

The Intellectual Failings of Antiracism

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KEY TAKEAWAYS

Antiracists' policy prescriptions will fail on their own terms: Because their inputs are arbitrary, their outputs inevitably will also be arbitrary.

Antiracists will do exactly the thing that they claim to hate most: "classify people on the arbitrary basis of skin color and other physical features."

Antiracists would sacrifice individual equality for a delusion of proportional representation everywhere and always.

In September 2023, *The Boston Globe* reported that Boston University's Center for Antiracist Research was in crisis. Although the center had raked in nearly \$55 million in just three years, it was now laying off half of its staff.¹

Former employees accused the center's director, Ibram X. Kendi, of exploiting them and mismanaging the center's money.² One employee accused Kendi of making decisions "that either weren't adequately explained or made no sense" and sending "mixed messages and contradictory directives."³ Other employees said that the environment was toxic and characterized by "fear of retaliation and discrimination."⁴ One employee summarized the culture by saying that "we felt disposable."⁵ Others accused the center of paying them too little, working them too hard, and providing them with none of the resources they needed.⁶ They also complained that Kendi was not transparent about how he was spending the center's massive cash reserves.⁷

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After the mass layoffs, one of the center’s academics wondered where the money could have gone and lamented that Kendi’s financial opacity was part of “a larger culture of secrecy.”⁸ Another said that Kendi’s center was “a colossal waste of millions of dollars.”⁹

Boston University began to investigate the center.¹⁰ Defensive, Kendi painted himself as a victim of racist standards, claiming that “[l]eaders of color and woman leaders are often held to different standards and routinely have their authority undermined or questioned.”¹¹ No matter what the investigation ultimately concludes, it seems, as one former employee put it, that the center “is now effectively dead.”¹²

But was it ever alive? Despite its massive cash reserves and staff of about 45 people, the center produced almost nothing. In the three years since its creation, it produced only two research papers, and they were coauthored by outside academics.¹³ At times its website would tout other research papers, suggesting that it was involved with them, but they were written by Boston University professors unaffiliated with the center.¹⁴ Kendi claimed in 2020 that the center would create a “Racial Data Lab” that would “give us the ability to see the hotspots of racial inequity in real time,” but the lab only compiled COVID-19 statistics, which it simply pulled from government databases,¹⁵ and stopped doing even that after three months.¹⁶ Kendi also intended to create Antiracist training programs and an Antiracism Studies curriculum for Boston University but failed to create either one.¹⁷

Employees expressed their frustration at the futility of it all, but they should not have been surprised. Antiracism never was a serious intellectual endeavor and therefore never could offer a foundation on which to build a corpus of serious research. It is worth considering just how hollow Kendi’s Antiracism is that it could produce almost no academic contributions despite financial support from major corporations and philanthropists; cultural support from celebrities, journalists, and political elites; and operational support from Boston University.

Antiracism Defined and Debunked

Antiracism, despite its high-sounding name, has nothing to do with the historic anti-discrimination movements of the past. Radical abolitionists like Frederick Douglass and civil rights leaders like Martin Luther King, Jr., who dreamed of a society in which individuals would be judged based on their character rather than their color, would not be welcome in modern Antiracist circles. They would be derided as, at best, naïfs and, at worst, as upholders of white supremacy.¹⁸ This is so because modern Antiracism holds two things to be true that people like Douglass and King rejected:

- That racial disparities result from racism alone and never from the different choices that people make.¹⁹
- That “[t]he only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination.”²⁰

In other words, racial discrimination is the only cause of disparities, and racial discrimination is the only cure for disparities. Both claims are empirical and can be tested empirically.²¹ In fact, they have been. They were tested long before Antiracism was born—long before Kendi himself was born—and they have been continually tested in the years since then. Both the old tests and the new tests have debunked these claims.

Causing Disparities

There is an ocean of research exploring the causes of disparities among groups of people. Interest in racial disparities is nothing new, and it has long inspired examinations of the topic. One of the most influential early studies was published in 1911, 71 years before Kendi was born.²² The study, conducted by Ellen Churchill Semple, sought to understand whether race or environmental factors produced different outcomes for different groups of people.²³ Semple sought answers to these questions because her era had Kendis of its own. During her lifetime, the prevailing view among intellectual elites was that race was the all-important cause of differences among groups of people.²⁴

This “racial determinism” was based on assumptions derived from prejudice rather than reason based on evidence. Nevertheless, racial determinism persisted among the leading intellectuals of the era. Eugenicist Madison Grant summed up their beliefs when he said that “race lies at the base of all the manifestation [sic] of modern society.”²⁵

Semple was not so easily convinced. She suspected that Earth’s vast diversity of geography, climate, and resources shaped differences among people more than any inherent differences among races did—if any such inherent differences existed at all.²⁶ She compared “peoples of all races and all stages of cultural development, living under similar geographic conditions” and hypothesized that “if these people of different ethnic stocks but similar environments manifested similar or related social, economic or historical development, it was reasonable to infer that such similarities were due to environment and not to race.”²⁷

Semple tested that hypothesis in a 700-page treatise that spanned thousands of years of human history and tens of millions of square miles of geography. She found that “[m]an is a product of the earth’s surface,” not a product of his race,²⁸ and observed that, regardless of race, people who lived in lowlands and near navigable waterways tended to be wealthier and technologically and culturally more advanced than people living in more isolated regions.²⁹ People in lowlands and near waterways traveled easily. Travel allowed them to trade resources, ideas, and cultures with others, and trade allowed them to develop materially and economically. The availability of draft animals (large domesticated animals like horses and oxen that were trained for riding or to haul heavy loads) had a similar effect.³⁰ So too did a pleasant climate, which “helps to influence the rate and the limit of cultural development” because it “affects not only the manner of work, but the whole mode of life of a people.”³¹

In short, topography, resources, climate, and the other morally neutral (yet unequally distributed) blessings of nature caused differences among people groups. Race did not.

One could criticize Semple’s treatise as comparatively unsophisticated by modern standards, yet her conclusions have been confirmed time and again by modern studies. Few people have done more to highlight the enduring truths in Semple’s work than Thomas Sowell, who in book after book has shown that geography is an “intractable obstacle” to equal outcomes.³² Nature, he observes, is neither equal nor fair. Her capriciousness is reflected in—indeed, causes—unequal outcomes among people groups.

Gathering and summarizing the vast literature that followed Semple’s study, Sowell concludes that “[m]orally neutral factors such as crop failures, birth order, geographic settings, or demographic and cultural differences are among the many reasons why economic and social outcomes so often fail to fit the preconception of equal or comparable outcomes.”³³ He confirms Semple’s conclusion about the benefit of living near navigable waterways, observing that those peoples fortunate enough to do so had “a vastly larger economic and cultural universe” than inlanders had.³⁴ He confirms, too, her observations about climate, soil, resources, and pack animals.³⁵ There are reasons why the isolated tribes of the Amazon rainforest, for example, are far less advanced than, say, the Chinese, and they have nothing to do with race or racism.³⁶

That is just geography’s role in causing disparities. Disparities are also caused by all sorts of other things that have nothing to do with race or racism. These other causes are most obvious when we look at disparities among subgroups of a larger racial group. Take the differences between Nigerian

immigrants to America and the black native-born population. Nigerian immigrants become more highly educated and wealthier, achieve higher rates of employment, and more often work in professional or managerial jobs.³⁷ And this is true not just with respect to native-born black Americans, but with respect to white Americans as well.³⁸ Nigerians are some of the most successful people in America. It cannot be anti-black discrimination that causes Nigerians to outperform native black and white Americans. It can, however, be that Nigerian culture tends to value hard work, self-sufficiency, education, and professional achievement.³⁹

Culture is one explanation of intra-group disparities.⁴⁰ Culture shapes individual choices, which are magnified across the groups to which those individuals belong, and thus creates trends within those groups. If culture differs among groups, individuals' choices may differ, and if individuals' choices differ, groups will exhibit different trends. These trends reflect the differences that flow from the freedom to choose according to different sets of values. They do not reflect racism.

Consider the several waves of black immigrants from the West Indies who came to America throughout the 20th century. Although they shared skin color, neighborhoods, schools, and a history of enslavement with native-born black Americans, they outperformed them in many metrics including wealth, education, professional achievement, and incarceration rates.⁴¹ Those disparities cannot be blamed on race or racism, but they may be explained by what sociologist Ira De Augustine Reid described as the “vastly different” culture between black immigrants and black native-born Americans.⁴² Reid found that the former displayed, among other cultural differences, “a zest of learning that is not typical” in the latter.⁴³ Sociologist Van C. Tran has observed that West Indians were more likely than the native-born black population to raise their children in two-parent homes and tended to exercise stricter supervision and discipline of their children.⁴⁴ And both concluded that these cultural differences create disparities between the two groups.

A similar dynamic plays out today within the American population between children raised by two parents and those raised by one parent. The effect on a child of a two-parent home is so large, in fact, that if one controls for it, disparities between white and black Americans in the population at large disappear or reverse.⁴⁵ In other words, a black child raised in a two-parent home will tend to be at least as wealthy, educated, and successful as a white child raised by only one parent.⁴⁶ Similarly, black married couples tend to have poverty rates lower than the national average and tend to be much better off than white single mothers.⁴⁷ Even acknowledging, as we

must, that racism exists and persists, these disparities cannot be explained by race or racism alone; they also represent the ripple effects of innumerable individual choices magnified across large groups.

One of the most fascinating explorations of this strange ripple effect is Sowell's *Black Rednecks and White Liberals*.⁴⁸ In it, Sowell explores the origins of cultural traits that popular culture sometimes associates with certain racial groups, such as "ghetto culture."⁴⁹ What he finds is that these cultural traits are not, in fact, exclusive to certain racial groups. Ghetto culture, he argues, neither originates with nor is exclusive to black Americans. He traces it first from certain white groups in Britain, from them to certain white groups in the American South, and only then to certain American black groups.⁵⁰ He also finds that within any racial group, there are subgroups that share the cultural traits at issue and others that do not. Not all white British people shared the cultural traits that would later be linked to ghetto culture, and not all black Americans share them today.

What is more, data often exist to compare these subgroups with respect to wealth, health, education, career success, and incarceration rates, and when the subgroups are compared, the causal effect of culture reveals itself. For example, white Americans who share those traits associated today with ghetto culture tend to perform worse in all metrics than white Americans who do not share them.⁵¹ Racism does not explain that disparity.

Finally, Sowell finds that we can compare subgroups that share cultural traits across different racial groups, and what we find is that the subgroups often share the same outcomes compared to the larger groups of which they are a part. Thus, white and black Americans who do not share the traits associated with ghetto culture tend to do better than both white and black Americans who do share them. In short, Sowell's remarkable study finds that culture often plays a significant causal role in outcomes that race and racism cannot explain.

So far, we have focused on disparities that have political salience. Disparities of wealth, health, education, and crime attract a great deal of attention and are a particular focus for Antiracists. But there are other racial disparities too that, although they lack political salience, show that disparities have causes other than race or racism. Antiracists claim that racism against black and Hispanic people is the reason Asian people are disproportionately represented among professions that require engineering degrees,⁵² but they do not claim that racism is the reason that black people are disproportionately represented among professional basketball players.⁵³ No one makes that complaint for the same reason that no one says that anti-Californian bias explains why there are more Swedish hockey players in American hockey

leagues than there are Californians.⁵⁴ Different people have different natural talents, may differ in their willingness to put in the time and effort to develop those talents, and as a result may make different choices. To the extent that culture (which includes, as Glenn Loury explains, values, practices, behaviors, and disciplines⁵⁵) shapes people's willingness to develop natural talents, the disparities it produces are not blameworthy. Racism may play a role in these disparities—rarely does anything have one and only one cause—but it is not on stage all by itself as Antiracists claim.

Culture and geography are causes of disparities, but there are others as well. The most distressing are the ones for which there is moral culpability. You cannot blame the planet for gifting Italians with fertile land and calm seas or for denying draft animals to aboriginal Australians,⁵⁶ but you can blame policymakers who through evil intent or foolish mistakes hurt others. Some policies are intentionally harmful. These include the laws and policies of Jim Crow, which intentionally harmed black people.⁵⁷ Thankfully, those sorts of laws are no longer tolerated in America.⁵⁸

Blameworthy policies also include those that are intended to help people but that fail to do so because of policymakers' ignorance, folly, or imprudence. These policies can make disparities worse and thus become causes themselves. America has made this mistake many times. Well-intentioned but unwise policymakers thought, as Antiracists do still, that the government could eliminate disparities by giving certain racial groups advantages that were denied to others. Some of their policies are still popular with Antiracists despite their record of failure.

The list of these policies is long and depressing.⁵⁹ The "War on Poverty" instituted in the 1960s and 1970s, for example, was intended to lift low-income black Americans to economic parity with white Americans, but its well-intentioned architects failed to appreciate that making poor people dependent on the state would eliminate the social institutions and cultural traits that were already having positive effects on black economic mobility.⁶⁰ Some people foresaw this problem. While in college, future Supreme Court Justice Clarence Thomas realized that these programs would be "a new kind of enslavement, one which ultimately relied on the generosity—and ever-changing self-interests—of politicians and activists."⁶¹ And so it turned out.

- The War on Poverty contributed to the weakening of the black family, the weakening of civic ties and institutions, and the rise in crime among young black men.⁶² Far from solving disparities, it preserved and in some cases even worsened them.

- So too did the “urban renewal” programs that replaced black communities with government projects. The architects of those programs intended to provide poor black Americans with good housing and easy access to government benefits, but they failed to appreciate that bulldozing “blighted” neighborhoods would wipe out the equity that black property owners had earned, demolish black self-help institutions, and eliminate the civic spirit that comes from a shared sense of responsibility for a community.⁶³
- Yet another example is racial preferences in college admissions. Although Antiracists demand them,⁶⁴ they do not do what Antiracists claim. They tend, in fact, to hurt the very people they are meant to help by putting students in schools where they are unlikely to thrive instead of in schools where they likely would thrive.⁶⁵ The distressing result is that a disproportionate number of beneficiaries drop out, abandon plans to major in engineering and hard sciences, and fail post-graduate licensing exams like the bar. Reviewing the data on this point, Professor Gail Heriot has observed that we would have more minority “physicians, dentists, engineers, scientists and other science-oriented professionals” if college admissions did not use racial preferences.⁶⁶

The list goes on, and as one might expect, Thomas Sowell has catalogued it, exploring its many sordid entries in (among other books) *Intellectuals and Race*,⁶⁷ *Discrimination and Disparities*,⁶⁸ and *Wealth, Poverty and Politics*.⁶⁹ Many other scholars have done the same.⁷⁰

One expects serious thinkers to amend their beliefs given overwhelming historical and empirical facts. Antiracists have not done this. Instead, they have tried to defend their beliefs by reinterpreting the facts to fit them. They have tried, for example, to redefine “racism” so that many causes of disparities that have nothing to do with racial animus appear to be within its evil ambit. Racism is no longer differential treatment based on racial prejudice; it is now any “system” that produces disparities. Thus, nondiscriminatory causes of disparities, like raising a child in an intact home and valuing education, are transformed from individual choices into components of a vast system—a system not only vast, but also racist because it rewards the choices typically made by “oppressor” groups (always white people and Jews, and sometimes Asians) and punishes the choices typically made by “oppressed” groups (always black people and indigenous non-whites,⁷¹ and sometimes others).⁷²

Besides being insulting—how objectionable is it to say, for instance, that broken households are a part of “black culture”?⁷³—the claim that all human-related causes of disparities are racist because they are part of a racist system fails because it has the order of operations backwards. It assumes that “the system” identifies the choices made by preferred groups and then rewards them when, in fact, people make the best choices for themselves, and then “the system” simply reflects their choices.

Take children raised in intact families. Antiracists think that intact families are a white-supremacist institution,⁷⁴ but did white people structure society such that the intact family produced good outcomes, or does society view the intact family favorably because it produces good outcomes? A look at history shows that the latter is correct. Intact families are the historical norm, not a modern tool of racial subjugation. For example, intact families are valued in the social and religious myths of the Chinese going back to antiquity;⁷⁵ Aristotle examined the value of the family long before the concept of “whiteness” had any meaning;⁷⁶ and until the War on Poverty programs of the mid-20th century, black parents typically chose to raise their children in intact families.⁷⁷ In 1960, two-thirds of black children were raised by both parents, but by 1995, the proportion had fallen to one-third.⁷⁸ Unsurprisingly, poverty declined more quickly among black Americans in the decades before 1960 than in the decades after 1960.⁷⁹

If intact families were in fact created to reinforce white supremacy, one would expect to see white people consistently choose to raise their children in two-parent homes when white supremacy was not only tolerated in America, but endorsed by leading intellectuals and many politicians. In short, one would expect the Jim Crow era to be the apogee of the white family, but that is not the story that history tells. This period corresponded with a decline in all families as fathers left the home.

Nancy Pearcey, a scholar of this decline, lays the blame on the industrial revolution, which took fathers out of the home for most of the hours of each day.⁸⁰ The industrial revolution created wealth, which likely flowed mainly to white people given the assorted legal and cultural regimes of anti-black discrimination that were common at the time, but this wealth came at the expense of the family. Pearcey recounts that it was common to hear laments like this one from 1881: “It is one of the misfortunes of our American way of living that the head of the house, the father—he who is the support, the mainstay, the highest central figure—should be scarcely able to live with his family at all.”⁸¹ One would expect that if intact families were a tool of white supremacy, wealth would not flow to white people at the expense of their families when white supremacy was *de rigueur*. Yet it did.

Facts like these are trouble for Antiracists, and as one last attempt to avoid this trouble, Antiracists sometimes simply ignore the facts. This tactic is most obvious in the context of criminal justice.⁸² Antiracists observe the effects of law enforcement on criminal offenders and conclude that because criminal offenders are disproportionately black (for some, but not all, types of crimes),⁸³ law enforcement creates disparities and is therefore racist. But Antiracists ignore that black offenders overwhelmingly target black victims and thus also ignore the disproportionate benefit that law enforcement has on law-abiding black people.⁸⁴ Professor Randall Kennedy pointed this out in his magisterial work *Race, Crime, and the Law*, writing that “[i]n terms of misery inflicted by direct criminal violence, blacks (and other people of color) suffer more from the criminal acts of their racial ‘brothers’ and ‘sisters’ than they do from the racist misconduct of white police officers.”⁸⁵ Antiracists have ignored him.

All of this exposition makes just one small but crucial point: Antiracism’s claim that all disparities come from racism is wrong. Disparities come from many sources, including some of the policies that Antiracists favor. We have known this for a very long time. The few pages devoted here to this truth are a tiny drop in a vast ocean of research that predates Antiracism, Kendi, and anyone else alive today. Of course, none of this is to say that racism has not played a role in history. It has and sometimes still does.⁸⁶ But Antiracism’s claim is that racism is the *only* cause of present-day disparities among racial groups—a claim that crumbles under any scrutiny.

There have always been disparities, and there always will be disparities. Some come from discrimination, some from geography, some from culture, and some from “luck” or “the vagaries of fate.”⁸⁷ Some can be reduced, and some cannot. Some ought justly to be reduced, and some ought not. With those that can and ought to be reduced, there are always trade-offs that we must balance lest we do more harm than we aim to fix. These are hard, serious questions that, if considered seriously, would keep a scholarly center busy and productive for generations. Yet Kendi’s center produced next to nothing.

Eliminating Disparities

If only the first of Antiracism’s premises were false, that would be enough to understand why Kendi’s center could not produce serious scholarship, but the second is false as well. The only way to cure racial disparities, Kendi says, is with racial discrimination.⁸⁸ He maintains that racial discrimination is just if it produces positive outcomes for certain racial groups and calls

positive outcomes for preferred groups “equity.”⁸⁹ Equity is achieved when “two or more racial groups are standing on a relatively equal footing.”⁹⁰ Thus, if white families own their homes more often than black families do, the only way Kendi sees to eliminate that disparity is for banks, states, and the Internal Revenue Service to discriminate on the basis of race until the rates of homeownership are “relatively” equal.⁹¹

Before we analyze the empirical truth of Kendi’s discriminatory remedy, its intellectual weakness is revealed by the modifier “relatively.” Recall that Kendi believes that all disparities are caused by racism; thus, if he tolerates outcomes that are a little different, he must also tolerate a little racism. Alternatively, it means he admits that disparities have other causes, however small; if this is true, his choice to ignore the empirical literature discussed above is scholarly malpractice. But think what a rich world of scholarship there is in examining the causes of disparities! Thousands of people have dedicated their entire professional careers to it for more than a hundred years.

Kendi and his center could have been extraordinarily productive had they been willing to second-guess their beliefs, but they were not. If they had been, they would have learned that their second premise was debunked like the first. Many of the government programs discussed above are evidence of this. They were well-intentioned, race-focused remedies that failed to reduce disparities, made them worse, or created new ones. The failure of these programs suggests (but, in fairness, does not prove) that Antiracism’s second claim is false. Proof is found elsewhere.

Before we get to it, however, note a hidden preliminary mistake that Antiracists make: They assume that all disparities can and should be corrected, but this is not necessarily true. Disparities that flow from cultural choices are prototypical examples. Individual choices reflect the freedom to choose according to different values or different weights for the same values. There is nothing wrong with Asian Americans’ desiring engineering degrees more than black Americans do, just as there is nothing wrong with black Americans’ wanting professional basketball careers more than Asian Americans do. Antiracists may think that basketball careers are less desirable than engineering degrees, but the freedom to choose is a good all its own, and Antiracists cannot legitimately claim the power to deny others the freedom to choose what best pleases them. Even if Antiracists could claim that power, their efforts would likely fail to eliminate disparities because when communities are given commands that deviate from their values, they are likely to resist those commands rather than to obey them.⁹²

Disparities caused by the age differences among racial groups are another example of disparities that likely cannot and should not be eliminated. In America, there is a larger income disparity between middle-aged people and young people than between white people and black people.⁹³ This is so because as the economy has shifted away from jobs that require manual labor to those that require specialized skills or education, experience (measured in years of work or education) has earned a premium.⁹⁴ Thus, racial groups that tend to be older also tend to be wealthier.⁹⁵ For example, the median age of Japanese Americans is 51, but the median age of Mexican Americans is only 27.⁹⁶ If the income disparity between those groups is attributable to age (and therefore years of experience), there is no reason why we should try to eliminate it, especially by discriminating against Japanese Americans.

But let us return to the core issue: the claim that discrimination is the *only* cure for disparities. This claim fails if nondiscriminatory actions cure disparities. Common sense tells us that someone who studies hard will likely do better on an exam than someone who does not. It also tells us that someone who saves money will tend to be wealthier later in life than a spendthrift will be. Therefore, it tells us that a group of people who study or save will likely do better than a group of people who do not study or save. Common sense is enough to defeat the claim, but there is plenty of evidence too.

Consider the disparity in voting patterns between black and white citizens during the Jim Crow era. Black citizens did not vote because they could not vote. State and local governments created poll taxes, literacy requirements, property requirements, and other official and unofficial tactics to deny black citizens the franchise.⁹⁷ Making matters worse, the U.S. Supreme Court for many years permitted these disenfranchisement schemes.⁹⁸ The result in Louisiana, for example, was that the number of registered black voters fell from 130,334 in 1896 to 1,342 in 1904.⁹⁹ Discrimination was the cause of this disparity. More discrimination would not have improved anything, but ending the existing discrimination did. In 2022, there were 944,008 registered black voters in Louisiana, which corresponded to a registration rate of 62.7 percent.¹⁰⁰ By comparison, the white registration rate in Louisiana that year was 66.3 percent.¹⁰¹ A disparity still exists, but the much greater historical disparity was closed not by discriminating, but by ending discrimination.

Antiracism insists that only discrimination can cure this residual 3.6 percent disparity, but whether that is true depends on the cause of this lingering disparity. If the cause is anti-black discrimination, ending that

discrimination would cure the disparity, and Antiracism's claim fails. If, on the other hand, the disparity results from differences of personal choice—perhaps, for example, black Louisianians are slightly less politically active than white Louisianians—it may not be possible to cure the disparity. It may also not be desirable to do so. Each person may spend his time as makes him happiest (subject, of course, to certain moral restrictions like the Millsian or Holmesian rule against swinging fists at noses¹⁰²). He might be forced to vote, but to cure a disparity that way is to sacrifice his happiness in order to balance numbers that have little or no connection to the good.

In a morbid way, Antiracists are partly right: Discrimination could provide a cure for the lingering disparity in black–white voting habits. Antiracist politicians could discriminate against white people just as Jim Crow politicians discriminated against black people so that the number of white voters fell by 3.6 percent. But if that is the sort of policy Antiracists want, we can reject their desires out of hand as retrograde and vile.

Consider next the disparities in reading and math scores between children of low-income black and Hispanic parents and children of high-income white parents.¹⁰³ Antiracism holds that only discrimination can fix this disparity, but the data show other ways. When parents spend time on their children's education and when schools mandate hard work, impose discipline, teach reading through phonics, and use “Directed Instruction” (which Sowell summarizes as “what used to be called just plain teaching, as distinguished from the more trendy notion that teachers are to be ‘facilitators’ on the sidelines, letting students ‘discover’ and ‘create’ knowledge themselves”¹⁰⁴), these disparities shrink or disappear.¹⁰⁵ No matter what caused these disparities in the first instance, discrimination is not necessary to eliminate them.

Consider too the historical improvements in the academic achievement of Eastern and Southern European Jewish immigrants to the United States.¹⁰⁶ In the late 1800s, America received many of these immigrants, who tended to score below average on mental aptitude tests.¹⁰⁷ By the middle of the 1900s, they tended to score above average.¹⁰⁸ Nobody discriminated in their favor. Quite the opposite: As they achieved more economic and academic success, they faced increasing *anti*-Jewish discrimination. Universities—most infamously Harvard—created discriminatory policies to deny admission to Jews.¹⁰⁹ Yet within a few generations, the disparity disappeared and was even reversed. Discrimination did not cause that to happen.

As common sense and data tell us, many disparities can be eliminated by means other than discrimination. Disparities open, close, and reverse for all sorts of reasons. Some of these reasons, like discrimination, have moral

import; some, like demographic changes, do not. Some, like Jim Crow laws, should be eliminated by government action; others, like individual career preferences, should not. Once again, Antiracism's devotion to a premise—all disparities can and should be eliminated only by discriminating—that we have long known to be untrue means that Antiracism never had the potential to be a serious scholarly endeavor. What is worse, however, is that nobody in a position to fund or platform Antiracism ever demanded that it be a serious scholarly endeavor. This reflects poorly on Antiracism's supporters, especially American universities, which have discarded their obligation to pursue truth and have instead embraced politically salient pseudo-intellectualism.

Arbitrary Racial Categories

The foregoing discussion has assumed, to focus clearly on Antiracism's core claims, that the racial categories that Antiracism uses make sense. To examine, for example, the claim that all disparities between black and white people are caused by racism, we have assumed that we know what we are talking about when we say "black" and "white." Antiracism needs these categories to have precise meanings because if they do not, it is impossible to measure disparities among groups, to pinpoint their causes, or to identify which people should be helped and which ones hurt by antiracist discrimination.¹¹⁰ In short, if the categories that Antiracists use are arbitrary, Antiracists' discriminatory policies will only produce arbitrary outcomes.

Yet the categories with which we are all so familiar make little sense at all. Professor David E. Bernstein, a scholar of the origins and uses of America's racial categories, has shown that these categories are purely arbitrary. They do not group similar people together, but rather "combine extremely internally diverse groups in terms of appearance, culture, religion, and more under a single, arbitrary heading."¹¹¹ Worse, their creators (government bureaucrats with no expertise in anthropology, sociology, linguistics, or statistics) made no serious attempt to group similar people together. Instead, they created America's classifications from "a combination of amateur anthropology and sociology, interest group lobbying, incompetence, inertia, lack of public oversight, and happenstance."¹¹²

Another scholar of these categories, Mike Gonzalez, has shown how activists, lacking any expertise, pressured the government to create these labels simply to create identity-based voting blocs.¹¹³

- The category “white” includes Anglo-Saxons, Italians, Norwegians, Egyptians, Iranians, Israelis, and Afghans;¹¹⁴
- The category “Asian” encompasses 60 percent of the world’s population and includes Pakistanis, Indians, Hmong, Thai, Koreans, Chinese, Japanese, and some (but not all) people from Pacific island nations;¹¹⁵
- The category “black” includes descendants of American slaves and black African immigrants but excludes other dark-skinned peoples like Australian aborigines who fit in no category;¹¹⁶ and
- The category “Hispanic” includes everyone with “Spanish culture” but excludes people of Portuguese culture and indigenous Latin Americans and includes people of other races provided they have some connection to Spanish culture.¹¹⁷

Thus, a Japanese person raised in Mexico would be both Asian and Hispanic, but a Mexican person raised in Japan would be only Hispanic.¹¹⁸ The category “Pacific Islander” arose for no other reason than that some people from Pacific island nations saw political advantages in being separated from the enormous “Asian” group.¹¹⁹

What purposes can these categories serve that will not result in arbitrary outcomes? Antiracists advocate for racial preferences in college admissions and slavery reparations, so let us consider those.¹²⁰

As the recent Supreme Court cases against Harvard and the University of North Carolina revealed, colleges sorted applicants into several racial and ethnic buckets including Asian, white, black, and Hispanic.¹²¹ The colleges discriminated against the first two and in favor of the second two.¹²² They defended their discriminatory policies as necessary to create “genuine diversity” on campus:¹²³ that is, diversity of thought, experience, knowledge, philosophy, culture, etc., of which race is only one element.¹²⁴ Does a Chinese farmer bring the same thoughts, experiences, knowledge, philosophy, and culture to campus that an Indian computer scientist brings? Does an Iranian Muslim contribute the same diversity that a Portuguese Catholic or an Israeli Jew contributes? Does the child of a black movie star from Beverly Hills contribute the same diversity that the child of a poor black missionary from Mali contributes? Of course not, but if we use America’s racial categories as a proxy for diversity—as Antiracists do—then the answer to each of these questions is “yes.”

The Supreme Court recognized this and concluded that these categories were so arbitrary that they could never create genuine diversity:

[T]he categories are themselves imprecise in many ways. Some of them are plainly overbroad: by grouping together all Asian students, for instance, respondents are apparently uninterested in whether *South* Asian or *East* Asian students are adequately represented, so long as there is enough of one to compensate for a lack of the other. Meanwhile other racial categories, such as “Hispanic,” are arbitrary or undefined. And still other categories are underinclusive. When asked at oral argument “how are applicants from Middle Eastern countries classified, [such as] Jordan, Iraq, Iran, [and] Egypt,” UNC’s counsel responded, “[I] do not know the answer to that question.”

Indeed, the use of these opaque racial categories undermines, instead of promotes, respondents’ goals. By focusing on underrepresentation, respondents would apparently prefer a class with 15% of students from Mexico over a class with 10% of students from several Latin American countries, simply because the former contains more Hispanic students than the latter. Yet “[i]t is hard to understand how a plan that could allow these results can be viewed as being concerned with achieving enrollment that is broadly diverse.” And given the mismatch between the means respondents employ and the goals they seek, it is especially hard to understand how courts are supposed to scrutinize the admissions programs that respondents use.¹²⁵

In the case of slavery reparations, what matters is whether someone has suffered harm because of slavery. It turns out that the category “black” is a very poor proxy for that. For one thing, a sizeable portion of black Americans are recent immigrants or descendants of recent immigrants.¹²⁶ For another, only 41 percent of black Americans say that their ancestors were enslaved in the United States.¹²⁷ For yet another, many Americans, like Barack Obama, descend from both slaves and slave holders.¹²⁸ Finally, many people who are not black have also been—and are still today—enslaved.¹²⁹ No matter how we use these categories—whether it is for diversity programs or reparations—the outcomes they produce will be arbitrary because they are poor proxies for what really matters.

The arbitrariness of America’s racial categories is devastating to Antiracism, which seeks to equalize all outcomes among these categories. And yet, in a strange twist of irony, Antiracists admit that the categories they use are arbitrary. Kendi calls them “a mirage.”¹³⁰ Others admit that race is “arbitrary”¹³¹ and “a social construct.”¹³² They recognize that “a person who could be categorized as black in the United States might be considered white in Brazil or colored in South Africa.”¹³³ They concede that “[o]ver history, race has taken geography, language, and vague impressions as

its basis.”¹³⁴ And their intellectual forebearers, the critical race theorists, have for a long time maintained that race has “little or nothing to do with distinctively human, higher-order traits, such as personality, intelligence, and moral behavior.”¹³⁵ Yet they all insist on equalizing outcomes among these arbitrary categories. They reason that because society has used these categories to do bad things in the past, the categories should be preserved in the hope that they can be turned to good in the future.

Two conclusions follow. First, Antiracists’ policy prescriptions will fail on their own terms: Their inputs are arbitrary, so their outputs must also be arbitrary. Second, Antiracists will do exactly the thing that they claim to hate most: “classify people on the arbitrary basis of skin color and other physical features.”¹³⁶ They are right to decry arbitrary classifications, but they are captives of cognitive dissonance when they claim that the solution to arbitrary racial classifications is arbitrary racial classifications. Little wonder that Antiracism as a scholarly endeavor is moribund.

Conclusion

In response to all of this, Antiracists might argue that it does not matter whether an Antiracist academic center produces scholarship. What matters is whether it wields power to change the world for the better. But nobody can change the world for the better if he does not understand it, and Antiracists are willfully ignorant about the way the world works. It is no surprise that Kendi’s center has produced nothing and has improved nothing. It is divorced from reality and therefore cannot create or improve anything.

What conclusion, then, can we draw about Antiracists? It is tempting to borrow a phrase from G.K. Chesterton and dismiss them as “morbid men, combining ignorance with intellectualism.”¹³⁷ True enough, but we would be unwise simply to dismiss them. Ignorant and unscholarly as they are, they represent “a huge and pitiless peril”¹³⁸ because their intellectual unseriousness masks a deeply serious hunger for power: power that they would wield arbitrarily and with which they would sacrifice individual equality for a delusion of proportional representation everywhere and always.

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Endnotes

1. Nick Stoico, *BU Center for Antiracist Research Lays Off Staff Members*, BOSTON GLOBE, Sept. 15, 2023, <https://www.bostonglobe.com/2023/09/15/metro/bu-center-antiracist-research-lays-off-staff-members/?event=event12>; Stephanie Saul, *An Ambitious Antiracism Center Scales Back Amid Allegations of Poor Management*, N.Y. TIMES, Sept. 23, 2023, <https://www.nytimes.com/2023/09/23/us/ibram-x-kendi-antiracism-boston-university.html>.
2. David Zimmermann, *Ibram X. Kendi Accused of Exploiting Workers, Mismanaging Finances of “Collapsing” Anti-Racist Center*, NAT’L REV., Sept. 18, 2023, <https://www.nationalreview.com/news/ibram-x-kendi-accused-of-exploiting-workers-mismanaging-finances-of-collapsing-anti-racist-center/>.
3. Phillipe Copeland, *What I Saw While Working at Ibram Kendi’s Center for Antiracist Research at Boston University*, DAILY BEAST, Sept. 29, 2023, <https://www.thedailybeast.com/what-i-saw-while-working-at-ibram-kendis-bu-antiracism-center/>.
4. Molly Farrar & Lydia Evans, *Amid Mass Layoffs, BU Center for Antiracist Research Accused of Mismanagement of Funds, Disorganization*, DAILY FREE PRESS, Sept. 21, 2023, <https://dailyfreepress.com/2023/09/21/amid-mass-layoffs-bu-center-for-antiracist-research-accused-of-mismanagement-of-funds-disorganization/>.
5. *Id.*
6. Copeland, *supra* note 3.
7. Farrar & Evans, *supra* note 4.
8. *Id.*
9. *Id.*
10. *Id.*
11. Lindsay Kornick, *Ibram X. Kendi Responds to Boston University’s Antiracist Center Layoffs*, FOX NEWS, Sept. 24, 2023, <https://www.foxnews.com/media/ibram-x-kendi-responds-boston-universitys-antiracist-center-layoffs>.
12. Copeland, *supra* note 4.
13. Joseph Simonson, *Ibram Kendi’s Center for Antiracist Research Hasn’t Produced Any Research*, WASH. FREE BEACON, Sept. 20, 2023, <https://freebeacon.com/democrats/ibram-kendis-center-for-antiracist-research-hasnt-produced-any-research/>.
14. *Id.*
15. Sara Rimer, *Ibram Kendi, Azer Bestavros Team Up to Launch Racial Data Lab*, BU TODAY, Dec. 15, 2020, <https://www.bu.edu/articles/2020/ibram-kendi-azer-bestavros-team-up-to-launch-racial-data-lab/>; *The COVID Tracking Project, About the Racial Data Tracker*, BU Center for Antiracist Research, <https://covidtracking.com/race/about> (“We’ve compiled the race and ethnicity data that states are reporting for several COVID-19 data categories....”).
16. Simonson, *supra* note 13; *The COVID Tracking Project, supra* note 16 (“As of March 7, 2021, we are no longer collecting new data.”).
17. Copeland, *supra* note 3.
18. See, e.g., Vanessa Gonzalez, *Unveiling the Mask of Post-Race Legitimacy: Preserving White Supremacy Through the Use of Colorblind Racism in Policy Preference*, LINFIELD U. SEN. THESES (2022), https://digitalcommons.linfield.edu/cgi/viewcontent.cgi?article=1014&context=soanstud_theses (arguing that colorblind laws and policies uphold white supremacy).
19. IBRAM X. KENDI, *HOW TO BE AN ANTIRACIST* 9 (2019) (arguing that it is racist to say that disparities may be “rooted in groups of people.”), 160 (“To be antiracist is to root the economic disparities between the equal race-classes in policies, not people.”).
20. *Id.* at 19.
21. The second also includes a normative aspect, which is the subject of the second paper in this series.
22. ELLEN CHURCHILL SEMPLE, *INFLUENCES OF GEOGRAPHIC ENVIRONMENT: ON THE BASIS OF RATZEL’S SYSTEMS OF ANTHROPO-GEOGRAPHY* (1911).
23. *Id.* at vii.
24. See THOMAS SOWELL, *SOCIAL JUSTICE FALLACIES* 29–47 (2023) (tracing the development and implications of Progressive beliefs about racial determinism); C. VANN WOODWARD, *THE STRANGE CAREER OF JIM CROW* 74 (commemorative ed. 2002) (“At home and abroad biologists, sociologists, anthropologists, and historians, as well as journalists and novelists, gave support to the doctrine that races were discrete entities and that the ‘Anglo-Saxon’ or ‘Caucasian’ was the superior of them all.”); CHARLES A. LOFGREN, *THE PLESSY CASE: A LEGAL-HISTORICAL INTERPRETATION* 93–115 (1987) (outlining racially deterministic thought among intellectuals in the late 1800s).
25. MADISON GRANT, *THE PASSING OF THE GREAT RACE OR THE RACIAL BIAS OF EUROPEAN HISTORY* XXI (New and Revised Ed., 1923).
26. SEMPLE, *supra* note 22 at vii (“[T]he race factor in these problems of two unknown quantities was eliminated for certain large classes of social and historical phenomena.”).
27. *Id.*
28. *Id.* at 1, 3–7.
29. See generally *id.*

30. *Id.* at 82, 550.
31. *Id.* at 609, 631.
32. THOMAS SOWELL, DISCRIMINATION AND DISPARITIES 18 (rev. and enlarged ed. 2019); THOMAS SOWELL, SOCIAL JUSTICE FALLACIES, *supra* note 24 at 27–33; THOMAS SOWELL, THE ECONOMICS AND POLITICS OF RACE: AN INTERNATIONAL PERSPECTIVE 19 (1983) (finding that cooperation among people groups resulted in improved economic outcomes). For a short and insightful overview of Sowell's contribution to this field, see Wilfred Reilly, *Why Thomas Sowell Matters*, NAT'L REV., Oct. 12, 2023, <https://www.nationalreview.com/magazine/2023/11/why-thomas-sowell-matters/>.
33. SOWELL, DISCRIMINATION AND DISPARITIES, *supra* note 32 at 165.
34. *Id.* at 19.
35. *Id.* at 18–23, 164–65.
36. *Id.* at 196 (“Severe isolation has left some peoples centuries or even millennia behind others, whether these were Caucasians in the Canary Islands living at a Stone Age level during the Middle Ages or black Australian aborigines still living as hunter-gatherers in the eighteenth century.”).
37. Ima Jackson-Obot, *What Makes Nigerians in Diaspora So Successful*, FIN. TIMES, Oct. 28, 2020, <https://www.ft.com/content/ca39b445-442a-4845-a07c-0f5dae5f3460>; Carlos Echeverria-Estrada & Jeanne Batalova, *Sub-Saharan African Immigrants in the United States*, MIGRATION POL'Y INST., Nov. 6, 2019, <https://www.migrationpolicy.org/article/sub-saharan-african-immigrants-united-states-2018>; Stella U. Ogunwole, Karen R. Battle & Darryl T. Cohen, U.S. CENSUS BUREAU, *Characteristics of Selected Sub-Saharan African and Caribbean Ancestry Groups in the United States: 2008–2012* (2017), <https://www.census.gov/content/dam/Census/library/publications/2017/acs/acs-34.pdf>; MIGRATION POL'Y INST., THE NIGERIAN DIASPORA IN THE UNITED STATES 1 (2015), <https://www.migrationpolicy.org/sites/default/files/publications/RAD-Nigeria.pdf>.
38. See sources cited *supra* note 37.
39. See, e.g., Rosie Bell, *Nigeria: The Country That Loves to Overachieve*, BBC TRAVEL, Jan. 25, 2021, <https://www.bbc.com/travel/article/20210124-nigeria-the-country-that-loves-to-overachieve> (“[E]xcelling in all circumstances is so deeply entrenched in the Nigerian psyche that the nation’s unofficial motto is ‘Naija no dey carry last’ (‘Nigeria never comes last’).”); B. Joseph, *Why Nigerian Immigrants Are One of the Most Successful Ethnic Groups in the U.S.*, MEDIUM, July 2, 2018, <https://medium.com/@joecarleton/why-nigerian-immigrants-are-the-most-successful-ethnic-group-in-the-u-s-23a7ea5a0832> (collecting stories from Nigerian immigrants and their children describing their culture as a “high expectation attitude” that is “part of the rationale, explaining the success of the Nigerian-American diaspora.”); Noah Smith, *It Isn’t Just Asian Immigrants Who Thrive in the U.S.*, BLOOMBERG, Oct. 13, 2015, <https://www.bloomberg.com/view/articles/2015-10-13/it-isn-t-just-asian-immigrants-who-excel-in-the-u-s->.
40. See generally THOMAS SOWELL, BLACK REDNECKS AND WHITE LIBERALS (2005) (discussing the impact of cultural differences among and within racial groups); David Austen-Smith & Roland G. Fryer, Jr., *An Economic Analysis of “Acting White,”* 120 Q.J. ECON. 551, 552 (2005) (formalizing the peer effect of “acting white” and positing that it leads young black people away from certain behaviors associated with upward mobility like working hard in school); Glenn C. Loury, *A Dynamic Theory of Racial Income Differences*, in WOMEN, MINORITIES, AND EMPLOYMENT DISCRIMINATION 153, 176 (Phyllis A. Wallace & Annette M. LaMond eds., 1977) (finding that “[t]he social context within which individual maturation occurs strongly conditions what otherwise equally competent individuals can achieve”).
41. See, e.g., SOWELL, BLACK REDNECKS AND WHITE LIBERALS, *supra* note 40 at 32–33 (citing IVAN H. LIGHT, ETHNIC ENTERPRISE IN AMERICA: BUSINESS AND WELFARE AMONG CHINESE, JAPANESE, AND BLACKS 33–35 (1972)); see NATHAN GLAZER & DANIEL PATRICK MOYNIHAN, BEYOND THE MELTING POT 17 (6th prtg. 1967); Nancy Foner, *West Indians in New York City and London: A Comparative Analysis*, 13 INT’L MIGRATION REV. 284, 284–85 (1979); Thomas Sowell, *Three Black Histories*, in ESSAYS AND DATA ON AMERICAN ETHNIC GROUPS 7, 41 (Thomas Sowell ed., 1978).
42. IRA DE A. REID, THE NEGRO IMMIGRANT: HIS BACKGROUND, CHARACTERISTICS AND SOCIAL ADJUSTMENT, 1899–1937, at 35 (1939) (finding that black immigrants “bring[] a cultural heritage that is vastly different from that of the American Negro”).
43. *Id.* at 226.
44. Van C. Tran, *More than Just Black: Cultural Perils and Opportunities in Inner-City Neighborhoods*, in THE CULTURAL MATRIX: UNDERSTANDING BLACK YOUTH (Orlando Patterson & Ethan Fosse, eds., 2015).
45. W. Bradford Wilcox, Wendy Wang & Ian Rowe, *Less Poverty, Less Prison, More College: What Two Parents Mean for Black and White Children*, AM. ENTER. INST. (June 17, 2021), <https://www.aei.org/research-products/report/less-poverty-less-prison-more-college-what-two-parents-mean-for-black-and-white-children/> (“The first noteworthy finding in comparing patterns across race, gender, and family structure is that black children from intact families do uniformly better than white children from single-parent households.”).
46. *Id.*
47. SOWELL, SOCIAL JUSTICE FALLACIES, *supra* note 24 at 27.
48. SOWELL, BLACK REDNECKS AND WHITE LIBERALS, *supra* note 40. For another interesting examination of this topic, see JOHN McWHORTER, LOSING THE RACE: SELF-SABOTAGE IN BLACK AMERICA (2000). McWhorter argues that certain detrimental cultural traits became prevalent among black Americans starting in the 1960s as a form of rebellion against discrimination, ostracization, and the call to integrate with what they perceived to be “white” culture.
49. *Id.*
50. Even if ghetto culture did not flow from certain white Britons to certain black Americans, as Sowell argues, but rather is present in some subset of all human beings, the broader point—that ghetto culture leads to bad outcomes relative to subgroups that do not possess it—stands.

51. *Id.*
52. SOWELL, SOCIAL JUSTICE FALLACIES, *supra* note 24 at 7.
53. See Richard E. Lapchick, *The 2021 Racial and Gender Report Card* 10, INST. FOR DIVERSITY & ETHICS IN SPORT, 2021, https://www.tidesport.org/_files/ugd/138a69_4b2910360b754662b5f3cb52675d0faf.pdf (“The percentage of players who were classified as Black or African-American in the league was 73.2 percent, a slight decrease of 1.0 percentage point from the previous season.”).
54. SOWELL, SOCIAL JUSTICE FALLACIES, *supra* note 24 at 1.
55. See Glenn C. Loury, *Whose Fourth of July?: Black Patriotism and Racial Inequality in America* 179, in *THE STATE OF BLACK AMERICA: PROGRESS, PITFALLS, AND THE PROMISE OF THE REPUBLIC* (W.B. Allen ed., 2002).
56. Neither can you blame God, whose works are perfect and ways just. See Deuteronomy 32:4.
57. See GianCarlo Canaparo, *Permissions to Hate: Antiracism and Plessy*, 27 TEX. REV. L. & POL. 97, 105–06 (2022) (collecting historical sources showing that it was common knowledge that racially discriminatory laws were meant to subjugate black people).
58. See GianCarlo Canaparo & Jameson Payne, *Equal Protection and Racial Categories*, 34 GEO. MASON U. CIV. R. L. J., *forthcoming*, 2023, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4592694 (summarizing the state of equal protection jurisprudence and observing that it forbids differential treatment “based on arbitrariness or animus.”).
59. See Canaparo, *supra* note 57 at 124–28 (collecting examples and sources).
60. SOWELL, BLACK REDNECKS AND WHITE LIBERALS, *supra* note 40, at 34 (“Nowhere was the effect of the white liberalism of the 1960s on the social evolution of black culture more devastating than in the disintegration of the black family”); Lowell E. Gallaway & Daniel G. Garrett, *The Unintended Consequences of the War on Poverty*, 36 CATO J. 33, 44 (2016) (“All these outcomes—slower economic growth, higher poverty rates, and greater income inequality—are the predictable *unintended consequences* of the War on Poverty.”); Robert M. Hutchens, *Welfare, Remarriage, and Marital Search*, 69 AM. ECON. REV. 369, 378 (1979) (finding that the War on Poverty reduced the remarriage rate); Rachel Sheffield & Robert Rector, *The War on Poverty After 50 Years*, HERITAGE FOUND. BACKGROUNDER NO. 2955 (Sept. 15, 2014), <https://www.heritage.org/poverty-and-inequality/report/the-war-poverty-after-50-years> (finding that the War on Poverty had little to no positive effect on the poverty rate); see also Lance Lochner, *Education, Work, and Crime: A Human Capital Approach* 18 (NAT’L BUREAU OF ECON. RSCH., Working Paper No. 10478, 2004), https://www.nber.org/system/files/working_papers/w10478/w10478.pdf (“As one might expect, young men from an intact family (both parents present at age 14) and with more educated mothers are significantly less likely to commit crime.”); Thomas Sowell, *A Painful Anniversary*, TOWNHALL (Aug. 17, 2004, 12:00 AM), <https://townhall.com/columnists/thomassowell/2004/08/17/a-painful-anniversary-n1190382> (“The black family, which had survived centuries of slavery and discrimination, began rapidly disintegrating in the liberal welfare state that subsidized unwed pregnancy and changed welfare from an emergency rescue to a way of life.”); Thomas Sowell, *The ‘War on Poverty’ Made the Problem Worse*, WASH. EXAM’R (Jan. 22, 2014, 12:00 AM), <https://www.washingtonexaminer.com/the-war-on-poverty-made-the-problem-worse> (“All this [lowering of poverty and dependency on government] was happening before the war on poverty went into effect—and all these trends reversed after it went into effect.”).
61. CLARENCE THOMAS, MY GRANDFATHER’S SON 56 (2008).
62. See sources cited *supra* note 60; JOHN McWHORTER, WINNING THE RACE: BEYOND THE CRISIS IN BLACK AMERICA 128 (“Welfare culture was the product of a system white leftists created that allowed blacks to realize the worst of *human* nature, in discouraging individual responsibility, the one thing that pushes most people to make the best of themselves.”) (2005); Canaparo, *supra* note 57 at 124.
63. See *generally* HOWARD HUSOCK, THE POOR SIDE OF TOWN: AND WHY WE NEED IT (2021).
64. See, e.g., Patty Housman, *The Upcoming Supreme Court Ruling on Affirmative Action: Why It Matters*, AM. U. ANTIRACIST RESEARCH & POL. CTR. (Apr. 12, 2023), <https://www.american.edu/cas/news/the-upcoming-supreme-court-ruling-on-affirmative-action-why-it-matters.cfm>.
65. See, e.g., STEPHEN COLE & ELINOR BARBER, INCREASING FACULTY DIVERSITY: THE OCCUPATIONAL CHOICES OF HIGH-ACHIEVING MINORITY STUDENTS 3–7, 24, 120–23, 128 (2003) (finding that racial preferences contribute to fewer minorities becoming academics than whites); RICHARD SANDER & STUART TAYLOR, JR., MISMATCH: HOW AFFIRMATIVE ACTION HURTS STUDENTS IT’S INTENDED TO HELP, AND WHY UNIVERSITIES WON’T ADMIT IT 4 (2012) (summarizing the problem and the literature); Peter Arcidiacono & Michael Lovenheim, *Affirmative Action and the Quality-Fit Trade-Off*, 54 J. ECON. LITERATURE 3, 5–6, 20, 35–36, 46 (2016) (finding evidence of mismatch effects); Peter Arcidiacono, Esteban M. Aucejo & Ken Spenner, *What Happens After Enrollment? An Analysis of the Time Path of Racial Differences in GPA and Major Choice*, 1 IZA J. LAB. ECON., no. 1, art. 5, 2012, at 3, 14, 17, 19 (finding that black male students at Duke who intended to major in math or science end up not earning degrees in those majors at a much higher rate than white male students and finding evidence that this disparity is caused by differences in test scores (black students tended to be admitted with lower test scores than white students)); Rogers Elliott, A. Christopher Strenta, Russell Adair, Michael Matier & Jannah Scott, *The Role of Ethnicity in Choosing and Leaving Science in Highly Selective Institutions*, 37 RSCH. HIGHER EDUC. 681, 683 (1996) (finding similarly that racial preferences deterred certain minority students from earning degrees in science and math); Frederick L. Smyth & John J. McArdle, *Ethnic and Gender Differences in Science Graduation at Selective Colleges with Implications for Admissions Policy and College Choice*, 45 RSCH. HIGHER EDUC. 353, 376 (2004) (same); Richard H. Sander, *A Systemic Analysis of Affirmative Action in American Law Schools*, 57 STAN. L. REV. 367, 478 (2004) (finding that racial preferences in law school admissions “impose enormous costs on blacks and create relatively minor benefits”); Doug Williams, *Do Racial Preferences Affect Minority Learning in Law Schools?*, 10 J. EMPIRICAL LEGAL STUD. 171, 189 (2013) (finding strong evidence of mismatch effects in law schools); Richard Sander, *Law-School “Mismatch” Is Worse Than We Thought*, JAMES G. MARTIN CTR. FOR ACADEMIC RENEWAL (Mar. 15, 2023), <https://www.jamesmartin.center/2023/03/law-school-mismatch-is-worse-than-we-thought/>

- (“Our findings indicate, however, that mismatch can account for two-thirds to three-quarters of the Black-white gap, as well as more than half of the Hispanic-white gap.”); see also A DUBIOUS EXPEDIENCY: HOW RACE PREFERENCES DAMAGE HIGHER EDUCATION (Gail Heriot & Maimon Schwarzschild eds., 2021) (describing the myriad harms, including but not limited to mismatch, caused by racial preferences in higher education); THOMAS SOWELL, AFFIRMATIVE ACTION AROUND THE WORLD: AN EMPIRICAL STUDY (2004) (same).
66. Gail Heriot, *Want to Be a Doctor? A Scientist? An Engineer? An Affirmative Action Leg Up May Hurt Your Chances*, 11 Engage 17, 23 (2018).
 67. THOMAS SOWELL, *INTELLECTUALS AND RACE* (2013).
 68. SOWELL, *DISCRIMINATION AND DISPARITIES*, *supra* note 32.
 69. THOMAS SOWELL, *WEALTH, POVERTY AND POLITICS* (2015).
 70. See, e.g., ANNE M. HILL & JUNE O’NEILL, *UNDERCLASS BEHAVIORS IN THE UNITED STATES: MEASUREMENT AND ANALYSIS OF DETERMINANTS* vii, 78 (1993) (finding, among other things, that increases in the value of food stamp benefits led to an increase in non-marital births and a significant relation between welfare receipt and some outcomes associated with an array of characteristics that mark an “underclass”); JASON L. RILEY, *PLEASE STOP HELPING US: HOW LIBERALS MAKE IT HARDER FOR BLACKS TO SUCCEED* (2016); WALTER E. WILLIAMS, *THE STATE AGAINST BLACKS* (1982); Gallaway & Garrett, *supra* note 60 at 44 (“All these outcomes—slower economic growth, higher poverty rates, and greater income inequality—are the predictable *unintended consequences* of the War on Poverty.”); Hutchens, *supra* note 60 at 378 (finding that Aid to Families with Dependent Children transfers reduced the remarriage rate); Sheffield & Rector, *supra* note 60 (finding that 50 years after the War on Poverty began, “progress against poverty, as measured by the U.S. Census Bureau, has been minimal, and in terms of President Johnson’s main goal of reducing the ‘causes’ rather than the mere ‘consequences’ of poverty, the War on Poverty has failed completely.”).
 71. Indigenous whites would include, for example, Anglo-Saxons and Celts in the British Isles who, although they are native to the Isles, are classed among oppressors. See, e.g., James Mackay & David Stirrup, *There Is No Such Thing as an “Indigenous” Briton*, THE GUARDIAN, Dec. 20, 2011, <https://www.theguardian.com/commentisfree/2010/dec/20/indigenous-britons-far-right> (arguing that white native Britons are not “indigenous” because that word “specifically recognizes that a people or tribe has become marginalised within the dominant society thanks to a history of conquest, colonisation, and/or absorption into a nation state.”).
 72. See, e.g., Heidi J. Nast, *Mapping the “Unconscious”: Racism and the Oedipal Family*, 90 ANNALS ASS’N AM. GEOGRAPHERS 215, 219 (2000) (arguing that an intact family is part of a white supremacist system held up by “white heteropaternal law”); Andray Domise, Opinion, *How the Nuclear Family Structure Was Forced Upon Present-Day Black Families*, MACLEAN’S (Aug. 19, 2020), <https://www.macleans.ca/opinion/how-the-nuclear-family-structure-was-forced-upon-present-day-black-families/> (“[T]he most brutal social structure that Western civilization has managed to force on the present-day Black family—the African family—is the alienating nuclear family structure.”). But see also Samuel Kronen, *Historical Racism Is Not the Singular Cause of Racial Disparity*, QUILLETTE (July 17, 2021), <https://quillette.com/2021/07/17/historical-racism-is-not-the-singular-cause-of-racial-disparity/> (debunking arguments that historical racism created “systems” that have racist outcomes today even in the absence of racial animus).
 73. Cf. McWHORTER, *supra* note 62 at 128 (“The multigenerational welfare culture developed on the simple bases of *human*, not ‘black,’ nature.”).
 74. See, e.g., Christina J. Cross, Paula Fomby, & Bethany Letiecq, *Interlinking Structural Racism and Heteropatriarchy: Rethinking Family Structure’s Effects on Child Outcomes in Racialized, Unequal Society*, 14 J. FAM. THEORY REV. 482 (2022); Marina Watts, *In Smithsonian Race Guidelines, Rational Thinking and Hard Work Are White Values*, NEWSWEEK (July 17, 2020, 8:03 AM), <https://www.newsweek.com/smithsonian-race-guidelines-rational-thinking-hard-work-are-white-values-1518333> (reprinting a Smithsonian National Museum of African American History and Culture chart that labels intact families as part of “[w]hite dominant culture”).
 75. See VIRGINIA SCHOMP, *THE ANCIENT CHINESE* (2010) (recounting ancient Chinese myths, many of which feature a strong family structure and clear familial roles).
 76. See ARISTOTLE’S POLITICS 2–3 (Carnes Lord trans., 2d ed., 2013) (“First, then, there must of necessity be a conjoining of persons who cannot exist without one another: on the one hand, male and female, for the sake of reproduction.... The household is the community constituted by nature for the needs of daily life.”), 21 (“[T]here are three parts of the art of household management—mastery, which was spoken of earlier, paternal rule, and marital rule....”).
 77. STEPHAN THERNSTROM & ABIGAIL THERNSTROM, *AMERICA IN BLACK AND WHITE: ONE NATION, INDIVISIBLE* 239 (1997).
 78. SOWELL, *DISCRIMINATION AND DISPARITIES* *supra* note 32 at 180–81.
 79. *Id.* at 181. The deterioration of black families tracked other indicia of what Sowell describes as cultural “retrogression and degeneration.” *Id.* at 179–80. For example, during a 1965 blackout in New York City, the crime rate fell as “strangers, caught in a common misfortune, behave[ed] like friends or neighbors.” *Id.* at 179. But during a blackout in 1977, Harlem (the city’s predominant black neighborhood) saw what the mayor called a “night of terror” as looters burned and pillaged their own neighborhood. *Id.*
 80. NANCY R. PEARCEY, *THE TOXIC WAR ON MASCULINITY* 87–104, 139–150 (2023).
 81. *Id.* at 141 (collecting sources expressing similar themes).
 82. See generally Paul J. Larkin & GianCarlo Canaparo, *The Fallacy of Systemic Racism in the Criminal Justice System*, LIBERTY U. L. REV. 51–77, *forthcoming*, 2023, available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4186360.
 83. See, e.g., Allen J. Beck, *Race and Ethnicity of Violent Crime Offenders and Arrestees, 2018*, U.S. DEPT. OF JUSTICE, BUREAU OF JUSTICE STATISTICS NCJ 255969 (Jan., 2021) (“[B]lack people were overrepresented among persons arrested for nonfatal violent crimes (33%) and for serious nonfatal violent crimes (36%) relative to their representation in the U.S. Population (13%) (table 1.)”); Brendan O’Flaherty & Rajiv Sethi, *Homicide in Black and White*, 68 J.

- URB. ECON. 215 (Jan. 15, 2010) (“African-Americans are roughly six times as likely as white Americans to die at the hands of a murderer, and roughly seven times as likely to murder someone; their victims are black 82% of the time.”); HEATHER MAC DONALD, *THE WAR ON COPS* 73 (2016) (describing statistics showing that in 2009 in the nation’s largest 75 counties, blacks disproportionately committed violent crimes), 89 (same, Los Angeles), 92, 130 (same, Chicago), 153, 217; RONALD WEITZER & STEVEN A. TOUCH, *RACE AND POLICING IN AMERICA: CONFLICT AND REFORM* 10 (2006) (“It is true that African Americans are disproportionately involved in violent crime, according to both victimization surveys (where victims identify the offender’s race) and self-report surveys which ask respondents about their own involvement in crime....”).
84. See RANDALL KENNEDY, *RACE, CRIME, AND THE LAW* 375–76 (1998); see also Randall Kennedy, *The State, Criminal Law, and Racial Discrimination: A Comment*, 107 Harv. L. Rev. 1255, 1259 (1994) (“Although the administration of criminal justice has, at times, been used as an instrument of racial oppression, the principal problem facing African-Americans in the context of criminal justice today is not over-enforcement but under-enforcement of the laws. The most lethal danger facing African-Americans in their day-to-day lives is not white, racist officials of the state, but private, violent criminals (typically black) who attack those most vulnerable to them without regard to racial identity.”).
 85. KENNEDY, *RACE, CRIME, AND THE LAW*, *supra* note 84 at 20.
 86. See Canaparo, *supra* note 57 at 131 (“Where there *is* racism, we must identify it and root it out. But, by the same token, we must not overstate racism’s causal contribution, because a policy prescription that does not grapple with reality cannot solve real problems.”).
 87. SOWELL, *BLACK REDNECKS AND WHITE LIBERALS*, *supra* note 40 at 264.
 88. KENDI, *supra* note 19 at 19.
 89. *Id.* at 18.
 90. *Id.*
 91. *Id.*
 92. See ROBERT P. GEORGE, *MAKING MEN MORAL* 26–27 (1993) (making this observation but including the important caveat that when legal prohibitions are general, this effect is reduced; the implication being that when legal prohibitions are not general but vary for different groups of people, the rebellion effect will be greater); Harry C. Bredemeier, *Law as an Integrative Mechanism*, in *LAW AND SOCIOLOGY* 73, 82–83 (William M. Evan ed., 1962) (observing that incongruity between one’s own beliefs and the law may lead to a “dislike of justice”); Yehezkel Dror, *Law and Social Change*, 33 TUL. L. REV. 787, 801 (1959) (“changes in law have more impact on emotionally neutral and instrumental areas of activity than on expressive and evaluative areas of activity.”).
 93. SOWELL, *DISCRIMINATION AND DISPARITIES*, *supra* note 32 at 23 (citing U.S. Census Bureau data).
 94. *Id.* at 23–24.
 95. See, e.g., John F. Cogan & Daniel Heil, *Four Decades of Senior Income Growth: A 2023 Update*, HOOPER INST., (2023) (finding that, primarily because of more years spent working and saving, seniors experienced higher rates of income growth than non-seniors and that this growth in income was accompanied by an increase in wealth.).
 96. *Id.* 24 (citing U.S. Census Bureau data).
 97. WOODWARD, *supra* note 24 at 85.
 98. See *Williams v. Mississippi*, 170 U.S. 213 (1898).
 99. WOODWARD, *supra* note 24 at 85.
 100. 2022 Statewide Report of Registered Voters, Louisiana Secretary of State, Dec. 1, 2022, https://electionstatistics.sos.la.gov/Data/Registration_Statistics/statewide/2022_1201_sta_comb.pdf. To calculate the registration rate, the number of registered black and white voters was compared to the black and white total population estimates provided by the U.S. Census Bureau. See QuickFacts: Louisiana, Population Estimates, July 1, 2022, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/LA/PST045222>.
 101. *Id.*
 102. Although the phrase “your liberty to swing your fist ends where my nose begins” is often attributed to John Stuart Mill (it is a restatement of his harm principle) or Justice Oliver Wendell Holmes, it seems to have originated in 1882 with John B. Finch, Chairman of the Prohibition National Committee. See Gregory F. Sullivan, *Your Liberty To Swing Your Fist Ends Just Where My Nose Begins*, QUOTE INVESTIGATOR (Oct. 15, 2011), <https://quoteinvestigator.com/2011/10/15/liberty-fist-nose/>.
 103. See SOWELL, *BLACK REDNECKS AND WHITE LIBERALS* *supra* note 40 at 216–221.
 104. *Id.* at 218.
 105. See *id.* (citing Lance T. Izumi, K. Gwynne Coburn, & Matt Cox, *They Have Overcome: High-Poverty, High-Performing Schools in California*, PACIFIC RESEARCH INST., Sept. 2002, <http://files.eric.ed.gov/fulltext/ED469963.pdf>; SAMUEL CASEY CARTER, *NO EXCUSES: LESSONS FROM 21 HIGH-PERFORMING, HIGH-POVERTY SCHOOLS* (2000)); see also SOWELL, *DISCRIMINATION AND DISPARITIES*, *supra* note 32 at 200–03; THOMAS SOWELL, *BLACK EDUCATION: MYTHS AND TRAGEDIES* (1972); George-Levi Gayle, Limor Golan & Mehmet A. Soytaş, *Intergenerational Mobility and the Effects of Parental Education, Time Investment, and Income on Children’s Educational Attainment*, 100 FED. RESERVE BANK ST. LOUIS REV. 281, 291–92 (2018) (finding that when parents invest time in their children’s education, those children have significantly improved educational outcomes).

106. SOWELL, SOCIAL JUSTICE FALLACIES, *supra* note 24 at 32–44.
107. *Id.* at 33.
108. *Id.* at 42.
109. SOWELL, BLACK REDNECKS AND WHITE LIBERALS *supra* note 40 at 93; see also *Students for Fair Admissions v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 257 (2023) (Thomas, J., concurring) (recounting the history of Harvard’s anti-Jewish discrimination).
110. See KENDI, *supra* note 19 at 19 (“The only remedy to racist discrimination is antiracist discrimination.”).
111. DAVID E. BERNSTEIN, CLASSIFIED: THE UNTOLD STORY OF RACIAL CLASSIFICATION IN AMERICA xi (2022).
112. *Id.*
113. See generally MIKE GONZALEZ, THE PLOT TO CHANGE AMERICA: HOW IDENTITY POLITICS IS DIVIDING THE LAND OF THE FREE (2020).
114. BERNSTEIN, *supra* note 111 at 17–20.
115. *Id.*; Brief of Professor David E. Bernstein as Amicus Curiae in Support of Petitioner at 7–12, *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, No. 20-1199 (U.S. Mar. 25, 2021).
116. BERNSTEIN, *supra* note 111 at 17–20.
117. *Id.*
118. See *id.*
119. *Id.* at 16.
120. See, e.g., Housman, *supra* note 64; Ibram X. Kendi, *There Is No Middle Ground on Reparations*, THE ATLANTIC, June 19, 2019, <https://www.theatlantic.com/ideas/archive/2019/06/ibram-x-kendi-opposing-reparations-racist/592060/>.
121. *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181 (2023); Canaparo, *supra* note 57 at 136–38.
122. See sources cited *supra* note 121.
123. See *Regents of Univ. of California v. Bakke*, 438 U.S. 265, 315 (1978) (opinion of Powell, J.); see also *Grutter v. Bollinger*, 539 U.S. 306, 325 (2003) (adopting Justice Powell’s position).
124. *Id.*
125. *Students for Fair Admissions*, 600 U.S. at 143 S. Ct. at 216–17 (internal citations and quotations omitted) (emphasis in original).
126. Christine Tamir, *Key Findings About Black Immigrants in the U.S.*, PEW RESEARCH CENTER, Jan. 27, 2022, <https://www.pewresearch.org/short-reads/2022/01/27/key-findings-about-black-immigrants-in-the-u-s/>.
127. Kiana Cox & Christine Tamir, *Family History, Slavery and Knowledge of Black History*, PEW RESEARCH CENTER, Apr. 14, 2022, <https://www.pewresearch.org/race-ethnicity/2022/04/14/black-americans-family-history-slavery-and-knowledge-of-black-history/>.
128. See Tom Lasseter *et al.*, *Slavery’s Descendants*, REUTERS, June 27, 2023, <https://www.reuters.com/investigates/special-report/usa-slavery-lawmakers/>; Bonnie Goldstein, *Obama Descended from Slave Ancestor*, WASH. POST, July 30, 2012, https://www.washingtonpost.com/blogs/she-the-people/post/obama-descended-from-slave-ancestor-researchers-say/2012/07/30/gJQAUw4BLX_blog.html.
129. See *About Human Trafficking*, U.S. DEPT. OF STATE, <https://www.state.gov/humantrafficking-about-human-trafficking/#victims> (last accessed Nov. 2, 2023) (“Human trafficking victims can be of any age, race, ethnicity, sex, gender identity, sexual orientation, nationality, immigration status, cultural background, religion, socio-economic class, and education attainment level.”).
130. *Id.* at 37.
131. *Race and Racial Identity*, SMITHSONIAN NAT’L MUSEUM OF AFRICAN AM. HIST. & CULTURE, <https://nmaahc.si.edu/learn/talking-about-race/topics/race-and-racial-identity>.
132. Angela Onwuachi-Willig, *Race and Racial Identity Are Social Constructs*, N.Y. TIMES, Sept. 6, 2016, <https://www.nytimes.com/roomfordebate/2015/06/16/how-fluid-is-racial-identity/race-and-racial-identity-are-social-constructs>.
133. *Id.*
134. Ta-Nehisi Coates, *What We Mean When We Say “Race Is a Social Construct,”* THE ATLANTIC, May 15, 2013, <https://www.theatlantic.com/national/archive/2013/05/what-we-mean-when-we-say-race-is-a-social-construct/275872/>.
135. RICHARD DELGADO & JEAN STEFANCIC, CRITICAL RACE THEORY: AN INTRODUCTION 8–9 (2d ed. 2012) (“Not objective, inherent, or fixed, [racial categories] correspond to no biological or genetic reality; rather, races are categories that society invents, manipulates, or retires when convenient.”).
136. *Race and Racial Identity*, *supra* note 131.
137. See G.K. CHESTERTON, THE MAN WHO WAS THURSDAY 40 (1908).
138. See *id.*