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# AFFIRMATIVE ACTION RECONSIDERED

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## Abstract

Problematic doctrines such as Critical Race Theory (CRT), Diversity Equity and Inclusion (DEI), Economic and Cultural Marxism, etc., have now taken over virtually all U.S. universities. How can this threat to a civilized order best be dealt with? The present paper rejects initiatives such as banning their discussion, ending academic tenure, and reliance on doctrines espousing academic freedom. In their stead, affirmative action for academics professing alternative perspectives is recommended.

**Key words:** Critical Race Theory; Diversity Equity and Inclusion; Economic and Cultural Marxism; academic freedom; tenure

Affirmative Action has had a bad press.( Block, 1982, 1992, 1998; Block, Snow & Stringham, 2008; Block & Williams, 1981; Cingos, 2013; Derbyshire, 2012; Gordon, 1998; Gulleyan, 2021; Haidt, 2013, 2016; Heriot, 2013; Heriot & Schwarzchild, 2021; Herrnstein & Murray, 1994; Levin, 1987, 1997; Lynch, 1998, Malek, 2002; Mercer, 2003; Morris, 2022; Mulcahy & Block, 1997; Pojman, n.d.; Rockwell, 1995; Sander & Taylor, 2012a, 2012b; Sowell, 1975, 1976, 1981, 1982, 1983, 1984, 2000, 2016; Taylor, 2013, 2015; Taylor & Sander, 2012; Wax, 2022; Whitehead, Block & Hardin, 1999; Whitehead & Block 2004; Williams, 1982, 1985, 2003, 2005, 2011; Woods, 2004) But that is because this policy has been used foolishly; however, the shortcomings of this initiative are not due to any intrinsic flaw in it.

## 1. Introduction

What is Affirmative Action? It constitutes discrimination that someone approves of, nothing more, nothing less. The problem with the word “discrimination” is that it has an even worse reputation than affirmative action itself. That is why those who wish to help certain racial and gender groups changed this nomenclature from the former to the latter. Affirmative action is merely a synonym for discrimination. Epistemologically, they are identical. They only diverge in terms of pejoratives. It is similar to the statement: “I’m firm, you’re stubborn, he’s a pig-headed fool.” Cognitively, these are all the same; emotively, very different.

We all discriminate, or engage in affirmative action, all the time. This applies to virtually every act we engage in, almost without exception. If you are hungry, you go to a restaurant, or grocery, not a shoe store. If you are barefoot, you do the reverse. In the first case you are discriminating against shoe stores, you are engaging in affirmative action for food dispensers. In the second case, you do the very opposite.

Hospitals, in their hiring practices, discriminate against professors of poetry; they practice affirmative action for doctors. English departments at universities never employ physicians. They discriminate against them. Instead, they hire people with PhDs in poetry. They utilize affirmative action with regard to them.

Please pardon me for yet one more example. I really do want to drive home this point. I think I very much need to do so, given the endemic confusion surrounding these concepts. It is imperative that we all understand that from the point of view of substance, there isn’t “a

dime's worth of difference" between the two. Of course, one is pejorative, the other is not. So, here goes:

You ask girl X to dance, not girl Y. You've utilized affirmative action for X and discriminated against Y. Girl X declines your offer. She has discriminated against you, and engaged in affirmative action for the next guy who asks her to dance, whose offer she accepts.

In section II we discuss the relevance of these cases to the issue at hand. Section III is given over to discussing a better means toward this goal of intellectual diversity. The burden of sections IV, V and VI is to touch upon, respectively, an analysis of the status quo on campus of ideological diversity, a better procedure to import diversity of political economic philosophy into academia and the implementation of such a program. In section VII we explore the implication of an honest alteration of viewpoint on the part of a professor who was hired to promote free enterprise and now sees socialism as a better economic system. Section VIII is the conclusion

## **2. Relevance**

Ok. Where are we going with this? What is the relevance of all this to current events?

Ron DeSantis, and numerous other governors, state legislators, numerous other anti-woke politicians, have lost patience with Critical Race Theory, the Black Lives Matter philosophy if we can so characterize this viewpoint, Marxism, etc.-These have taken over our universities like an intellectual avalanche and these folk do not much like this state of affairs.

Their solution? Ban the discussion of these concepts on college campuses (Pendharkar, 2022; Ray & Gibbons, 2021; Robinson, n.d.; Schwartz, 2021). And, also, deprecate, weaken, undermine and/or entirely eliminate tenure. They full-well realize that the reason these incorrect ideas have taken over our institutions of higher learning is due to the fact that the overwhelming proportion (Calton, 2022; Langbert, 2018; Langbert, Quain & Klein, 2016; New York Post, 2018; TRT, 2021) of the faculty enthusiastically adheres to them.

I agree, whole-heartedly, with the goals of this conservative movement. I venture to say that there is no one on the entire planet who is more opposed to wokism in all its manifestations, than I am. I only disagree with the means employed to attain these ends.

## **3. A better means toward this end**

Tenure is a foundational aspect of universities (Drozdowski, 2021; Flaherty, 2022; Jacobsen, 2022; McCoy, 2022). Without it, the unique contributions of the faculty are at risk. Einstein did not have tenure at Princeton, but he was protected as if he did; otherwise, he might well have been fired for coming up with theories so divergent from what then appeared to be "settled science." Some anti-Semitic critics went so far as to dismiss his theories as "Jewish science." (Ball, 2015; Gimbel, 2012; Johnson, 2012) Ditto for Mozart, Freud, Galileo, Marx and other such disturbers of traditional learning. Professors of that ilk, without tenure, would be vulnerable.<sup>1</sup> To resort to the real world instead of these hypotheticals, 'twas not so long ago that Senator Joseph McCarthy was attacking the academic freedom of leftist professors. We cripple or entirely eliminate tenure at great risk to society.

What about forbidding the discussion of these vicious doctrines? This is if anything an even more profound attack on the intellectual contribution of academia than disparaging tenure. The entire ethos of the university is to contend with challenging subjects, all of them, not to ignore any of them. No, the reason Critical Race Theory (CRT), Diversity, Equity and Inclusion (DEI), cultural and economic Marxism are now so problematic is due the fact that

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<sup>1</sup> Even with tenure: FIRE, 2023.

they are not merely discussed, debated, argued over. Rather, many administrators and professors have engaged in demagoguery against students, faculty, even those who are tenured who are told that silence on these subjects is racist.<sup>2</sup>

#### 4. Analysis of the status quo

How is it that these subjects are dealt with in such a manner on campus, instead of in a scholarly give and take way? This in turn is due to the fact that the overwhelming proportion of the professoriate and administrators are woke leftists. Forbidding the mention of these false doctrines will not suffice. These tenured leftists exude wokeness in every fiber of their beings. They will still be able to inculcate through threats, implicit and explicit, their world-views. They are fully capable of using synonyms for racism, sexism, etc.

What about powerful statements on academic freedom such as the one put out by the University of Chicago,<sup>3</sup> or that of the AAUP (AAUP, 1940)? The latest in this series is the statement by the Council on Academic Freedom at Harvard. It, too, is very well written. (Hamid & Schisgall; 2023; Pinker & Madras, 2023; Wall Street Journal, 2023). However, nothing much will change if the Harvard faculty continues to be represented, to an overwhelming degree by leftist woke professors

What then can be done about this intellectual backwater that college teaching has become, if we take off the table weakening or eliminating tenure, excellent statements of academic freedom which are too often ignored, and forbidding discussions thereof?

#### 5. A Better Procedure

Why, there is still affirmative action or discrimination. All we need do is discriminate against Marxist professors<sup>4</sup> and employ affirmative action in favor of these with alternative views, such as conservative or libertarian. Then, when the professoriate “looks a bit more like America” say, at least 30% for each of these three perspectives, instead of the present hyper majority for left-liberals (especially in the liberal arts and social sciences apart from economics), political power will be more diverse. No longer will any one group be able to overwhelm all of the others.

If an airline needs a 50%-50% split between pilots and mechanics, but now has 5% of the former and 95% of the latter, what should they do? Easy. Fire many of the latter and hire many of the former until the ideal allocation is attained. But suppose the mechanics have tenure. Should the employer tell them to become pilots? Let us stipulate that this will not work. What then? At the very least, ensure that no more mechanics are hired, even world-class ones, until the proportion is brought into some sort of balance. Discriminate against mechanics, use affirmative action for pilots.

<sup>2</sup> They are false even on a substantive basis, apart from the fact that their advocates brook no criticism. Critical Race Theory (CRT) is the view that all whites are responsible for the plight of all blacks. See on this: Mocombe, 2017; Rectenwald, 2022; Seaton, 2023; Subotnik, 1998. Diversity, Equity and Inclusion (DEI) is predicated upon the notion that were there no exploitation, all races would be equally accomplished in all dimensions. For a critique of this doctrine, see Sowell 1975, 1981, 1983. Economic Marxism is based on the labor theory of value, that the amount of labor and labor alone determines value; refutation: Boettke, 2001; Bylund, Lingle and Packard, 2022; Ebeling, 1993; Hayek, 1948; Hoff, 1981; Hoppe, 1989, 2019; Mises, 1922, 1977. Cultural Marxism substitutes races and one gender for the supposed exploitation by capitalists, and is equally fallacious.

<sup>3</sup> [https://freexpression.uchicago.edu/;](https://freexpression.uchicago.edu/)

[https://www.google.com/search?q=chicago+statement+on+academic+freedom&rlz=1C1CHBF\\_enUS963US963&oq=chicago+statement+on+academic+freedom&aqs=chrome..69i57j0i22i30j0i390i650.9182j0j15&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=chicago+statement+on+academic+freedom&rlz=1C1CHBF_enUS963US963&oq=chicago+statement+on+academic+freedom&aqs=chrome..69i57j0i22i30j0i390i650.9182j0j15&sourceid=chrome&ie=UTF-8)

<sup>4</sup> Whether economically or culturally oriented

## 6. Implementation

Will it be easy to implement this program? No, of course not. Apart from a few people who try to “pass” or become intellectually transgendered, it was relatively easy to apply affirmative action to racial and sexual demographics. We would all see precisely who was who. Ideology is different. If universities are hiring only conservative and libertarian academics, it will be easy for the wokesters to try to “pass.” They can easily adopt, during interviews, viewpoints other than their own. They might be willing to sign a DEI type statement attesting against their own fervently held philosophies.<sup>5</sup> People do purposefully, and justifiably in their view, sign loyalty oaths they regard as illicit while lying about them. Care, great care, would have to be taken by hiring committees to separate the sheep from the goats.

High school and college term papers may have to be closely examined. However, once word got out that hiring committees are eschewing those who espouse socialist philosophies, it will not be too difficult to stay in the closet until tenured. The few libertarian and conservative professors now on campus may have done precisely that.

## 7. Honest alteration of viewpoint

Or, suppose that someone changed his mind. He had been an advocate of right wing or libertarian viewpoints all his intellectual life, now obtains tenure, and suddenly sees the light: wokism. What should be done about such cases? This professor should be summarily fired. His tenure was predicate upon him professing a very different perspective. He is no longer satisfying his contract. It would be akin to a doctor suddenly reading poetry to his patients instead of operating on them. He, too, should be removed from his position. Ditto for a poetry professor who wanted to medically operate on his students and refused to teach them poetry.

Then comes the issue of whom to hire? A world-class socialist, someone like Rawls, or Keynes, or Chomsky, or a mediocre scholar who fits our program of ideological diversity? The latter of course. Do we want to clean up the campus Augean stables or do we not? We do, we do. The fault here is not with this program. It is will those on the distaff side of the political spectrum, who have for decades been poisoning the intellect well with one side representation.

Good luck to Governor De Santis. May he adopt affirmative action, a better way to attain his estimable goals.

## Conclusion

What of the possible objection that the present paper is “scientific.” Indeed it is not, if scientific papers are limited to ones that test hypotheses. If so, this is then not a scientific paper. But are scholarly journals limited to testing empirical claims? Is there no room in any of them for a “political marketing manifesto.” On that ground, Smith (1776), Nozick (1974), Friedman (1962), Keynes (1936) and Rawls (1971) would be seen as unfit for scholarly interest. If this is not a *reductio ad absurdum*, then nothing is.

But this is a very narrow understanding of science, which I see as an endeavor to uncover and promote systematic knowledge. In turn systematic knowledge, broadly understood, is being undermined at all too many universities, and the present paper offers a solution. It is, hopefully, scientific one, at least in the sense of logic, coherence, truth, pragmatism, etc. Testing empirical hypotheses far from exhausts all of science.

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<sup>5</sup> These loyalty oaths are now under widespread attack: Cliburn, 2023; Lu et al., 2023; Siminoff, 2023; Wong, 2023

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