

# Preface 13

*Ecclesiastes 12:12*

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Thomas Sowell's

## CIVIL RIGHTS: RHETORIC OR REALITY

by David Chilton

My favorite economist is Gary North. *His* favorite economist is Thomas **Sowell**, whom he acknowledges to be the greatest in this century. Considering that this century has seen Ludwig von Mises and **Friedrich** A. von Hayek, that's saying a mouthful. But he's **quite** correct. Thomas **Sowell's** major work, *Knowledge and Decisions* (Basic Books, 1980), is a masterpiece; there is simply nothing like it. With an average of two brilliant—brilliant— insights per page, it is a book that should be read by any serious thinker, in any field, at least once every two or three years.

**Sowell**, now of the Hoover Institution at Stanford, has in recent years written a number of excellent and stimulating books on race: *Race and Economics* (David McKay, 1975); *Ethnic America: A History* (Basic Books, 1981); *Markets and Minorities* (Baste Books, 1981); *Pink and Brown People* (Hoover Institution Press); *The Economics and Politics of Race: An International Perspective* (William Morrow, 1983); and now, *Civil Rights*, a small book stuffed with a wealth of information representing a lifetime of scholarly research. Here **Sowell** has concentrated the findings of all **his** previous works, with specific relevance to the question of civil rights and public **policy**. What would in any case be a challenging and controversial work is rendered even more so by **the** fact that Thomas **Sowell** is black.

### The Civil Rights Vision

**Sowell** begins with the **observation** that the "civil rights" doctrine is a *vision*, an entire way of seeing (or not seeing) reality, founded on a set of powerful, but often unstated, pre-suppositions. One of the most basic of these premises is **that statistical differences (in incomes, occupations, education, etc.) are caused by discrimination**. If some distinct group (defined in terms of race or sex) earns a lower income, the cause of the disparity is assumed to be injustice on the part of society. This also implies that *statistical differences are a sure sign, and a measure, of discrimination*. And at the root of this is the notion that *discrimination causes poverty*.

As **Sowell** points out, none of these premises is true, at least as a general principle. For one thing, 'statistical disparities are commonplace among human **beings**' (p. 19), a fact documented numerous times throughout the book. Furthermore, "groups with a demonstrable history of being discriminated against have, in many countries and in many periods of history, had higher incomes, better educational performance, and more 'representation' in high-level positions than those doing the **discriminating**." One example among many is the Chinese, who have never experienced

equal opportunity in Malaysia, Indonesia, Vietnam, Thailand, or the Philippines. **Yet** in all these countries the Chinese minority—about 5 percent of the population of south-east Asia—owns a majority of the nation's total investments in key **industries**" (p. 20). That an ethnic group could be both a victim of discrimination *and* prosperous is all but inconceivable to those captivated by the civil rights vision.

The point to be grasped is not a denial that racial (or other) discrimination exists, or that it is unfair, or that it has nefarious results. None of this is in dispute. But that is a far cry from the fallacious assumption that discrimination is the cause of income differences. But only one other possible cause of differences **occurs** to the civil rights proponent: the **innate inferiority** of the discriminated group. That, of course, is rejected out of hand by the civil rights visionaries, but it is assumed to be the motivation for those who discriminate against some particular group. This, too, is wildly inaccurate. (Do racists think Jews are **inferior**?) Many groups are **discriminated** against because they are perceived as being **superior**.

Again, the fact that groups are *separated* by sex (as in all-male and all-female schools) is often taken as proof positive of rampant sex *discrimination*, **solid** evidence that the administrations involved believe that girls are inferior to boys. The real reasons, however, often grow out of the perception that boys and girls (and men and women) act differently when they are apart, and thus the belief (right or wrong) that they can be educated more effectively without the distractions of the opposite sex. The same is true of certain occupations, where it maybe held that an **all-male** or **all-female** work force is more productive than one that is mixed. The point is not that this is always the case, or that real sex discrimination based on an inferiority doctrine does not exist. The point is that the lack of 'equal representation' is no proof of either discrimination or inferiority; and the existence of 'equal representation' is no proof that discrimination is absent.

In its compounding of fallacies, the civil rights vision ignores cultural factors which must be considered in any realistic assessment of the issues. There are real differences in outlook and lifestyle between various ethnic groups. The Chinese, for instance, have been **"over-represented"** throughout the **world** both in arduous menial labor and in extremely difficult scientific and technological fields. The Chinese place a premium on the willingness to perform hard work, and they are highly productive. (**Sowell** has written extensively about the astonishing accomplishments of the "overseas Chinese" in *Ethnic America* and *The Economics and Politics of Race*; those chapters alone will dramatically transform your outlook on racial and cultural issues.) **"In the United States, more than half of all Chinese faculty members teach** engineering and the natural sciences, and outside the academic profession, Chinese are

similarly concentrated in the same fields. Yet this has been blamed on American society's *excluding* them from other fields. It is a tribute to the power of the civil rights vision that this could be said in all seriousness, even though (1) other fields are generally *less* well paid than science and *engineering*, and (2) Chinese Americans as a group earn higher incomes than white Americans" (p. 28).

A further false assumption of the civil rights vision is that the solutions to racial problems are basically political. This, again, is so self-evident to the true believers that it is deemed to be beyond proof. But **Sowell**, with his customary, sacrilegious irreverence, dares to ask the blasphemous question: *Has political activity assisted groups in rising out of poverty?* Basing his conclusions on the mountain of evidence documented in his other books, **Sowell** shows that *political* activity has *not* been necessary, or sufficient, for economic advance. In fact, "it would perhaps be easier to find an *inverse* correlation between political activity and economic success. . . . Groups that have the skills for other things seldom concentrate in politics" (p. 32). The *politicization* of racial differences generally leads to hostility, violence, and extremism on all sides, resulting in severe setbacks for the minority group involved. **Groups** which have been apolitical have tended to prosper much more quickly and steadily. The only ones who benefit from exploiting and politicking racial issues are the individual leaders, who, like Idi Amin and Adolph Hitler, find that stirring up tensions and fomenting hatred are profitable means of rising from obscurity to power.

#### From Equal Opportunity to "Affirmative Action"

In the beginning, the basic idea of civil rights was *equality under the law*, and, flowing from this, *equality of opportunity*. This meant that an individual was to be judged in terms of his personal qualifications or abilities, *without regard* for his race or sex. With interpretations by federal bureaucracies and courts leading the way, the development of "affirmative action" changed all this. The government began to require that individuals be judged specifically *with regard* to their race or sex, and that they be given preferential treatment in order to achieve a proportional "balance" in their fields. In other words, equality of opportunity has been abandoned for *equality of result*. Discrimination is assumed to be the culprit whenever certain quotas have not been filled, and the burden of proof is on the employer to show otherwise.

The problem with the "affirmative action" perspective is that genetic inferiority and discrimination are not the only causes for differences in group performance. For one thing, *age differences* matter a great deal. The average age differs among the various racial groups, and this factor alone accounts for a good deal of the differences in income, because "income differences between age brackets are even greater than black-white income differences" (p. 43). That Polish Americans are twice as old as American Indians, for example, means that their work experience will be greater. For a given industry, it is utterly ridiculous simply to calculate the ratio of Poles to Indians to discern whether injustice is being done.

Beyond this, there are vast *cultural differences* between racial groups. Values and priorities have economic consequences. A group which values educational excellence above other pursuits will tend to show a consistently higher income level. Asian students in this country are much more likely than many other groups to be enrolled in mathematics courses. In fact, on the quantitative portion of the Scholastic Aptitude Test, 'black, Mexican American, and American Indian youngsters from families with incomes of \$50,000 and up score lower than Asians from families whose incomes are just \$6,000 and under. . . . Cultural differences are real, and cannot be talked away by using pejorative terms such as 'stereotypes' or 'racism' " (pp 44f).

Another crucial factor in income disparities is *how people work*. There are real differences between groups in work habits, discipline, reliability, and the like, which must be taken into consideration when we seek to account for variations in income. For example, German self-employed farmers, working in Ireland, Brazil, Mexico, Russia, and Chile, prospered more than native self-employed farmers in those countries. As a *culture*, they worked hard, lived sparsely, and stayed relatively sober. Similarly, Jews are more prosperous than Hispanics in Hispanic countries. Statistical differences cannot be simply explained by, or reduced to, discrimination.

What about the changes for the better provided by civil rights legislation? As **Sowell** surprisingly shows, "the Civil Rights Act of 1964 represented no acceleration in trends that had been going on for many years"; there had been a general rise in the number of blacks in high-level positions already taking place during the previous three decades (pp. 49, 84). This upward trend not only was not accelerated by the Civil Rights Act, but it can be shown that "the relative position of disadvantaged individuals within the groups singled out for preferential treatment has generally *declined* under affirmative action". (pp. 50f.). In other words, those blacks who were *already* advantaged experienced economic gains, while those who were behind—i.e., precisely those whom the legislation was intended to help—fell further behind than ever. This is because the legal requirement of a certain quota of minorities renders it extremely expensive for an employer to hire any minorities except those who already have high qualifications. Those who are less qualified, or who have less experience, become a much greater risk (since it can be legally costly to fire an incompetent minority-group member).

Another very real, but ignored, reason for disparities in employment patterns is *statistical variance*. That is to say, averages are not necessarily an accurate reflection of any situation in particular. If (say) six out of every ten cheerleaders are blondes, this does not mean that a school with only two blondes out of ten cheerleaders is engaging in discrimination and is merely flaunting a couple of "token blondes." What has happened is a normal fact of life: variation. But affirmative action ignores common sense, and treats averages as moral absolutes. *Statistical variance is a federal offense*.

#### From School Desegregation to Busing

The watershed for civil rights cases in this country was the 1954 *Brown v. Board of Education* decision by the Supreme Court, which held that segregated schools had been demonstrated by "modern authority" to be *inherently unequal in results*; thus, the schools had to begin the process of desegregation. **Sowell** shows what the legal impact of that decision has created: "An airport, a hospital, or a sports arena is considered desegregated when everyone has an *opportunity* to use it, regardless of what proportions of people from what groups actually use it. But a school with exactly the same racial proportions as an audience attending an opera or passengers using Dunes Airport could be served with a federal court order to desegregate, while these other Institutions would not be. The conflict between opportunity and results is nowhere more acute than in school desegregation cases" (p. 64). A subtle but enormously significant change then took place: *desegregation* became legally identical with *integration*. A school that was not thoroughly integrated was, by logical necessity, segregated. Any school that lacked the correct racial mixture was, *ipso facto*, discriminatory and racist. Segregation was *defined* simply by statistical results.

This principle was made explicit in the 1968 *Green v. County School Board of New Kent County* decision, which in-

troduced forced busing of students in order to bring about integration. A basic premise of the busing mentality was revealed when Los Angeles Judge Paul Egly declared his intention to "make the most efficient use of increasingly scarce white students as possible" (p. 69) by distributing them throughout the city for the benefit of minority children (including Hispanics and Asians, who often out-perform the white students).

As **Sowell** argues, segregated schools are *not* inherently inferior. Inter-group disparities exist and are commonplace, whether or not there is segregation. Chinese and Japanese children consistently out-perform whites in the integrated schools of California, just as they did when they were legally segregated from whites many years ago.

Aside from the legal implications of the *Brown* decision, its citation of "modern authority" has resulted in the domination of school desegregation issues by intellectuals, with their whimsical and contradictory theories. The proper approach would simply have been to affirm that it is wrong for the State to segregate on the basis of race. (Closing down the schools, selling off the property to the highest private bidder, and leaving education up to parents and private institutions would have been even better. The problems afflicting the schools stem from the fact that they are humanist and statist, not from their relative racial "balance.")

### The Special Case of Blacks

Ludwig von Mises wrote: "It is useless to argue with mystics and seers. They base their assertions on intuition and are not prepared to submit them to rational examination. The Marxists pretend that what their inner voice proclaims is history's self-revelation. If other people do not hear this voice, it is only a proof that they are not chosen. It is insolence that those groping in darkness dare to contradict the inspired ones. Decency should impel them to creep into a corner and keep silent" (*Human Action*, Regnery, 1966, p. 83). The same is true of the civil rights vision, as **Sowell** points out: "The power of a vision is shown not by the evidence marshaled to support it but precisely by the absence of any perceived need to supply evidence" (p. 75).

For the civil rights vision, the central fact is that blacks in this country were once enslaved. That is seen as the key to all their subsequent experience, the explanation for black unemployment, promiscuity, illegitimacy, crime, broken homes, and low test scores. If a white kid flunks a test, it's because he is unintelligent, or lazy, or rebellious, or slow, or forgetful; if a black kid flunks, it's because his ancestors were oppressed.

That's a crock, says **Sowell**. What we need to do is to look at the various factors influencing social phenomena, and to distill generalizations from the data, rather than impose an ideological vision upon an uncooperative reality. Blacks have, in fact, made great strides in education, but the visionaries lend to be hostile to a citation of the evidence for this, since these advances were made in ways that contradict the vision: "When the U S Supreme Court declared in 1954 that separate schools were inherently inferior, within walking distance of that Court was an all-black public school whose performance had equaled or surpassed that of white schools in the District of Columbia for more than 80 years" (p. 83).

But **Sowell** is just getting warmed up. He goes on to show that blacks actually made greater gains in the years preceding civil rights legislation; that "the ghettos in many cities were far safer places two generations ago than they are today, both for blacks and for whites: and he asks the heretical question: "If crime is a product of poverty and discrimination as they say endlessly, why was there so much less of it when poverty and discrimination were so much worse than today? (pp. 84f.).

The real advantages of civil rights legislation—particularly

of benefits that are earmarked for blacks—accrue to the black leaders, not to the blacks themselves. Blacks benefit more when they do so as part of the general society, rather than as a singled-out, specially privileged group; but there is no payoff in that for the leaders. Thus, black leaders often support minimum wage laws, which have had a disastrous effect upon the ability of unskilled black teenagers to become employed; but since the minimum wage is not touted as anti-black legislation, the great harm done to blacks is concealed. Black leaders also support farm subsidies, as a part of a trade-off with farm-state legislators who agree to vote for food stamps. Yet blacks as a whole are losing more through farm subsidies (which raise food prices) than they are gaining in food stamps! This arrangement works out nicely for white farmers, white politicians, and black politicians. The rest of us, black and white, aren't doing so well. (An excellent, heavily documented study of these issues is *The State Against Blacks*, by **Walter E. Williams** [McGraw-Hill, 1982]. Williams, a black professor of economics at George Mason University, is a top-notch writer and always makes for good reading. A collection of his newspaper columns has been published by the Hoover Institution Press, titled *America: A Minority Viewpoint* [1982].)

The fact is that civil rights policies have been counter-productive for most blacks. Their primary benefit is to those who were already advantaged, while they actually retard the progress of blacks who are disadvantaged; and one general consequence is that they tend to stimulate resentment by whites and others against blacks. It seems senseless for black leaders to support harmful policies, but it actually makes a great deal of sense. There are great incentives for black leaders to work for earmarked "benefits." There are almost no incentives for them to work for the good of the public as a whole.

### The Special Case of Women

Similar to the religious civil rights vision is the feminist vision, an ideology which has only incidental contact with reality. For example, it is commonly observed by feminists that women are paid only 59% of what men are paid, for performing the same work. Across the land, from every village, hamlet, and town, the cry goes out: "Equal pay for equal work!" Obviously, anyone who would disagree with such a straightforwardly fair arrangement is an insufferable bigot and should have been strangled at birth. Merely to suggest that the question might bear a little calm discussion is enough to incite mob violence in some circles.

As **Sowell's** eminently clear discussion reveals, the slogan of "equal pay" does not come close to being an accurate statement of the issue. For, in fact, the income of women who never marry and men who never marry is virtually the same, and has been for many years. The real difference between men's and women's median incomes stems from the fact that most women become wives and mothers. And the economic effects of marriage on women are vastly different from its effects on men.

Marriage means that women tend to become part-time workers, averaging fewer continuous years of employment; in other words, marriage and motherhood decrease a woman's participation in the labor force. The effect on men is almost exactly opposite, for marriage and fatherhood increase a man's participation in the labor force. While a woman's work hours decrease with additional children, a married man's work hours increase with the number of children. "The big difference is not between men and women, but between married women and everyone else" (p. 93).

Women tend to choose fields of work which they can leave and re-enter easily. This is not rooted in either discrimination or female inferiority. It is simple good sense, considering the realities of marriage and motherhood. It is a respon-

**sible**, mature decision. **But** any occupation which can be dropped and picked up again, perhaps years later, is not **likely** to be a high-paying profession. Similarly, women are more **likely** than men to choose part-time jobs, and part-time jobs earn less pay. The fields which are most commonly thought of as 'chauvinistic' against women just happen to be occupations that demand full-time, continuous work—exactly the kind of work that women (especially married women) **do not choose to enter in the first place**.

The effects of marriage on economic performance are more far-reaching than we might think at first, and certainly more than the rhetoric-spouting prophets of the feminist vision are willing to think about at all. "Men and women cannot be compared as if they were abstract categories, in isolation from their actual behavior, particularly in marriage. Marriage is a joint venture in economic terms as it is in other terms. Married men consistently earn higher incomes than single men. One reason **is** that they have wives who take care of many aspects of their lives that would otherwise absorb time and energy and limit their choices of their best job opportunities. In short, marriage as actually practiced often increases a man's economic opportunities, whether he is explicitly aware of it or not" (p. 96).

Perhaps the most diddle-headed aspect of the feminist vision is this central fallacy: comparing men and women "on a variable that has **opposite** effects on their respective incomes" (p. 98). (For some excellent essays on this subject, see *Equal Pay for Unequal Work: A Conference on Comparable Worth*, edited by Phyllis Schlafly [Eagle Forum Education and Legal Defense Fund, 1984].)

Someone might object that Dr. Sowell can say what he will about the fallacies of feminism, but he **can't** deny the plain fact that the feminist movement has raised the status of women, can he? Oh, yes he can, and he **cites** plenty of startling facts to support his position—such as the numerous statistics showing women earning a higher percentage of advanced degrees in the early 1900s than they **did in the 1970s**: "In short, after several years of 'women's liberation: laws and lawsuits, women's proportion of doctorates was **almost** up to where it had been nearly half a century earlier. . . . by and large, across a wide range of fields, women are simply moving back toward the proportions they achieved decades ago" (p. 100). In fact, **none** of the economic advances of women as a whole are due to the feminist agitation; it hasn't even helped.

The differences in pay scales between men and women are **best** explained by ordinary economic analysis, not by the specter of discrimination raised by the civil rights vision. The politicization of the issue is certainly no solution, and (if anything) will only make it worse. The important thing to remember about legislation is that **intentions and effects are not the same thing**—seemingly a simple rule, but easy to forget in the heat of pasabn. (This is an important part of the "lesson" in Henry Hazlitt's popular classic, *Economics in One Lesson*.) To pass laws making women a "special case" can often result in the exact **opposite** of the legislators' intentions. If an employer knows that firing (or neglecting to give a raise to) an incompetent man carries no special dangers, but doing the same to an incompetent woman could well result in a costly lawsuit—is he likely to hire a woman in the first place? Surrounding a woman with high risks to any potential employer is no way to increase her participation in the job market. Feminist legislation turns women into liabilities, more discriminated against than ever—**not because they're women**, but because the law has made them ticking time bombs.

Perhaps the most ridiculous economic fallacy of the feminist vision is the doctrine of "comparable worth," in which various demagogues take it upon themselves to declare the absolute, fixed monetary value of certain occupations. Someone in "industry X" works just as **hard as** someone in "industry Y," yet is paid less. This monstrous injustice must be righted and avenged immediately, the political aspirants intone solemnly, affecting a piously concerned expression for the TV cameras. That this utter fraud is taken seriously by anyone over the age of twelve is positively mind-boggling; that apparently all the representatives of the media wholeheartedly embrace it is convincing evidence that the inmates are running the asylum. The cash value of the 'comparable worth' rhetoric is that it keeps the injustices flowing, insuring the continued employment of civil rights lawyers.

### Rhetoric or Reality?

The actual battle for civil rights was won a long time ago, The civil rights vision, however, goes on, its primary function being the benefiting of the advantaged in the name of the disadvantaged. Dominated by lawyers and politicians, the public discussion of rights ignores economic realities and falls into laughably absurd positions, which a moment's clear thinking would easily dispose of.

That the civil rights vision is often comical does not render it harmless, however. Not enough people are laughing. The politicization of issues, at best, distracts people from productivity to lobbying: more generally, however, it raises tensions, incites resentments, splinters communities, and polarizes the nation; it undermines people's confidence in their own ability to provide for themselves and to build a civilization. It encourages minorities and women to believe they are helpless without the Great White Fathers in Washington to care for them and to pass preferential legislation on their behalf. And that, interestingly enough, is exactly what the politicians want them to think.

### The Attack on Sowell

Thomas Sowell, in addition to being an outstanding scholar, is a brave man. He has been slandered throughout the media; in fact, some of our most respectable commentators have told outright lies about him, accusing him of holding the precise opposite of his stated beliefs. His final chapter, "The Degeneration of Racial Controversy," tells of some of his experiences with these guardians of public virtue. (See also J. A. Parker's 1981 *Lincoln Review* article, "The Attack on Tom Sowell." The *Lincoln Review*, a quarterly journal which examines public policy issues and their impact upon black middle America, is published by the Lincoln Institute for Research and Education, 1735 DeSales Street, N. W., Washington, D. C., 20036. Subscriptions: \$12 per year for four issues.)

Why is there such hostility to Sowell and his colleagues such as Parker and Williams? Isn't everyone interested in getting to the facts in the controversy? No; this is not an academic debate. The real issues are not academic, they are religious. Sowell is quite serious in calling it 'the civil rights vision,' for it is a faith, and a radically intolerant one at that. In daring to question the premises of the vision, Sowell has committed the crime of blasphemy, and he is duly attacked. "Whether it is low test scores or high crime rates, the first order of business is to dismiss the evidence and discredit those who bring it. Even good news—successful minority schools or the rise of a black middle class—is denied when it does not fit the preconceived vision" (p. 138).

This is a superb book, not only as a penetrating and cogent analysis of crucial questions, but as an engaging introduction to the seminal thought of an extraordinary scholar.