

The U.S.A. in the 1990s: Monolith or Mosaic?

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The *quest for identity* has always been a central theme in the American literary tradition, and in the same way *fear of fragmentation* has been a near paranoid streak in the national imagination at large. Both concerns can at least partly be explained in terms of the unique make-up of the American people, the US being truly "a nation of nations." These two concerns are still very much alive. The push for English as the official language in many states and the opposition to even remedial teaching of other mother tongues are indications of this. So are the struggles over textbooks and curricula in the nation's schools and colleges and the push to have school prayers – basically Protestant brands – accepted as standard fare in public schools again. Also, the movement to abolish affirmative action programs in many fields and at all levels may be seen as an expression of this drive to repress deviance and divisiveness and encourage conformity and consensus. The eternal dread of the centrifugal nature of their society and of a concomitant attenuation of the national glue – which in the end could mean the disintegration of the nation – has made Americans nourish a nagging suspicion of a fundamental rot from within, a fear that the liver of the nation is being eaten out by the cancerous growth of multiculturalism and diversity, the nation becoming a gigantic onion, a kind of multilayered cultural vegetable lacking a core.

The pendulum swing theory has traditionally been popular among American historians, and a lot could be said for its validity in light of the implied criticism in the 1990s of the "salad bowl" image as national metaphor, which may be seen as an expression of a wish to return to the

"melting pot" days of the pre-1960s. There is a chain of causal factors behind this movement, beyond the traditional nostalgic yearning for yesterday. The erosion of the economic foundation of the middle class—creating resentment and a need for scapegoats and simple answers as well as envy towards any group enjoying a seemingly unearned privilege—is one domestic factor. A virtual invasion by Mexicans, especially in the Western states, has triggered new outbursts of nativism, even bordering on xenophobia.

With the Soviet threat gone from the foreign policy scene, an important check on racism and greed has been removed. There is no longer a rival power vying for influence in the colored nations of the Third World, which in the past provided a damper on the racism-tainted intolerance of "otherness" at home. At the same time the advances of other nations—the Japanese economic miracle in particular—have sown the seeds of doubt about the superiority of the American system in the long run. In fact, many modern trends have served to shake the faith in the uniqueness of the American nation, its exceptionalism, which is the ideological cornerstone of the nation. For these and other reasons there is a deep-felt need to reassert basic American values, which manifests itself in a wide variety of ways.

One example is the canon debate. The exchange started somewhat inconspicuously when William J. Bennett in his NEH Report in 1984 coupled a return to the "classics" with the notion of "excellence" and called for a move "back to basics."¹ He was later to head the President's Commission on Education, which published its finding as *A Nation at Risk*.² The movement gradually picked up speed but did not really take off until Allan Bloom published his best-selling *The Closing of the American Mind* in 1987.³ Then the theme was picked up by several writers, a great number of ideological articles appearing in neo-conser-

1 William J. Bennett, "To Reclaim a Legacy," 1984 *Report on Humanities in Education*, *Chronicles of Higher Education* (November 28, 1984), pp. 14-21. Bennett was later to become Reagan's Secretary of Education.

2 US. National Commission on Excellence in Education, *A Nation at Risk: The Imperative for Educational Reform: A Report to the Nation and the Secretary of Education, US Department of Education* (Washington, D.C.: The Commission [Supt. of Docs., US G.P.O. distributor], 1983).

3 Allan Bloom, *The Closing of the American Mind: How Higher Education Has Failed Democracy and Impoverished the Souls of Today's Students* (New York: Simon and Schuster, 1987).

vative journals like the *New Criterion* and newspapers such as the *Wall Street Journal*. Also, a great number of books addressing this "problem" were published by political conservatives in the late 1980s and the 1990s, often under the auspices of right-wing ideological think tanks.⁴ This broadside attack from the Classicists or Eurocentrists was in turn met by a barrage of counter-attacks from the Multiculturalists, both camps frequently yielding to the impulse of exaggeration, distortion, and one-sidedness. Two combatants who present themselves as moderates, both allegedly seeing both sides of the issue, may illustrate the main issues of this debate. Arthur M. Schlesinger, Jr., articulates his views in *The Disuniting of America: Reflections on a Multicultural Society*, and Gerald Graff, professor of English and Education at the University of Chicago, addresses many of the same issues in his *Beyond the Culture Wars*.

Taking as his starting point an observation by *The Economist* that the "virus of tribalism ... risks becoming the AIDS of international politics – lying dormant for years, then flaring up to destroy countries," Schlesinger makes the divisiveness of multiculturalism the centerpiece of his argument. He offers Canada as a case in point, a stable nation that now is "on the brink of bust-up."⁵ Canada has "too much geography, and too little history." It lacks a strong national identity created around an American-style "E Pluribus Unum" (11). Today Americans also seem to have given up their historic goal of "a new race of man," which Crèvecoeur rejoiced in. The escape from origins has yielded to the search for roots. A cult of ethnicity has arisen among non-Anglo whites and among non-white minorities to denounce the idea of the melting pot, the concept of one people.

Schlesinger recognizes the need for acknowledging the contributions of cultural groups other than the WASPs – admitting that this realization was made at a shamefully late point in time – but claims that "the mul-

4 For example, Dinesh D'Souza's *Illiberal Education: The Politics of Race and Sex on Campus* (New York: The Free Press, 1991) was written on a grant from the American Enterprise Institute and promoted with a grant from the Olin Foundation; see Gerald Graff, *Beyond the Culture Wars: How Teaching the Conflicts Can Revitalize American Education* (New York: Norton, 1992), p. 166. All subsequent references to Graff's book in the text are to this edition.

5 Arthur Schlesinger, Jr., *The Disuniting of America: Reflections on a Multicultural Society* (New York: W. W. Norton Co., 1991), p. 11. All further references in the text are to this edition.

tiethnic dogma abandons historic purposes, replacing assimilation by fragmentation, integration by separatism. It belittles *unum* and glorifies *pluribus*" (16-17). Consequently, the unifying idea of Americanism is now in peril. He claims that the educational focus on the perpetuation of ethnic cultures, advocated by the militants of ethnicity, "nourishes prejudices, magnifies differences and stirs antagonism," which is evidenced by the increase in ethnic and racial conflict lying behind "the notion that history and literature should be taught not as intellectual disciplines but as therapies whose function is to raise minority self-esteem" (17). Whereas he endorses the Civil Rights movement and the black movement for cultural and political justice, he objects to what he perceives as factionalism, symbolized ultimately by the Ethnic Heritage Studies Programs Act of 1974, which was passed by Congress "after testimony from ethnic spokesmen denouncing the melting pot as a conspiracy to homogenize America" (43).

To Schlesinger, the antidote to factionalism is what Gunnar Myrdal termed "the American Creed." In the words of Franklin D. Roosevelt, "Americanism is not, and never was, a matter of race and ancestry. A good American is one who is loyal to this country and to our creed of liberty and democracy" (37). Horace Kallen's call for cultural diversity in his 1915 essay in *The Nation*, entitled "Democracy versus the Melting Pot" was a call for cultural pluralism, not political pluralism. Kallen could do this, observes Schlesinger, since he took the political unity of the nation for granted (36-37).

Schlesinger makes no bones about the fact that the white settlers of the United States stole the land from the natives and sequestered their tribes, brought Africans to America to work as slaves on plantations, and Chinese to build their railroads, at the same time that they "enunciated glittering generalities of freedom and withheld them from people of color" (39). However, despite these grim realities, says Schlesinger, what James Bryce called the "amazing solvent power" of American ideas and institutions held sway (39). Schlesinger goes on to characterize the ethnic movement as an elitist fad encouraged by ethnic leaders – intellectuals, academics, and businessmen – with considerable vested interests in the maintenance of ethnic traditions. At the same time Schlesinger admits that American history by and large has been written by (and about) white Anglo-Saxon males with their special prejudices and slanted views of the

nation's history. Therefore, Schlesinger is sympathetic towards the development, as a cultural necessity, of what he calls the "there's-always-a-black-man-at-the-bottom-of-it-doing-the-real-work approach" to American history; this kind of "contribution history" is a natural phase of any ethnic group's building of self-pride, identity, and integrity, as a formulation of their claim to America (61). However, he is critical of what he perceives as Afrocentric excesses, such as the teachings of Leonard Jeffries and the "Afrocentric" program of Asa Hillard called "African-American Baseline Essays," which he labels a "history as weapon" approach (67-68).⁶ He argues that Afrocentric curricula will hamper the black child's progress in American society, pointing to developments in colleges and universities where black students who do not participate in black activities feel that they are shunned as "sell-outs" to the white world. This trend has been documented by anthropologist Signithia Fordham of Rutgers University, who found that one important reason for black under-achievement was "a kind of cultural orientation which defines academic learning in school as 'acting white'" (105). The "tribalization" of the black community, then, may be conducive to both anti-intellectualism and academic parochialism.

One of Schlesinger's main points of criticism of this "tribalism" concerns the giving up of fundamental American values such as individualism and freedom of speech for group loyalty. The American liberal tradition is based on such fundamental values, the freedom of the individual being perhaps the most basic of all. The growth of "thought police" tendencies on many campuses – in various forms of "political correctness" – is an un-American development, which breeds tension and intolerance, he claims, quoting a University of Pennsylvania professor stating that individualism is a "red flag phrase today, which is considered by many to be racist" (117). Offering Mario Cuomo as an example – an immigrant child speaking no English till the age of eight – Schlesinger claims that "[m]onolingual education opens doors to the larger world (109), a somewhat curious statement in an international context, but perhaps symptomatic of Schlesinger's brand of Americanism, rife with exceptionalist overtones. At the same time, however, he derides what he

⁶ Leonard Jeffries speaks of "ice people" (Europeans) and "sun people" (Africans) and claims that "rich Jews" financed the slave trade, on this basis he advocates dramatic revisions of curricula; see Schlesinger, pp 67-68

calls panicky conservatives calling for an amendment making English the official language of the United States, since he believes such a measure would only increase racial discrimination and resentment. English should need no such artificial measure in its support. Nonetheless, he rejects bilingualism as elitist "romantic ethnicity," as he does political ethnicity. Institutional bilingualism would be another source of fragmentation fired by excessive ethnic identification.⁷

Gerald Graff begins his book, *Beyond the Culture Wars: How the Teaching of Conflicts Can Revitalize American Education*, on a different note:

If we believe what we have been reading lately, American higher education is in a disastrous state. As pictured in a stream of best sellers, commission reports, polemical articles, and editorials, the academic humanities in particular look like a once-respectable old neighborhood gone bad. The stately old buildings have been defaced with spray paint, hideous accumulations of trash litter the ground, and omnipresent thought police control the turf, speaking in barbarous, unintelligible tongues while enforcing an intolerant code of political correctness on the terrorized inhabitants. (3)

Graff finds that there is "something truly astonishing about the degree of exaggeration, patent falsehood, and plain hysteria attained by the more prominent of these accounts." Much of the hysteria comes from a simple fear of change, he claims, but much of it he attributes to the mysterious nature of certain precincts of the academic world to both other academics and the public. He himself started his academic career in 1959, when the literary canon seemed so uncontroversial that one rarely heard the word "canon," he observes. That the university today "is rocked by unprecedented conflicts is a measure of its vitality, not its decline," he opines, seeing the academic challenge in the present situation as one of "transforming a scene of hatred and anger into one of educationally productive debate" (4).

He thinks that there is little reason to believe that Americans today are less divided by class than other nations, but they are better at concealing them than other nations, in that a combination of geography and afflu-

⁷ Note that the Bilingual Education Act of 1968 has been steadily weakened. It was a typical product of the 1960s in that it secured initial teaching in the mother tongue to minority groups, provided those students constituted a sufficient number in a school district. The Supreme Court upheld this right in *Lau v. Nichols* in 1973. However, since then this right has been steadily watered down and circumvented.

ence has enabled more fortunate Americans to avoid noticing unpleasant social conflict by simply moving away from them in the tradition of the frontier philosophy:

Yet one would never guess from the overheated and ill-informed accounts given by today's popular critics that the issues in the battle over education are ones on which reasonable people might legitimately disagree. Arguments that at the very least are worthy of debate – like the argument that political factors such as race, class, gender, and nationality have influenced art and criticism far more than education has traditionally acknowledged – have been reduced by their opponents to their crudest and most strident form and thus dismissed without a hearing....A complex set of issues that cry out for serious debate has been turned into a clear-cut choice – as one prominent conservative puts it – "between culture and barbarism" (4-5).⁸

He goes on to charge that many of the stories about intolerant political correctness on campus – when they have not been shown to be bogus – seem to be "a symptom not of left-wing McCarthyism ... but of fear to face controversy."

The alarm that the traditional canon was being tossed out – first sounded by William J. Bennett, and later by Allan Bloom – was repeated frequently in similar articles in papers like the *New York Times*, the *Washington Post*, the *Wall Street Journal*, the *Chicago Tribune*, and a host of other publications, mostly on the political right, such as the *New Criterion* and *Commentary*. It is also a centerpiece of Dinesh D'Souza's best-seller from 1991, *Illiberal Education* (incidentally one of Schlesinger's major sources of information), which asks pointedly: "Why are universities expelling Homer, Aristotle, Shakespeare, and other 'white males' from their required reading list?"⁹ Graff has checked the accuracy of this claim. A case in point is a remark made by Christopher Clausen, head of the English Department at Penn State, in an article entitled "It Is Not Elitist to Place Major Literature at the Center of the English Curriculum"; Clausen said he was willing to "bet that [Alice Walker's] *The Color Purple* is taught in more English courses today than all of Shakespeare's plays combined."¹⁰ Graff provides evidence to the con-

⁸ Graff is quoting Roger Kimball, "Tenured Radicals: A Postscript," *New Criterion* 9, no. 5 (January 1991), p. 13.

⁹ D'Souza, p. 20.

¹⁰ Christopher Clausen, "It Is Not Elitist to Place Major Literature at the Center of the English Curriculum," *Chronicle of Higher Education* (Jan. 13, 1988), pp. 14-21.

trary, but says that, nonetheless, the "Color Purple remark ha[s] become Exhibit A in a trumped-up charge of canonicide in the national press." He also revisits many of the other "horror stories" paraded in the media and furnishes substantial evidence for his claim that these stories are greatly exaggerated.¹¹

However, Graff's main objective, he states, is not primarily to furnish polemical rejoinders, but to argue his own philosophy that reading lists revised in light of modern needs – including traditional "Great Books" as well as works representing other traditions than white, Western mainstream literature – may provide a more comprehensive understanding of both the classics and the students' own identity as modern Americans. As a case in point he gives an account of how he has taught Joseph Conrad's novel *The Heart of Darkness* since the 1950s, first in the traditional way – informed by the standard critics – and recently in tandem with Chinua Achebe's essay "An Image of Africa: Racism in Conrad's *Heart of Darkness*," which he maintains has added a totally new dimension to his teaching and to his students' appreciation of the novel (26-27).

At this point in his discussion he brings in the question of standards of excellence. In the 1960s and 1970s militant black critics such as Addison Gayle, Jr., criticized the monopolistic use of a "lily-white yardstick" for literary and art criticism and advocated the need for a "Black Aesthetic." Graff wants to move beyond this type of polarization; his "teaching the politics of *Heart of Darkness*," as he puts it, is an attempt to strike a balance based on a more inclusive approach. To him a broadening of the curricula would be a desirable move. He dismisses as "absurd" the extremist Leonard Jeffries' pronouncements regarding "ice people" and the like, and the insistence that only blacks can teach black history and literature. In contrast, Graff gives his own recipe on "How to Save *Dover Beach*," that is revitalizing "the classics" by using new approaches to make them accessible to new groups of students (37-41).

William Bennett subtitled his book "Improving America's Schools and Affirming the Common Culture." Graff takes issue with Bennett and Schlesinger when they call for a return to the teaching of the "common

¹¹ For a thorough mapping and documentation of the real state of affairs and the polemical campaign against multiculturalism see John K. Wilson, *The Myth of Political Correctness: The Conservative Attack on Higher Education* (Durham: Duke University Press, 1995). Wilson by and large supports Graff's claims.

culture" because their perception of that culture is static, a given universal" that people just 'affirm' or don't affirm rather than something people struggle to create through democratic discussion":

Bennett fails to make the crucial distinction between a common culture based on agreement about questions like the meaning and value of "Dover Beach" and a common discussion about culture, which implies agreement only to debate our different beliefs, tastes, and values, with the help of whatever common language, assumptions, and conclusions we are able to discover through the process of discussion itself. For there is always a background of agreement that makes disagreement possible, and through debate that area of agreement can be widened. We need to distinguish between a shared body of national beliefs, which democracies can do nicely without, and a common national debate about our many differences, which we now need more than ever. (45)

In his defense of multiculturalism, Graff charges that the mass media – far from being the liberal bastions they are alleged to be by conservative critics – are very biased in favor of the mainstream tradition. Not only are unrepresentative horror stories reduplicated exponentially, as already mentioned, but such stories are grasped eagerly by journalists who resist grappling with the more complex undergrowth of causal factors behind these stories. Not only is a comprehensive approach to such subjects more demanding, but it may easily cloud the issues and spoil simplistic, but catchy and striking headlines, Graff contends.

Graff sees the recirculation of these stories and the attack on multiculturalism as a reflection of the larger conservative academic campaign illustrated by the growth of conservative think tanks such as the American Enterprise Institute, the Hudson Institute, and the Olin Foundation with its beneficiary, the National Association of Scholars, which funds a chain of conservative campus newspapers. He no doubt has a valid point. Organizations like the Olin Foundation make no secret of their determination to roll back gains made through affirmative action, for instance, and returning education to "traditional values," yet this agenda and its formidable financial backing have by and large escaped the general label of "politicization" that the press attaches to its targets of criticism, Graff charges (167).

This brief sojourn into the canonical debate should suffice to illustrate the polemical nature of the exchange. At this point I will turn to the field of law. The Supreme Court has played a greater role than Congress in the

struggle over multiculturalism and mainstream-minority relations in the last two generations. In the same way that the debate over university curricula is split between conservatives, who argue for the status quo or even a return to the alleged apolitical syllabi of yesteryear, and liberals, who argue for a revision of the canon, the legal field is divided between strict and loose constructionists, who basically group themselves along similar ideological dividing lines. Strict constructionists, who claim to read the law narrowly, are often said to show judicial restraint, whereas loose constructionists, or interpretivists, are seen as judicial activists.

In *Meyer v. Nebraska* (1923) the Court voided as unreasonable a Nebraska law which barred the teaching of the German language before the students reached the eighth grade.¹² The Court made it clear that xenophobia did not have the sanction of the law. However, immigration laws passed from then on became increasingly restrictive as the number of immigrants increased and their geographical origins changed. From the Chinese Exclusion Act of 1882 to the National Origins Act of 1924 the controlling principle behind the laws was selection rather than mere restriction. The word *un-American* became commonplace during World War I, and the term did not only imply national security risks, but was tagged on to anything that seemed "incompatible with American values."

It was the piecemeal incorporation of the Bill of Rights into the *due process* clause of the Fourteenth Amendment, gradually making the Bill of Rights applicable to the states that started the expansion of constitutional protection to embrace groups and fields that had hitherto fallen outside its reach. But it was the special scrutiny regarding fundamental rights and "discrete and insular minorities," beginning with Justice Harlan Stone's famed "Footnote Four" in a 1938 decision, that afforded substantive rights to special minority groups.¹³ Beginning with that proverbial "switch," substantive due process as a legal principle was transferred from the economic sphere to the field of civil rights and was to serve as a basis for the judicial civil rights revolution of the 1950s and 1960s, under the leadership of Chief Justice Earl Warren. Increasingly the Equal Protection clause of the Fourteenth Amendment took over as

¹² 262 US. 390 (1923).

¹³ *US v. Carolene Products Co.*, 304 US. 144 (1938).

the most important legal basis for socio-legal reform as equality was given a new content under Warren's judicial reign.

By this time race and nationality had been found to be "suspect classifications" which must be subject to "strict scrutiny" and (which) could only be condoned upon showing of a "compelling governmental interest."¹⁴ The landmark turn of the tide was the Court's unanimous decision in the school desegregation cases in 1954, of which *Brown v. Board of Education* is the best known. Here the Court found that segregation as such was "inherently unequal" and consequently invalidated the principle of "separate but equal."

The massive Southern sabotage of the implementation of this decision is a well-known story – with "too much deliberation and too little speed," in the words of the Court later¹⁵ – and so are the infamous but ubiquitous bumper stickers traveling throughout the Southern states, carrying the slogan "Impeach Earl Warren." But it was by the consistent line of decisions by the Supreme Court and by the courageous action of numerous US District and Appeals Court judges (many appointed by Dwight Eisenhower) that the advances of civil rights for black Americans, particularly in the South, were carried out. And in consequence, civil right groups came to rely on the judicial branch of government for redress of grievances, rather than on the legislative and executive branches.

This led to a rechanneling of energies among civil rights groups, which in turn spread to other interest and activist groups and produced a litigation orientation and a new focus on group membership; the class action suit became an effective tool for settling disputes. And contrary to popular notions, the legacy of the Warren Court was by and large carried on by the Burger Court in the 1970s. The extension of women's rights is a case in point, the *Roe v. Wade* decision of 1973 establishing the right of abortion being the most monumental. The political implementation of

14 Pivotal points in this legal evolution are "the rational basis" standard launched in *Lindsley v. Natural Carbonic Gas Co.*, 220 US 61 at 78-79 (1911); Justice Harlan Fiske Stone's famous "Footnote Four," introducing the "strict scrutiny" standard ("more searching judicial inquiry") to deal with classifications involving "discrete and insular minorities"; *Korematsu v. US* (1944), finding racial classifications "immediately suspect," 323 US 214 at 216 (1944); and *Loving v. Virginia* (1967), declaring racial classifications "inherently suspect," 388 US. 1 at 12.

15 377 US. at 231, 1964.

cultural pluralism reached its peak in the Democratic nomination for the 1972 presidential election, where the apportionment according to group strength was carried to an all time high. Representative democracy had reached its zenith. This, however, helped bring the party to its nadir in electoral strength in the following general election. In presidential politics this produced a shift away from the interest group model, but in the judicial branch a built-in inertia kept the principle active well into the 1980s.

Affirmative action was a conspicuous illustration of the new meaning of the "equal protection of the laws" clause in the Constitution. To make up for past discrimination and provide equal opportunities, the government was to assist in levelling the playing field. In 1965 President Johnson issued Executive Order 11246 to implement this principle in government contracting, based on the 1964 Civil Rights Act, which forbade discrimination in the workplace, in educational institutions receiving government money, and elsewhere. President Nixon followed up, asking his Secretary of Labor, George Schultz, to develop a comprehensive plan for integrating the building industries in Philadelphia, Cleveland, St. Louis, and some other straggling cities. Soon claims of "reverse discrimination" were heard, mainly from disgruntled white males, and the courts took over. The first case proper to reach the Supreme Court was the famous *Regents of the University of California v. Bakke* (1978), in which the white applicant Allan Bakke claimed that he had been discriminated against by admission officials on account of his race. The Court agreed that the rigid quota used by the University of California was unconstitutional, but accepted race as one factor among several to be taken into consideration when considering college applicants. Since then there have been about a dozen affirmative action cases proper before the Supreme Court, and progressively the concept has been redefined and delimited.

In the 1990s the conservative majority of the Court has all but abandoned the principle, the decision in *Adarand v. Peña* (1995) removing the special privilege and obligation that the federal government up to that time had retained to provide benign affirmative action. However, in several cases the Court majority in the 1980s made it clear that affirmative action was broader than the Reagan Administration's narrow understanding of the concept as merely compensation for con-

crete cases of proven discrimination. In *Wygant v. Jackson Board of Education* (1986), the Court said: "As part of this nation's dedication to eradication of racial discrimination, innocent persons may be called upon to bear some of the burden of the remedy."¹⁶ In effect, the Court said that no American was totally innocent in this matter. The succeeding year the Court held that blatant statistical imbalances in gender distribution in jobs sufficed as basis for affirmative action programs for women.¹⁷

Also in other civil rights areas, school districting and reapportionment of election districts cases in particular, the Court played an activist role in the 1960s and 1970s. Again, these actions have come to a halt more or less by the mid-1990s.¹⁸ It is interesting to see the opposition to the activist role of the Court in all of these three areas as well as the Constitutional interpretation advanced by the involved groups. In *Plessy v. Ferguson* (1896), Justice John Marshall Harlan was the lone dissenter on the Court that handed down the "separate but equal" decision. He argued: "Our Constitution is color-blind, and neither knows nor tolerates classes among citizens."¹⁹ The same constellation of groups and individuals who fervently opposed his view then, was equally militant in its opposition to the Warren Court's decision in *Brown v. Board of Education* (1954), which advocated the color-blind approach. It is therefore interesting to see how adamantly the same groups are now parading the colorless principle, using as their main argument Harlan's very words, "the constitution is color-blind," arguing now, at variance' with their previous position, that any kind of different treatment is discriminatory the distinction between "benign" or "ameliorative" discrimination on the one hand and "invidious" or "malignant" discrimination on the other is not considered valid. The negative effects of affirmative action – unfair to groups not included and harmful to the self-image of members of favored groups – are vehemently articulated in the nation's media. However, affirmative action programs for military veterans – which have been in force since World War I (and in some degree since the Civil War) – and preferential treatment of the sons and daughters of

16 476 US. 267 at 280-281 (1986).

17 *Johnson v. Transportation Agency, Santa Clara, Cal.*, 107 S. Ct. 1442 (1987)

18 See *Shaw v. Reno* (1993, 1995); *Jenkins v. Missouri* (1995); *Miller v. Johnson* (1995); *Bush v. Vera* (1996); *Holder v. Hall* (1994).

19 163 US. 537 at 559, 1896.

alumni at the nation's most prestigious universities – of equally long standing – are not seen to have similar consequences.

There is an old saying that in the US one has socialism for the rich and free enterprise for the poor. There is more than a grain of truth to this saying. Economic subsidies to corporations and wealthy property owners are in good standing, whereas poverty has never been granted status as a "suspect classification" and entitled to "strict scrutiny," nor has the freedom from want been guaranteed as a fundamental right. Symptomatically, today the anti-entitlement drive is aimed against the socio-economic underdog, who more often than not is a non-white person. Today the US is moving at a rapid pace towards the "two-thirds" society, where one-third is falling outside the social safety net and where race is a central factor. Gunnar Myrdal's designation "An American Dilemma" – ostensibly about the country's racial problem, but fundamentally about the discrepancy between the nation's ideals and its realities – is being realized in a disconcerting manner, all the while accompanied by the rhetoric of the color-blind ideal. In its report on the causes of the urban unrest in the northern cities during the long, hot summer of 1967, the Kerner Commission spoke of the two-dimensional American big cities: a wealthy ring of affluent suburbs around a core of poor, dilapidated central city: "This is our basic conclusion: Our nation is moving toward two societies, one black, one white – separate and unequal."²⁰ This development has not been checked. On the contrary, it has accelerated over the years. In addition, the ethnic revival and the rise of special interest groups, not only in economic terms but within the fields of ethnicity and culture, have served to complicate the picture.

At this point in history, then, is the US a monolith or a mosaic? The answer is not simple, but may run something like this: Although sometimes resembling the latter, upon closer scrutiny it seems more like a broken mirror, reflecting a fragmentary image of its one-time ideal.

²⁰ "Report of the National Advisory Commission on Civil Disorders: Summary of Report," in Albert P. Blaustein et al., eds., *Civil Rights and the American Negro: A Documentary History* (New York: Washington Square Press, 1968), p. 619.