

Necessary, not good

## **Affirmative action is important. It's also based on a lie.**

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When some Pharisees ask Jesus about divorce, he tells them that Moses allowed the practice on account of the people's hard hearts (Matt. 19:3-9). He seems to be saying that divorce is not good, but it's allowed because sometimes it's necessary. If your main takeaway is the allowance, you've missed something. The point is instead to develop every possible virtue and capacity to stay married and to consider divorce only when all those have for whatever reason come to an end. Divorce here is an escape hatch, not an invitation.

Perhaps we should think similarly about race-based affirmative action, a hard-hearted proposition if there ever was one. Race, after all, is a lie invented to grant

moral legitimacy, even nobility, to societies founded on imperialism, colonization, enslavement, theft, rape, murder, and so on. The noble lie of race gaslights victims by claiming that their race is the reason for their suffering. It harmonizes unjust political orders by assigning particular roles (like ruler and ruled) to particular races (like White and Black).

Race ranks people. That's not all it does, but when it comes to affirmative action, it does at least that. Organizing society around the noble lie's zero-sum logic necessarily pits people against each other, a fact that rears its ugly head each time Americans debate affirmative action by bandying about "racial preferences," which takes as given the absurd business of shoehorning everyone into a handful of discrete races in the first place. Race-based affirmative action asks us to forget the noble lie's backstory, its origins as a founding myth, and to just go with it.

Why? Because affirmative action posits that reversing the effects of injustice requires keeping the noble lie alive. This is what makes affirmative action a hard-hearted proposition, something not good but necessary.

Take, for example, city contracts. When a municipality's racism leads to Black workers being refused contracts because they're Black, it locks them out of the many benefits (livelihood, standing, opportunity) that come with those contracts. Remedying this situation entails both stopping the injustice and repairing its systemic effects. The sheer momentum of the damage, nothing less than the weight of history spread across society's many institutions, means that remediation requires not just good ideas or good intentions, but actual—that is to say, affirmative—action. Justice requires taking away contracts unfairly bestowed to some *because of their race* and giving them to others *because of their race*.

Both the taking and the giving entails discriminations based on race. There is no way around it. Institutions may present it in other terms, but make no mistake, that's what they're doing. Discrimination based on race is the point of remedial affirmative action. This action might be aimed at entirely different ends than the injustice it seeks to repair, but the means are the same: reverse-rank people according to race (how else will you know what to stop and who needs repair?) and act accordingly.

This ends-justifies-the-means approach to life has the entirely unsurprising effect of further hardening affirmative action's already hard heart, entrenching us deeper in the lie as discrimination begets discrimination. Consider, for instance, how callously

comfortable we've become with the race-ranking procedure of deciding which racial preferences to adopt, which comes with the oppression Olympics of determining whose suffering is worse.

Over the years, especially under the Supreme Court's nervous conservatorship, affirmative action evolved into something else: debating it morphed into a discussion about diversity and how to legally achieve it. Diversity made affirmative action more palatable by dressing it up as an educational program and suggesting that diversifying, not discriminating, is the point. Yet the pivot to diversity came with the danger of confusing the matter, removing any remaining provisos about affirmative action's hard-hearted nature and ensuring that the noble lie—now tied to diversity as an end unto itself—goes on indefinitely. The bait and switch also made a liar out of the public debate, as there's no clear link between remediation and diversity. The result is a deep fake in which the cherry-picked presence of diversity suggests that all has been made right.

Affirmative action proponents likely took the diversity tack in order to push whatever affirmative action they thought they could get. But this approach backfired when elevating the status of diversity ended up muddying the waters of affirmative action's most salient moral considerations, those hard-hearted propositions promising justice. And remember, swapping out remediation for diversity came on top of—indeed, naturally followed—continuing the noble lie. The two together added up to a twice-bitten deal with the devil.

The devil came calling this summer when the Supreme Court ended affirmative action. Asking for both remediation and diversity resulted in getting neither: affirmative action's moral initiative was lost once it became a rarefied educational program, putting advocates in the odd position of defending the admissions policies of the nation's most elite academic institutions, as if affirmative action's moral cause amounted to facilitating mobility among the upper ranks of society.

One wonders whether a society like the United States, where the promised profits of the future continuously close off the past, could ever really consider the question of reparations posed by affirmative action. What we do know is that making things about diversity guaranteed we never had to seriously ask, excusing us from the soul-searching work of determining the role race would play in our collective life. By failing to think through the noble lie and its hard-hearted propositions, we turned an escape hatch into an invitation and doomed ourselves to an affirmative action that could not last, and that except for our hard hearts we should have never wanted.