group Justice in the 21st Century, by Amy L. Wax. Rowman & Littlefield Publishers, 2009, 190 pp., \$29.95 hardbound.

A Better Direction

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For several decades in the mid-twentieth century the gap between black and white Americans steadily narrowed by most economic and social measures. Moreover, in the mid-1960s the civil rights movement seemed to fulfill its legal goals with the passage of several key civil rights laws and President Lyndon Johnson's imposition of the first federal mandate for racial preferences.

Sadly, progress toward equality did not continue but halted. Why? And can we revive it? Liberals answer that blacks bear crippling wounds from past mistreatment and face continuing discrimination, if not from racial animus, from ostensibly neutral social

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systems that disadvantage them, often in subtle ways. According to this view, we must toughen anti-discrimination laws, revamp systems to eliminate disparate racial impacts, implement bigger, racially targeted social welfare programs, expand racial preferences, and perhaps make racial reparations.

A substantial minority of blacks and whites have challenged this approach, but there has been no comprehensive rebuttal. That gap has now been admirably filled by *Race, Wrongs, and Remedies: Group Justice in the 21st Century* by Amy Wax, the Robert Mundheim Professor of Law at the University of Pennsylvania School of Law.

Wax summarizes the many empirical studies that, taken together, reveal current discrimination to be a minor factor in racial inequality.¹ The effect of poverty lingering from past discrimination is also a dubious factor in underperformance by black Americans, because even poorer black immigrants often outperform native-born blacks. Rather, inequality persists because many blacks have

¹E.g., Devah Pager, "The Use of Field Experiments for Studies of Employment Discrimination: Contributions, Critiques, and Directions for the Future," *Annals of the American Academy of Political and Social Sciences* 609, no. 1 (2007): 104–33; James Heckman, "Detecting Discrimination," *Journal of Economic Perspectives* 12, no. 2 (Spring 1998): 101–16.

internalized attitudes and behaviors that preclude them from capitalizing on opportunities now available.

This diagnosis, which is well-written and convincing but not entirely new, is denounced by liberals as “blaming the victim.” As Wax notes, this phrase has a talismanic power to paralyze discussions of race. For blacks it reinforces their sense of being victims of injustice. For whites it crystallizes feelings of racial guilt. And although whites may not feel personally responsible for wrongs committed long ago (and by people who are not even ancestors of most whites living now), they fear that “blaming the victim” compounds the original injustice, making them accessories after the fact.

It is in exorcizing this hex that *Race, Wrongs, and Remedies* is most original and insightful. Wax shows that some wrongs simply cannot be corrected by the culprit. She presents “The Parable of the Pedestrian” who is crippled by a reckless motorist. Although blameless, the pedestrian cannot walk again without undertaking an arduous, painful rehabilitation. The negligent driver must pay for the victim’s medical treatment and rehabilitation, but cannot personally perform the physical therapy.

Wax analogizes black Americans to the injured pedestrian—they must

perform their own rehabilitation. She admits that at some level this is unjust, but it is inevitable. And it is not “blaming the victim”: encouraging personal responsibility is not inconsistent with admitting past wrongs. As Malcolm X said, “You can blame a person for knocking you down but you can’t blame that same person if you refuse to get up.... However much slave history taught us about the injustice and misery we as a people had suffered, it did not excuse us from assuming responsibility for ourselves and each other by altering its course.”²

In Wax’s parable the culprit must pay for the pedestrian’s rehabilitation and compensate him for his lost income, pain, and suffering. In the racial context, liberals argue that whites must compensate blacks for their pain and suffering and lost income, but that whites haven’t even paid the costs of rehabilitation. The latter charge is evidenced by the supposed short-changing of predominantly black schools and the (resulting) subpar academic performance of blacks. Compensation is often demanded in the form of mammoth reparations.

²Malcolm X, quoted in Benjamin Karim, Peter Skutches, and David Gallen, *Remembering Malcolm: The Story of Malcolm X from Inside the Muslim Mosque by His Assistant Minister Benjamin Karim* (New York: Carroll & Graf, 1992), 109.

Wax shows that charges of “short-changing” are mostly bogus. There is little difference in spending between predominantly black and predominantly white public schools.³ More important, further spending is unlikely to hasten rehabilitation; it has little effect on academic performance.⁴ Reparations would be enjoyed, but “money has no proved effect on behavior,” which Wax shows to be the core of the problem.

Society has attempted to enforce greater equality through racial preferences in hiring and in university admissions, but Wax argues that these preferences have not worked except to assuage white guilt and to spawn bureaucracies with many well-paid jobs for minorities to administer “diversity” programs. As Wax notes, racial preferences are not even designed to help the most needy blacks, but rather the least. Some individuals profit from preferences, but they do not lead to better minority performance overall. “Indeed, the

evidence is consistent with the opposite effect....[B]y lowering barriers to entry, affirmative action may depress minority precollege effort and achievement.”

To follow Wax’s parable again, you can place the injured pedestrian one foot from the end of the course and declare him the marathon winner when he crosses the finish line first, but he still can’t walk properly; everyone knows that, and, unless coerced by anti-discrimination laws, no one will hire this “marathon champion” for a job requiring real mobility.

If liberal nostrums cannot close the racial gap, what can? Wax shows that cultural factors can significantly influence outcomes—valuing marriage, education, and work, and avoiding crime and drug use. Privately, most liberals probably realize this, but they refuse to “blame the victim,” and support measures they know to be useless, if only to parade their own virtue.

Of course, Wax has no miracle cure to offer. She admits we know little about how to change culture, especially with government programs, but insists that cultures can change. She cites as evidence the new taboo against smoking. In this regard, we might also recall Gertrude Himmelfarb’s documentation of the dramatic reduction in poverty

³Wax cites Meredith Phillips and Tiffani Chin, “School Inequality: What Do We Know?” in *Social Inequality*, ed. Kathryn M. Neckerman (New York: Russell Sage Foundation Press, 2004), 510, which finds that the average expenditure is actually lower for white than for black pupils.

⁴One study Wax cites that presents evidence against a connection between education spending and achievement is Michael Heise, “Litigated Learning, Law’s Limits, and Urban School Reform Challenges,” *North Carolina Law Review* 85, no. 5 (June 2007): 1452–64.

accomplished in Victorian England by reformers committed to changing the behavior of the poor.⁵ But this was a massive private effort motivated largely by religion. Congress cannot enact a law to duplicate this success.

One person cannot transform the nation, but anyone can support local initiatives, Wax argues, and those with access to public forums, including academics, can promote changes in cultural attitudes and behavior. One voice cannot change social attitudes, but a critical mass of committed people could. Government can do little to improve cultural attitudes, but it can stop hindering progress, as it now does, thereby allowing private efforts to flourish.

Wax argues that the witch hunt for vestigial race discrimination, the stress on welfare programs and racial preferences, and the refusal to discuss culture for fear of “blaming the victim,” divert and even obstruct efforts that might really work. The current approach fosters blacks’ sense that they are victims who can be saved only by whites.

Ironically, these attitudes breed fatalistic passivity. Whites are treated as the only responsible adults, as the ones who can solve not only their own problems but also those of

blacks, who are themselves helpless except to protest their helplessness.

Liberals are not merely silent about but often approve self-defeating behavior. The “family gap” between blacks and whites stemming from the breakdown of the black family is now the biggest cause of racial inequality, yet liberals condone single-parent families and paternal irresponsibility in order to comfort the afflicted. Many blacks disdain education because working hard in school is “acting white.” Blacks who try self-improvement “can be viewed as turning their backs on friends, or as ‘selling out.’” Furthermore, “Seeing the surrounding society as alien and hostile promotes an oppositional attitude that undermines the will to succeed.”

“A dramatic transformation in the attitude of black leadership is indispensable,” Wax argues, and sees as a positive sign President Obama’s declaration that government help “will not make any difference unless we [i.e., blacks] have a change of heart.”

My only criticisms of *Race, Wrongs, and Remedies* are a couple of friendly amendments. First, Wax’s call for “[g]iving up on political solutions” and focusing exclusively on self-help will surely be taken out of context and offered as proof of indifference. Other passages in the book show that this

⁵Gertrude Himmelfarb, *Poverty and Compassion: The Moral Imagination of the Late Victorians* (New York: Knopf, 1991).

phrase is not intended too broadly. Government could, *inter alia*, lower taxes on low-income workers, improve law enforcement in crime-ridden neighborhoods, strengthen support for marriage, and reduce the number of illegal immigrants who take jobs away from some Americans and drive down the wages of others. These are “political solutions,” but they are not social welfare program. And they are not racially discriminatory, but they would disproportionately benefit blacks.

More important, we should stop treating racial differences as the only inequality in society. All whites are considered privileged and all blacks, however well-off, are deemed victims of injustice and deserving of racial preferences. But inequality in America has many dimensions other than race. Perhaps the biggest inequality is between children in intact families and children in broken or single-parent families.

If we recognize that race is not the sole or even primary source of disadvantage and that most poor

Americans are not black, it becomes easier to discuss the problem and how to solve it. Changing the topic from race to general disadvantage lets us escape the blame game and makes it easier to discuss remedies. Wax tackles the problem of race, so she talks about race. But, ironically, to solve the problem of race we need to stop talking about race. In declaring an “end to welfare as we know it,” President Clinton called for reciprocity, i.e., for efforts by the poor in return for help from society. He did not tie the demand to race. Most Americans reject racial reparations but acknowledge a duty to help those in need.

Wax recognizes it’s unclear how best to help the needy, but we have some ideas. Private, local efforts work best. (The Harlem Children’s Zone is a fine example.) Much of the solution lies in improving individual behavior, so just shifting the debate from the blame game to responsibility and reciprocity could foster major progress. The approach of the last forty years has failed. Amy Wax has pointed to a better path for needy people of all colors.