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## Book Review: Racial Culture: A Critique by Richard T. Ford

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Academy of Arts and Science and serves on the board of the Council on Foreign Relations.

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Richard T. Ford, *Racial Culture: A Critique*. (Princeton: Princeton University Press, 2005). 248 pp..

Beginning from the premise "that racism and other status hierarchies are a real and present threat to America's nobler, democratic and egalitarian aspirations," (3) Richard T. Ford's *Racial Culture* argues that it is time for the progressive left to rethink its commitment to a multicultural politics of difference. At the root of Ford's critique is his disagreement with the increasingly dominant view within the academic left that racial groups (and their ethnic and gender analogs) possess a unique identity that deserves protection from the assimilating pressures of a hegemonic white majority. While he recognizes that the rise of this kind of multiculturalism emerged as a necessary corrective to an overly narrow emphasis on the western European tradition, he contends that the pendulum has swung too far in the other direction. He is particularly concerned about how this multicultural orientation has settled into a legal doctrine. Such a multicultural politics, particularly as it seeks to establish legal protections based on a connection between specific cultural practices and "authentic" racial, ethnic, or social status is actually counterproductive for the very groups that it putatively seeks to help. Not only do such protections tend to over-generalize about racial, sexual, and ethnic groups, thus

minimizing differences *within* those groups, they in fact help to *produce* those groups. Unintentionally, such protections tend to reinscribe the very stereotypes that a progressive leftist politics should strive to overcome. The logic of a multicultural politics of difference, Ford contends, makes it less likely that sympathetic outsiders will enter into conversations about racial justice, effectively ceding the negotiation of racial difference to groups unable and unwilling to find the common ground that is necessary for a vibrant public sphere.

Ford recognizes that the entrenchment of a multicultural politics of difference within the progressive left is more than a wrongheaded academic fad: it is, in large part, a response to material incentives created by the Supreme Court's 1978 decision in *U.C. Regents v. Bakke*. Though that decision was specifically concerned with affirmative action, Ford suggests that it has strongly influenced the rise of difference discourse within legal doctrine in general. In *Bakke*, Justice Powell's controlling decision held that for an affirmative action program to pass constitutional muster, it must serve a compelling governmental interest and that it must be narrowly constructed for the purpose of pursuing that interest. Quotas, Powell's decision held, could not be used to meet this requirement, and any such program must be aimed at correcting specific instances of institutional discrimination rather than patterns of discrimination in society at large. The decision, however, held that a diverse student body is a good in and of itself that the government has a compelling interest in promoting. In opening up this line of reasoning, the *Bakke* decision created an incentive to craft affirmative action programs in terms of their ability to create a diverse student body. Drawing on the letters of college and professional school applicants (and the advice given to them by admissions guides), Ford gives evidence of the degree to which the rhetoric of

multicultural identity has become increasingly internalized as a relevant social fact by prospective students competing in a post-Bakke world (47). Ford repeatedly makes it clear that he supports affirmative action, but he argues that the progressive left should pursue such policies as a corrective to the ongoing, systematic economic and political discrimination experienced by affected groups, not in order to protect cultural identities.

In fact, a strength of Ford's book is his willingness to go beyond a mere critique of the multicultural enshrinement of group difference that characterizes contemporary progressive racial politics. He endorses, for example, a pragmatic approach to civil rights that asks us to think of rights as policy rather than "the pure incarnation of timeless principles of justice" (171). Drawing on accepted practice in private law and on the work of the economist Ronald Coase, Ford suggests that we should consider a "joint costs" approach to anti-discrimination problems. Such an approach, Ford argues, would preserve a just distribution of costs in cases of outright racism (such as the paradigm case of an employer who simply refuses to hire Black workers because he does not like Blacks). The social concern about the unjust consequences of historically determined, unjust racist behaviors would still hold sway in these circumstances, but the real value of the approach would be in precisely those cases in which defendants are tempted to appeal to the sanctity of cultural differences in order to protect the "soft" costs of mutable behaviors (such as prohibitions against "cornrow" hairstyles). Given that it is reasonable for some institutions to make demands on the behavior and appearance of their employees, and given that a rights to difference approach, if victorious, could create negative consequences (such as lower employability or lower wages) that some group members would rather not pay, Ford

contends that a joint costs approach would best serve the overall economic interests of the group.

Ford also argues for the adoption of a “bottom line” approach to disparate impact claims, an approach that has been explicitly rejected by the Supreme Court in *Connecticut v. Teal* and *Ward’s Cove Packing Company v. Antonio*. Such an approach, Ford argues, would allow the courts to provide protection to affected minority groups “even if no one policy alone can be shown to be directly responsible” (190) and it would also give employers greater incentive to avoid discrimination without dictating to employers specific rules about the behavior or appearance of employees.

Ford recognizes that his alternative vision is not without costs, and it is likely to meet with resistance for both tactical and philosophical reasons. The cosmopolitan attitude that he endorses offers little assurance for those who seek to preserve particular group identities; he instead embraces the splitting and synthesis of identities that emerge through the interplay of groups subject to the rough and tumble of social and economic forces. For those who seek legal redress from the corrosive effects of the market on traditional group identities, Ford’s embrace of ongoing, market driven transformation is unlikely to convince. But ultimately, the normative impetus of Ford’s work challenges the conservative faith that we can secure the future for our descendents by preserving, en toto, a received set of pure, unchanging cultural identities; rather, he offers a counter-faith that bequeaths to future generations the opportunity to craft their own identities in a world where identity is, like it always has been, a matter of negotiation.

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