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Illiberal Education: The Politics of Race and Sex on Campus

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ILLIBERAL EDUCATION: THE POLITICS OF RACE AND SEX ON CAMPUS. By *Dinesh D'Souza*. New York: The Free Press. 1991. Pp. x, 319. \$19.95.

Everyone today wants to be considered a victim. By holding themselves out as victims, individuals and groups make a more compelling claim on society to redress their particular grievances. In *Illiberal Education*, Dinesh D'Souza decries what he sees as a conspiracy by left-leaning university administrators and students to appropriate for themselves victim status: "With the encouragement of the university administration and activist faculty, many minority students begin to think of themselves as victims. Indeed, they aspire to victim status. . . . [T]hey seek the moral capital of victimhood" (p. 242). But in his book, D'Souza attempts to stake out his own claim to victimhood. He argues that university policies aimed at creating a multicultural community victimize all those involved in American education, including those people such policies intend to help.

Under a flag of victimhood, argues D'Souza, professors, administrators, and students have wrought a revolution on the American campus. This revolution's ideology is diversity, tolerance, multiculturalism, and pluralism, and its objective is to implement policies such as affirmative action, speech codes, and new curricula to ensure full and equal participation in academic life by all ethnic groups. These policies, D'Souza laments, have changed the very nature of the university from the provider of equal opportunity to the guarantor of equal results. American universities, he argues, now choose students, teachers, books, and courses not on the basis of academic merit but on the basis of gender and skin color. D'Souza argues that policies that promote the cause of some groups at the expense of others engender disrespect and even hostility among students and teachers toward each other and the curriculum. The victims' revolution thus "threatens to destroy the highest ideals of liberal education" (p. 257).

D'Souza in many respects simply adds another voice to an already cacophonous critique of American higher education. *Illiberal Education* follows in the wake of previous conservative indictments of a politicized academy by Allan Bloom¹ and Roger Kimball.² Like Bloom and Kimball, D'Souza recalls an academic golden age where "students move in small groups, heading for class, the library, or the dining hall, greeting their friends and . . . being part of a community," and "scholars come and go, talking of Proust and Michelangelo" (p.

1. See ALLAN BLOOM, *THE CLOSING OF THE AMERICAN MIND* (1987).

2. See ROGER KIMBALL, *TENURED RADICALS* (1990); see also CHARLES J. SYKES, *THE HOLLOW MEN* (1990) (criticizing the academy).

1). Also like these other critics, D'Souza blames the corrosion of traditional academic standards on the new generation of professors and administrators, "weaned on the assorted ideologies of the late 1960s: the civil rights movement, the protest movement against U.S. involvement in Vietnam, and the burgeoning causes of feminism and gay rights" (p. 17). Finally, as do these other critics, D'Souza puts forth several proposals for the academy to regain its lost virtue (pp. 251-56).

Illiberal Education, however, differs from these previous works because it is especially likely to convert people to its cause. For one, D'Souza is a person of color (p. 22). He declares that his status as a native of India enables him to speak for minorities (p. 23). Indeed, he has somewhat greater credibility than the white critics who have preceded him because he presumably has felt discrimination and stands to benefit from the policies that he criticizes.³ D'Souza also is unique in the way he presents his materials. His relative youth enables him to "pass for a student," and much of his book relates conversations and interviews that he has had with students, teachers, and administrators (p. 23). He thus presents to the reader the problems of American university life as diagnosed by affected students and professors. The journalistic quality of his book lends an immediacy to the issues he confronts and a seeming objectivity to the way he confronts them. In addition, D'Souza's mild tone sets him apart from other critics of higher education. D'Souza often abstains from inflammatory language.⁴ By couching his arguments in more moderate terms, D'Souza is more likely to convince those people who are indisposed to his cause. Finally, *Illiberal Education* was published during an emerging national debate over the health of the academy. In the months preceding publication, affirmative action, multicultural curricula, and campus speech codes had, under the sobriquet *political correctness*,⁵ been debated in virtually every major news magazine and newspaper.⁶ D'Souza's book, as the first new book aimed at comprehensively addressing these issues, vies to establish itself as a cornerstone of this debate.

D'Souza structures his story around seven campuses, all of which "are in the vanguard of the revolution," and each of which exemplifies

3. Of course, a person's membership in a minority group does not guarantee that that person will share a traditional minority perspective. See A. Leon Higginbotham, Jr., *An Open Letter to Justice Clarence Thomas From A Federal Judicial Colleague*, 140 U. PA. L. REV. 1005 (1992) (urging Justice Thomas not to let his color legitimize policies harmful to his race).

4. For example, he never uses the terms *politically correct* or *New McCarthyism* except when quoting others.

5. For a humorous, if nonobjective, history of the term *politically correct*, see William Safire, *Linguistically Correct*, N.Y. TIMES, May 5, 1991, § 6 (Magazine), at 18.

6. See, e.g., *Race on Campus - A Special Issue*, NEW REPUBLIC, Feb. 18, 1991; *Watch What You Say - Thought Police: There's A Politically Correct Way To Talk About Race, Sex and Ideas*, NEWSWEEK, Dec. 24, 1990, at 48.

a particular aspect of what D'Souza argues has gone wrong (p. 20). He devotes individual chapters to racial preference in admissions at Berkeley, the multicultural curriculum at Stanford, Afrocentric studies at Howard, speech codes at Michigan, deconstructionism at Duke, and race and gender studies at Harvard. Through campus interviews, newspaper accounts, and anecdotes, D'Souza attempts to show that race relations continue to sour on campus and that policies designed to combat this problem actually aggravate it.

D'Souza begins at the University of California at Berkeley with what he sees as the most dangerous outcome of the victims' revolution, affirmative action. D'Souza cites the familiar justifications for affirmative action in admissions, among them desires to make up for past injuries inflicted on traditionally oppressed minorities, to enrich the academic environment through the presence of diverse perspectives, and to achieve racial harmony by showing whites that blacks and other minorities are equally capable of handling responsibility.⁷ D'Souza argues, however, that affirmative action, rather than achieving these goals, actually undermines them. Because Asian Americans, Jews, and other whites routinely perform better than blacks and Hispanics in high school and on the SAT, he argues, universities such as Berkeley are forced to relax merit admissions to achieve diversity.⁸ Consequently, he notes, preferential admissions policies instituted to include certain minorities in the university exclude other minorities, namely the generally more qualified Asian Americans and Jews.⁹ D'Souza illustrates the inequity of preferential admissions through the fate of two students: one, an upper middle-class black student who was admitted to Berkeley, and another, a working-class immigrant and former Vietnamese boat person with identical SAT scores and a higher GPA, who was denied admission (pp. 33-35). D'Souza thus asserts that universities' attempts to rectify historical discrimination generate new discrimination.

D'Souza argues that a preferential admissions policy, in addition to working an injustice on those minorities that it excludes, harms the blacks and Hispanics that it includes. Minorities admitted on affirmative action cannot compete with the better prepared students admitted solely on the basis of merit, even with current university-sponsored

7. P. 37. See generally Randall Kennedy, *Persuasion and Distrust: A Comment on the Affirmative Action Debate*, 99 HARV. L. REV. 1327 (1986) (discussing justifications for and objections to affirmative action).

8. P. 26. D'Souza cites statistics that show an overall white-black differential in the SAT of 198 points and an Asian-black differential of 192 points. P. 41.

9. P. 31. D'Souza cites a study by Berkeley that indicates that merit admissions would result in less than four percent of black, Hispanic, and native American students combined. P. 37. Presumably, under merit admissions, the gap between this four percent and the current 25 to 30% of the student body comprised of blacks and Hispanics would be filled by more qualified Asians, Jews, and other whites. See pp. 262-63 nn.19 & 21.

remedial education programs, says D'Souza.¹⁰ He cites Berkeley's extremely high dropout rate for black and Hispanic undergraduates, virtually twice that of whites and Asians,¹¹ and a confidential internal report at Berkeley that states that blacks and Hispanics admitted on affirmative action are half as likely to graduate after five years as blacks and Hispanics admitted on merit.¹² These statistics, he says, show that affirmative action is responsible for the failure of so many blacks and Hispanics to earn degrees. D'Souza asserts that Berkeley's preferential admissions policy is particularly nefarious because minorities unqualified for Berkeley have an alternative "at UC-Irvine or UC-Davis, where they might settle in more easily, compete against evenly matched peers, and graduate in vastly greater numbers and proportions."¹³ Instead, by ratcheting black and Hispanic students up into academic environments in which most will perform poorly or even fail, preferential admissions policies inflict insecurity, frustration, and even despair on these students (p. 40).

In addition to harming minorities' education and careers, argues D'Souza, preferential admissions also sour race relations. Affirmative action may have increased the number of blacks and Hispanics on campus, but "rarely are members of either group seen dating, or even socializing with, white students" (p. 46). "Self-segregation" by minorities through ethnic dormitories, student unions, and study groups undermines the cultural interaction and educationally enriching diversity that preferential admissions are intended to achieve (pp. 47-48). D'Souza blames this balkanization on affirmative action, which compels black and Hispanic groups to find "a haven from the anxieties that spring from sharp differences in academic preparation among various racial groups" (p. 51). For D'Souza, the same policy also increases white racism against minorities. He attributes a series of ugly racial incidents at Berkeley over the past few years to whites' perception that blacks do not deserve to be at Berkeley (pp. 46-47).

According to D'Souza, preferential admissions policies even breed self-hatred in minority students. Minorities "cannot really take pride in . . . affirmative action; indeed, it makes them feel they have been patronized" (p. 50). D'Souza argues that these policies especially den-

10. "[R]emedial education efforts . . . have not succeeded for the obvious reason that it is a bit late to be teaching students basic reading, writing, and mathematical skills when they are in the high-pressure environs of Berkeley and Princeton, where other students have read Shakespeare and taken advanced calculus." P. 43.

11. P. 39. D'Souza says that 25-35% of whites and Asians at Berkeley drop out before graduation. The drop-out rate for Hispanics is more than 50%, and for blacks the number exceeds 60%. *Id.*

12. The five-year graduation rate for blacks and Hispanics admitted on affirmative action is 18% and 22% respectively, compared to 42% for blacks and 55% for Hispanics admitted on merit. P. 39.

13. P. 40; *see also* THOMAS SOWELL, *PREFERENTIAL POLICIES* (1990) (arguing that special treatment engenders poor performance from the favored and resentment from the spurned).

igrate qualified minority students. Other students and professors assume that these qualified minorities have gained admission merely on account of their race (p. 50).

At Stanford University, D'Souza claims, affirmative action has been extended beyond admissions criteria to the curriculum. D'Souza criticizes Stanford's replacement of the old "Western Culture" requirement with a new course, "Cultures, Ideas and Values" (CIV).¹⁴ As with all recent reforms on campus that he attributes to the victims' revolution, D'Souza links CIV to political pressure applied by left-leaning students and administrators (p. 68). Similarly, he argues that this latest feature of academia corrodes academic standards: "The risk of attempting curricular accommodation based on race and gender is that it can result in lesser works being taught simply because of the skin color or gender of their authors" (p. 82). D'Souza asserts that because historically women were largely denied an opportunity to write fiction or scholarly works, and third-world cultures had primarily oral traditions, white males generally have authored those works with the greatest merit (p. 85). He argues that Stanford, by deemphasizing or excluding white male authors to make room for less talented writers, deprives its students of an adequate education.

In addition to lowering the quality of education, D'Souza also claims that the CIV course undermines the multicultural ideals it is meant to promote. Although the new curriculum is intended to expose students to non-Western ideas, D'Souza argues that many of the featured non-Western works merely constitute a "mouthpiece" for the ideological proclivities of American activists (p. 72). One such book, Burgos-Debray's *I, Rigoberta Menchú*,¹⁵ which D'Souza examines as representative of CIV, documents the life of an indigenous Guatemalan woman who "becomes first a feminist, then a socialist, then a Marxist" — hardly non-Western values, claims D'Souza (pp. 71-72). According to D'Souza, even those works in CIV that are indigenous to the Third World misrepresent these cultures. If Stanford effected an authentic multicultural curriculum, it would be racist, sexist, and homophobic.¹⁶ Thus, as with minorities targeted by preferential admissions, D'Souza asserts that CIV patronizes non-Western cultures by elevating their status simply because they have experienced past injustices (p. 87).

D'Souza similarly argues that the presence of Afrocentric studies at Howard University has lowered academic standards. He character-

14. In 1988, CIV replaced Stanford's old core of required studies based on Western history, literature, and philosophy with a new syllabus that ensured representation for Third World, minority, and women's works. P. 67.

15. RIGOBERTA MENCHÚ, *I, RIGOBERTA MENCHÚ - AN INDIAN WOMAN IN GUATEMALA* (Elisabeth Burgos-Debray ed., Ann Wright trans., 1984).

16. D'Souza cites, among other things, sexism in the Koran and homophobia among African tribespeople to support this claim. Pp. 79-80.

izes the new black scholarship, which seeks to establish the greatness of Africa based on an "appropriation" of the achievements of Egyptian civilization, as "shoddy" (pp. 116-17). He states that Afrocentric claims that Cleopatra and the Egyptian pharaohs were black are false.¹⁷ Although a central purpose of Afrocentric studies is to boost black pride by rediscovering blacks' contributions to contemporary society, D'Souza, quoting a Howard professor critical of Afrocentricism, asks "how can you build black pride on lies and distortions?" (p. 118). Similar to his critique of CIV at Stanford, he suggests that a scholarly attempt to rediscover Africa must also address the indigenous slave trade, human sacrifice, female circumcision, and infanticide practiced in African cultures (p. 121). He warns that black scholars who create a "fictionalized Africa" to cater to the domestic concerns of American blacks ultimately demean their own heritage (p. 120).

Throughout his book, D'Souza suggests that strident protest by self-proclaimed victims enables minorities and their sympathizers to usher in multicultural admissions and curricula.¹⁸ In his chapter on the University of Michigan, however, he denounces attempts by universities to enact "gag rules" that curtail unfavorable protest (p. 140). D'Souza asserts that speech codes "arise[] from the desire of minorities to enjoy their new political power while insulating themselves from criticism" (p. 155). However, these speech codes — some of which, like the prior Michigan code, broadly prohibit speech that "stigmatizes" or "victimizes"¹⁹ — stifle unmalicious and valuable speech, such as debates on affirmative action.²⁰ He argues that this new regime of "viewpoint suppression" has harmed even progressive professors, like Professor Reynolds Farley of Michigan, whose students criticized him for racial insensitivity after he critically examined several black leaders and distributed historical materials that reflected historical prejudices (p. 149). D'Souza also describes several instances in which students have been censored or disciplined by university officials for writing or speaking in ways deemed offensive to minorities (pp. 144-47).

17. Pp. 116-18. He addresses two Afrocentric works: MARTIN BERNAL, *BLACK ATHENA: THE AFROASIATIC ROOTS OF CLASSICAL CIVILIZATION* (1987) and BLACK WOMEN IN ANTIQUITY (Ivan Van Sertima ed., 1988).

18. For example, he suggests that Stanford and Howard instituted multicultural curricula in response to highly publicized student protests calling the traditional curricula racist. Pp. 59-60, 101-02.

19. Most campus speech policies ban offensive or demeaning words that are directed at a person's gender, race, sexual orientation, religion, or handicap. Susan Dodge, *Campus Codes that Ban Hate Speech Are Rarely Used to Penalize Students*, CHRON. HIGHER EDUC., Feb. 12, 1992, at A35.

20. In this chapter, he echoes many of the First Amendment objections of overbreadth and vagueness raised by the federal district court that struck down the Michigan speech code. See *Doe v. University of Mich.*, 721 F. Supp. 852 (E.D. Mich. 1989); see also *UWM Post, Inc. v. Board of Regents*, 774 F. Supp. 1163 (E.D. Wis. 1991) (voiding University of Wisconsin's speech code on grounds of overbreadth and vagueness).

Again, D'Souza argues that these seemingly progressive policies generate, rather than discourage, racism and sexism on campus. Coercion breeds resentment, and codes and social customs on campus that curtail students' vocal expression encourage more violent means of expression (pp. 155-56). At the same time, these codes demean the minorities they are meant to esteem because they "coddle and pamper minority students" and "treat them like inferiors" (pp. 154-55). D'Souza laments that "the venerable university tradition of disputation seems to have yielded to the contemporary practice of indoctrination" (p. 155).

Just as D'Souza sees a new censorship as an attempt by the victims' revolution to silence opposition to their agenda, he sees new scholarship as a conspiracy by these students, professors, and administrators to propel them and their policies to the forefront of academia. For D'Souza, Duke University sits at the nadir of a deepening crevice of disciplines in the humanities, including deconstructionism, postmodernism, and minority and feminist scholarship. This new scholarship denies the existence of objective meaning in texts and, consequently, upholds "the arbitrariness of all standards" (p. 184). As Bloom did before him, D'Souza argues that by reducing all texts to opinion, the new scholarship undermines the pursuit of truth so central to education.²¹

D'Souza suggests that professors have embraced this new scholarship not only to further their own careers,²² but also to justify affirmative action. New disciplines such as women's and black studies merely serve to vindicate preferential hiring of female and minority professors by creating a need to "enrich [] the university through the importation of 'minority perspectives' that could not possibly be supplied by whites" (p. 185). He thus criticizes Duke's current affirmative action policy for black faculty.²³ As he does with affirmative action at Berkeley, D'Souza argues that specific "white" and "black" perspectives defy definition, and are themselves racist.²⁴ He also argues that, due to the dearth of blacks with doctorates,²⁵ such preferential hiring of

21. "If education cannot teach us to separate truth from falsehood, beauty from vulgarity, and right from wrong, then what can it teach us worth knowing?" P. 179; see also BLOOM, *supra* note 1, at 344-45.

22. He claims that the new scholarship is self-serving because it treats commentary as equally valuable as other works of art. Thus, it lifts the professor's work from its "second-class status," and it multiplies the possible ideas that professors can publish. P. 180.

23. "In 1988, [Duke] announced a new affirmative action policy of *requiring every department and program to hire at least one new black by 1993 or face administrative penalties.*" P. 158.

24. P. 187. At a later point, D'Souza states that "advocates of a black perspective on law 'fail to support persuasively their claims of racial exclusion or their claims that legal academic scholars of color produce a racially distinctive brand of valuable scholarship.'" P. 208 (quoting Randall L. Kennedy, *Racial Critiques of Legal Academia*, 102 HARV. L. REV. 1745, 1749 (1989)).

25. D'Souza states that "[a]lthough blacks constitute 11-12 percent of the U.S. population,

faculty lowers standards and works an injustice on minority recruits by making them appear less competent (p. 165).

Finally, D'Souza turns to Harvard to show the consequences of the victims' revolution. At Harvard, D'Souza claims, there exists a new orthodoxy on campus, which, in the name of diversity, has balkanized the academy. He discusses several incidents at Harvard and other universities in which professors and students have been ostracized and discredited for having introduced materials in class or held opinions that offended minorities (pp. 194-204). One such victim, Professor Stephan Thernstrom of Harvard, decided to stop teaching his course on the history of ethnic groups in America after students publicly accused him of racial insensitivity for having discussed Jim Crow laws in class (pp. 194-97). Quoting Thernstrom, D'Souza warns that this " 'McCarthyism of the left' . . . exert[s] a 'chilling effect' both on academic freedom and on freedom of expression" (p. 195). Student activism and speech codes, argues D'Souza, have so sensitized American campuses to issues of race, gender, and sexual orientation that students and professors with alternative views find themselves forced to acquiesce in the prevailing orthodoxy.

Minority scholarship at Harvard, argues D'Souza, contributes to this stifling atmosphere. He claims that Afro-American studies, women's studies, and courses on race, feminism, and homosexuality may intend to open discussion on often controversial issues, but actually close it. Minority scholarship suffocates cultural interchange because it "divid[es] scholarship into 'black' and 'white,' or 'male and female'" (p. 208). Because these courses exist to promote their own political agendas, D'Souza claims, they rarely, if ever, present opposing points of view (p. 213). As a result of its political motivation and ideological focus, this scholarship undermines its own merit, he argues. Minority and feminist scholarship may have been intended to improve the status of minorities and women, but instead it has become what Harvard's former Afro-American Studies chairman has called "the 'poor second cousin'" of traditional fields (p. 206).

D'Souza thus pens a startling sketch of higher education. He shows us an American university that has abandoned its standards for admissions, faculty hiring, and the curriculum; a university that silences opposition to its undemocratic policies through a social orthodoxy and speech codes; and a university that in the name of tolerance and racial harmony furthers intolerance and racism. This dissolution of the academy, D'Souza claims, has been the result of a political agenda imposed on an indifferent or bewildered majority by a radical few. Although these changes have been imposed in the name of victimhood, the true victims are American education and all those in-

they receive just over two percent of PhD degrees. Moreover, approximately half the total number of doctorates awarded to blacks in recent years are in a single field: education." P. 167.

volved in it. The system that D'Souza describes clearly cries out for reform. This leaves us with one rather simple question: is his description accurate?

In critiquing the agenda of the victims' revolution, D'Souza, in fact, has his own agenda. D'Souza would have us believe that he is a moderate when it comes to issues of race and gender on campus. Thus, he tells us early in his book that he "empathize[s]" and "feel[s] a special kinship with minority students" (p. 23). His true past, however, suggests otherwise. Although he "offer[s to us] a few personal comments which may be helpful in establishing [his] own interest and viewpoint," he leaves out those details that might cast a shadow on his impartiality (p. 22). For instance, he tells us that he was an editor at the *Dartmouth Review* but that he "had graduated long before the newspaper's most notorious showdowns" (p. 19). He fails to tell us, however, that as an editor of the *Review*, he published a notorious "jive" column.²⁶ He also tells us that after graduating Dartmouth he worked on an alumni magazine at Princeton, but he fails to tell us that this magazine represents conservative interests.²⁷ Just as the author's true past is missing from his book, so too is a true picture of his subject, the university. His case studies and constant use of anecdotes, interviews, and newspaper accounts give the reader the impression that he objectively presents evidence. However, as his past suggests, his purpose is not merely to describe, but also to convince. Thus, he often strings together unrelated anecdotes that support his thesis that seemingly progressive policies exacerbate intolerance on campus, and omits those events and explanations that do not so easily fit. The reader ends up with an often exaggerated picture of the problems that plague our campuses.

His chapter on Michigan alone²⁸ contains notable exaggerations and misstatements. He speaks of "censorship" and "gag rules," and "firm penalties" and "severe punishment" when discussing the former speech code at Michigan. Yet the only penalized students that he can point to at the University of Michigan are a student disc jockey who was asked to apologize publicly for racist jokes that he aired on the campus radio station, a student who had to apologize publicly and attend Gay Rap sessions for making fun of homosexuals in class, and a social work graduate student whose work was reviewed by faculty af-

26. See Charles Trueheart, *Big Man Off Campus*, WASH. POST, Apr. 16, 1991, at B1, B4.

27. *Id.* Similarly, he omits mentioning his experience as a speechwriter in the Bush administration. Nor does he mention his other book, *Falwell: Before the Millenium* (1984), a rather complimentary biography of the Reverend Jerry Falwell. He also does not mention when describing *Illiberal Education* that the American Enterprise Institute, a conservative think tank, has funded it. He only mentions this organization in his acknowledgments. P. ix.

28. Because of my ready access to resources at the University of Michigan, I investigated primarily this chapter.

ter he claimed that homosexuals could be "cured."²⁹ The absence of harsh penalties at Michigan may not excuse the unconstitutionality of Michigan's former speech code, but it does suggest D'Souza's willingness to hyperbolize to make a political point. Indeed, throughout his book, he presents often well meaning students, professors, and administrators as evil and often benign policies as harmful. D'Souza thus likens progressive forces on campus to Nazis (p. 187), religious fundamentalists (p. 85), McCarthyites (p. 195), totalitarian regimes (p. 217), the Moral Majority (p. 246), and barbarians (p. 257). Presumably D'Souza does all this to show that those traditionally deemed victimizers on campus are, like himself, quite reasonable, and that those claiming victimhood, in fact, victimize.

D'Souza also often misleads his reader by presenting events out of context. He attributes increased racial incidents at Michigan to the Michigan speech code, yet most of the racial incidents at Michigan that he mentions occurred before Michigan's speech code was enacted.³⁰ In one of these incidents, he says that the disc jockey who told racist jokes on the campus radio station "immediately . . . apologized" (p. 124). But, in fact, more than a month of bitter protest by offended students passed before he retracted his racist remarks.³¹ D'Souza thus takes events out of context to fit them better to his own conclusion.

He even misrepresents some of those he interviews. D'Souza portrays university administrators, professors, and students as having practically abandoned Michigan professor Reynolds Farley when he was accused of racial insensitivity in 1988 (pp. 148-51). In fact, Farley recalls that administrators, faculty, and students publicly defended him.³² Similarly, to support his claim on the disproportionate power that a few progressive professors wield at universities, D'Souza describes a telephone conversation between Michigan law professor Alex Aleinikoff and a congressional office in Washington, in which Aleinikoff allegedly sought help in pressuring the University to accede to a progressive agenda (p. 152). Aleinikoff says that this conversation

29. Pp. 124, 148; see also Dodge, *supra* note 19, at A35.

30. D'Souza states that two of the three racial incidents that he mentions occurred in early 1987 and early 1988, yet Michigan did not enact its speech code until May 31, 1988. See Doe v. University of Mich., 721 F. Supp. 852, 856 (E.D. Mich. 1989).

31. Stephen Gregory, *Ex-DJ Apologizes for Racial Slurs*, MICH. DAILY, Mar. 4, 1987, at 1. Moreover, although D'Souza portrays the disc jockey's invitation for racial jokes as spontaneous, the DJ actually planned it in advance, and had his friends, not random listeners, call in. Eugene Pak, *Racist Jokes Aired Over "U" Radio*, MICH. DAILY, Feb. 19, 1987, at 1. Such misrepresentations are quite common in this book. For instance, at the beginning of *Illiberal Education*, D'Souza quotes what he refers to as "a national magazine" to show how overly sensitized our nation has become to issues of race and gender. One finds tucked away in the footnotes at the end of his book, however, that this "national magazine" is the notoriously radical *Mother Jones*. Pp. 7, 259 n.17.

32. Telephone interview with Reynolds Farley (Apr. 13, 1992).

never occurred and that D'Souza grossly overstated Aleinikoff's power and influence on campus.³³

Also, in the Michigan chapter, D'Souza lumps together free speech concerns so he can bludgeon with one club an indistinguishable heap. Alongside his more tenable criticisms of university prohibitions against free speech, D'Souza objects to the "chilling effect" of "complaints" about speech on campus (p. 148). This attack against self-imposed speech restrictions, however, goes too far. There is nothing unconstitutional in telling those who use offensive speech that they are insensitive, or racist, or sexist. Such social norms as telling others when they offend us allow us to live peaceably in a community. D'Souza claims that this social etiquette makes us more violent; but, more plausibly, it makes us more civil. Only when we understand the ways in which our speech and action harm others can we begin to understand other peoples' predicament.

D'Souza takes significant leaps of logic elsewhere in his book. For instance, while he persuasively shows that affirmative action displaces some other qualified minorities and whites, he fails adequately to support his claim that affirmative action causes bigotry. In his many descriptions of racist cross burnings and graffiti, D'Souza never musters any plausible evidence that such acts were inspired by resentment at the unfairness of affirmative action. His assertion is all the more dubious because Jews are not subject to affirmative action, yet acts of anti-Semitism on campus have increased simultaneously with racist incidents.³⁴ Similarly, he never substantiates his claim that preferential admissions and hiring stigmatizes minority students and faculty. He quotes a few whites and minorities to suggest such a link, but the contrary is equally plausible. Because we never know which particular member of a minority group has benefited from affirmative action, many of us may assume that each individual is qualified.³⁵ That the majority of blacks and Hispanics support affirmative action suggests that societal racism stigmatizes far more than affirmative action.³⁶

Equally unsubstantiated is D'Souza's assertion that affirmative action policies contribute to self-segregation. Feelings of inadequacy and discomfort due to affirmative action may explain black solidarity, but

33. Interview with Alex Aleinikoff (Apr. 2, 1992).

34. *Anti-Semitic Incidents in 1988 Put at 5-Year High*, N.Y. TIMES, Jan. 29, 1989, at A20. If it is unfairness of quotas that lies at the root of bigotry, how does this explain the spate of homophobic and sexist incidents that D'Souza also documents?

35. In fact, statistics that D'Souza cites may support such an explanation. He cites a 1986 survey by Michigan's Institute for Social Research suggesting that although "75 percent of whites said that it was . . . 'somewhat likely' that they would be denied a position in favor of an equally or less qualified black," less than 15% of whites thought that blacks come from a "less able race." P. 131.

36. See, e.g., Denise K. Magner, *Black Intellectuals Broaden Debate on Effects of Affirmative Action*, CHRON. HIGHER EDUC., Oct. 16, 1991, at A17, A22 (noting that "the majority of black scholars . . . support affirmative action").

so may blacks' desire for cultural identity and insulation from pervasive discrimination. If black socializing and black social organizations exist merely to insulate black students from a discomfort that they feel from being unqualified on campus, then so must Jewish socializing and Jewish social organizations such as Hillel. Yet D'Souza insists that Jews, if anything, are overly qualified on campus (p. 57).

D'Souza also polarizes the debate over the curriculum. As with speech codes and affirmative action, he frames the debate over a multicultural curriculum as one between maintaining tradition or renouncing all notions of academic merit. He mourns what he describes as the death of the canon across the country,³⁷ yet studies show that the classics continue to constitute the core of curricula.³⁸ The "Cultures, Ideas and Values" course at Stanford that he criticizes retains in its syllabus most of the works associated with the traditional canon.³⁹ Moreover, D'Souza singles out one particular Marxist book, *I, Rigoberta Menchú*, probably the most vulnerable to criticism, as representative of CIV.⁴⁰ But many highly regarded non-Western authors appear on the very same syllabus, including Gabriel García Márquez, Aimé Césaire, and Chinua Achebe.⁴¹ Not only does he single out one book from an entire reading list, but he also fails to mention that the reading list in which that book appears is merely one of eight options offered to students.⁴² One could easily describe CIV as ennobling, as opposed to "exploitative," because it enables students to continue to study the traditional canon, but it does not force that canon on them.

D'Souza not only presents a slanted image of the content of multicultural curricula but also misrepresents the new disciplines that inform such courses. D'Souza, for example, has a tendency to characterize feminists as castrating misanthropes. He introduces feminism at the beginning of his book by quoting a single female student who allegedly declares that women will "stop talking about castration, and make it a reality. Women will start carrying guns [and] . . . kill men if they have to" (p. 11). Perhaps this quote reflects the beliefs of a few radical feminists, but it hardly contributes to a balanced view of

37. See, e.g., p. 68 ("the crusade for curricular diversity [is] gain[ing] momentum. . . it is now extremely rare to find students exposed to a core curriculum").

38. See, e.g., Carolyn J. Mooney, *Study Finds Professors Are Still Teaching the Classics, Sometimes in New Ways*, CHRON. OF HIGHER EDUC., Nov. 6, 1991, at A1.

39. For instance, all eight course options in CIV teach Aristotle, the Bible, Shakespeare, and Freud. Seven of the eight course options also teach both Plato and Rousseau, and six teach St. Augustine and Virginia Wolfe. Most of the courses also include Homer, Machiavelli, and Descartes. Telephone interview with Paul Seaver, Director of the Program in Cultures, Ideas and Values at Stanford University (May 13, 1992) [hereinafter Seaver Interview].

40. Indeed, he names his entire chapter on multicultural curricula "Travels with Rigoberta" after this book.

41. Seaver Interview, *supra* note 39.

42. *Id.*

feminism.⁴³

Just as D'Souza often presents one radical voice to represent many, he often dismisses the contributions of entire disciplines on account of the weakness of a few of their members. He correctly notes that Afrocentrism sometimes violates historical accuracy by presenting overblown claims,⁴⁴ but he fails to address Afrocentrism's laudable goals, such as uncovering pro-Greek biases among certain European classicists and exploring Egyptian and African contributions to knowledge and culture.⁴⁵ D'Souza rejects black studies and women's studies on the similar grounds that they produce ideologically motivated scholarship. But these disciplines command scholarly attention because they provide specialized scholarship that traditional disciplines cannot or will not integrate.⁴⁶

As intriguing as what D'Souza includes in his book is what he leaves out. His major objection to preferential admissions policies is that they require lower admissions standards and, as a result, threaten the university's central commitment to merit. Yet nowhere in his book does D'Souza address the threat to liberal education posed by legacies, who routinely are admitted to universities under lower standards than applicants whose parents are not alumni.⁴⁷ Geographical preferences in admissions apparently also do not irk D'Souza, even though universities routinely lower standards for applicants from less represented states to achieve geographic diversity.⁴⁸ One would think that preferential admissions for such underqualified students would do as much, or more, damage to the university than the often fewer marginally qualified minorities given preferential admission.⁴⁹ Such con-

43. At another point in his book, D'Souza describes a women's studies course at Harvard where, he insists, "one female student offered ribald one-liners about a man who lost his penis, penises that were cut off, accidents in which every part of the victim was recovered — except the penis. These brought loud and unembarrassed laughter from the professor and other students." P. 209.

44. Cf. Emily Vermeule, *The World Turned Upside Down*, N.Y. REV. BOOKS, Mar. 26, 1992, at 40, 43 (criticizing Martin Bernal's second volume of *BLACK ATHENA* for "blurr[ed] . . . distinctions" and "jumbled exposition of ideas").

45. See, e.g., Ellen K. Coughlin, *In Multiculturalism Debate, Scholarly Book on Ancient Greece Plays Controversial Part*, CHRON. OF HIGHER EDUC., July 31, 1991, at A4; John Noble Wilford, *Nubian Treasures Reflect Black Influence on Egypt*, N.Y. TIMES, Feb. 11, 1992, at C1.

46. Cf. *NEW HUMANITIES AND ACADEMIC DISCIPLINES: THE CASE OF JEWISH STUDIES* (Jacob Neusner ed., 1984) (discussing the legitimate scholarly contributions of Jewish Studies).

47. See John Larew, *Why are Doves of Unqualified, Unprepared Kids Getting into Our Top Colleges? Because their dads are alumni*, WASH. MONTHLY, June 1991, at 10-11 ("[T]hese overwhelmingly affluent, white children of alumni . . . are three times more likely to be accepted to Harvard than high school kids who lack that handsome lineage. . . . [T]he average admitted legacy at Harvard between 1981 and 1988 was significantly less qualified than the average admitted nonlegacy.").

48. *Id.* at 12.

49. As Justice Blackmun noted in his opinion in *Regents of the University of California v. Bakke*:

It is somewhat ironic to have us so deeply disturbed over a program where race is an element of consciousness, and yet to be aware of the fact, as we are, that institutions of

spicuous omissions further suggest that it is an agenda, not a principle, that D'Souza is pursuing.

So too does D'Souza ignore the experience of disabled people on American campuses. D'Souza's somewhat cynical charge that the advancement of minorities on campus has come from the political aspirations of a radical few rather than from a more general concern for justice is belied by universities' efforts to integrate physically disabled students over the past several years. Disabled students hardly comprise a strong political constituency, yet universities have devoted considerable financial and human resources to make the campus accessible to them.⁵⁰ D'Souza does not address the special place the campus has afforded this minority, yet such affirmative efforts to integrate disabled people into the campus community sap his assertion that the policies on campus today are purely politically motivated.

Perhaps the greatest omission in *Illiberal Education*, however, is its failure to address competing visions of the university. D'Souza's notion of a perfect university is closely linked to his vision of a perfect democracy. In his critique of affirmative action at Berkeley, D'Souza gives us a glimpse of his underlying vision:

[Affirmative action] is a premise alien to American democracy, where there is no general presumption that racial, ethnic, or religious minorities can only be represented by persons of similar hue and background. In democratic elections, whites are free to vote for black representatives, men are free to vote for women, Protestants may choose to be represented by a Catholic; in short, democracy does not entail group representation but rather expects that individuals will serve the shared community which transcends these narrow interests. [pp. 54-55]

Although uplifting as an ideal, this vision has proved more illusory in practice. Everyone involved in higher education presumably would agree that in a perfect world we would not need affirmative action. Our world, however, is imperfect. Whites actually do not vote for blacks in public elections, and, for that reason, courts often mandate redistricting so that blacks can achieve some representation in public office.⁵¹ So too, universities pursue affirmative action policies so that blacks will have a presence in American universities. D'Souza insists that under merit-based admissions, minorities who do not gain admit-

higher learning . . . have given conceded preferences . . . to the children of alumni, to the affluent who may bestow their largess on the institutions, and to those having connections with celebrities, the famous, and the powerful.

438 U.S. 265, 404 (1978) (Blackmun, J., concurring).

50. See, e.g., *Engineers' Devices Aid the Disabled*, N.Y. TIMES, Feb. 26, 1989, § 1, at 43.

51. See, e.g., *Citizens for a Better Gretna v. City of Gretna*, 834 F.2d 496 (5th Cir. 1987) (upholding lower court's finding of racial bloc voting in municipal elections); *Ewing v. Monroe County*, 740 F. Supp. 417, 421 (N.D. Miss. 1990) (noting testimony of "severe and persistent racial polarization" in voting). See generally Samuel Issacharoff, *Polarized Voting and the Political Process: The Transformation of Voting Rights Jurisprudence*, 90 MICH. L. REV. (forthcoming June 1992).

tance to more prestigious universities will receive an education at other schools. However, logic suggests that somewhere along the line the number of displaced minorities will exceed the spaces available in "lesser" schools. The consequences of excluding vast numbers of minorities from American higher education, especially from our most prestigious universities, could be devastating. It is the potential consequence of creating a permanent American underclass along racial lines that motivates many of the universities' current attempts at diversity. D'Souza, however, never addresses this larger issue. He is quite facile at pointing out the inconsistencies and faults of a double standard, but he fails to address the full impact of his single standard.

D'Souza similarly does not fully address our multiculturalism. The transformation that he observes in our universities may reflect not so much a conspiracy by radical professors and administrators as changes in our nation's social fabric. What is taught in the university today is different from what was taught decades ago, but decades ago blacks and women lacked full social and legal rights, and white males predominantly controlled our society. As our society attempts to create a place for these and other previously excluded groups, it is only natural that we examine and understand the beliefs and assumptions that helped create our present condition. Thus, it may serve an intellectual and social good to examine works like Shakespeare's *Othello*, Defoe's *Robinson Crusoe*, or Conrad's *Heart of Darkness* as, among other things, products and dramatizations of English imperialism. Similarly, gay and lesbian studies, which examines how sexuality is constructed in society, may help us to understand sexual assumptions and representations in even heterosexual canonical authors.⁵² Issues of race, ethnicity, and sex are among the most troubling that our society currently confronts. D'Souza ably criticizes some of the foibles and biases of the scholarship in these areas, but he never seriously addresses how, in the absence of these specialized disciplines, we can adequately explore and discuss these issues.

Happily, D'Souza's three rather brief proposals for reform at the end of his book are not as narrow-minded and short-sighted as his detailed diatribe that precedes them. D'Souza first proposes that universities replace the current race-based affirmative action system with one aimed at socioeconomic disadvantage (pp. 251-53). "Non-racial affirmative action" may have some merit because, as D'Souza suggests, it might aid blacks and Hispanics, who are disproportionately represented among the disadvantaged, while avoiding the apparent injustice of favoring affluent minorities over impoverished nonminorities.⁵³ But one must wonder whether D'Souza is sincere in his support of such a program or sees it as merely a first step to dismantling affirm-

52. See generally EVE SEDGWICK, *EPISTEMOLOGY OF THE CLOSET* (1990).

53. "No longer will a black or Hispanic doctor's son, who has enjoyed the advantages of

ative action completely. Nonracial affirmative action may offer some of the advantages that D'Souza suggests, but it also threatens his rather rigid ideal of the meritocratic university — those given preferential admission because of their socioeconomic status would be underqualified, would displace better qualified candidates, would require remedial education, and would suffer from resulting stigma.⁵⁴ More significantly, there remains a risk that his proposal would keep many minorities outside the academy.⁵⁵ Still, his suggestion merits further consideration.

D'Souza's next proposal — also intended to erase considerations of race on campus — merits less attention. He suggests that distinct cultural interests, rather than minority pride, should provide the basis for social and academic clubs on campus. Under his proposal, universities would not support a Black Students Association, a Latino Political Club, or a homosexual association, but they could permit a W.E.B. DuBois Society, a Sandino Club, or a Sappho Society (p. 253). Such organizations built around intellectual interests instead of "accidental features," he claims, would "foster the development and exchange of ideas" while "permitting both honesty and consistency" (pp. 253-54). But his rather vague proposal ignores the moral and intellectual support that cultural groups serve for young people who find themselves in a new and often hostile environment. D'Souza's strained efforts to sweep pervasive discrimination under an affirmative action doormat notwithstanding, prejudice and all its attendant harms will remain on campus — with or without preferential policies — for the foreseeable future. Thus, his proposal probably would be dishonest because organizations presumably centered around intellectual ideas would continue to serve their necessary cultural functions.

D'Souza's third proposal, "a required course . . . for entering freshmen which exposes them to the basic issues of equality and human difference, through a carefully chosen set of classic texts [including non-Western classics] that deal powerfully with those issues" represents a valid attempt to rein in a multicultural curriculum from some of the excesses that he documents (p. 254). This proposal, however, is not new, as many universities establishing multicultural curricula are

comfort and affluence, receive preference over the daughter of an Appalachian coal miner or a Vietnamese street vendor." P. 252.

54. D'Souza asserts that affirmative action based on socioeconomic disadvantage actually would do away with the stigma that blacks currently bear from affirmative action based on race. However, to the extent that stigma is an issue, it would not disappear with nonracial affirmative action if, as D'Souza insists, such a program would disproportionately favor blacks and Hispanics.

55. D'Souza himself presents statistics elsewhere in his book that suggest that affirmative action targeted at socioeconomic disadvantage would disproportionately help whites and Asians. Referring to a recent report on SAT score differentials between ethnic groups, he says that "[s]tudents of all groups who came from families with incomes under \$10,000 a year scored above the black SAT average by 44 points in the aggregate." P. 265 n.53.

doing just this.⁵⁶

D'Souza, in his claim to victimhood, points out many costs that accompany universities' current attempts at diversification. Some of his points are erroneous, many are unfounded, and most are exaggerated. When deciding current and future policies, universities should take into account those plausible costs that he mentions. In fact, universities have already begun privately and publicly to debate some of the challenges that D'Souza poses in his book.⁵⁷ The existence of such vigorous debate in our universities both attests to the force of D'Souza's book and suggests that the crisis in higher education that he depicts is no crisis.

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56. See Mooney, *supra* note 38, at A1.

57. At the Michigan Law School alone, I can recall two highly publicized campus-wide debates on speech codes and related issues over the past several months. See, e.g., Jennifer Silverberg, *Visiting Law Profs Debate Constitutional Speech Codes*, MICH. DAILY, Feb. 17, 1992, at 1. Universities throughout the country have held similar forums. See, e.g., *Arrests at Protests Provoke Debate On Campus Codes*, N.Y. TIMES, Oct. 6, 1991, § 1, at 43; Joseph Berger, *Hunter Debates What to Teach About Diversity*, N.Y. TIMES, Oct. 28, 1991, at A1; Magner, *supra* note 36, at A17; *An Open Forum Sets Off Debate on Racial Issues*, N.Y. TIMES, Nov. 24, 1991, at 53.