

# IN THE NAME OF INCLUSION: WHY REPEALING AFFIRMATIVE ACTION IS A RIGHT THING TO DO

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**Abstract:** The article discusses the recent decision by SCOTUS to repeal affirmative action. It addresses one very important question: Is the repeal of affirmative action a good thing? Following a brief historical overview, the article offers a critique of affirmative action. It argues that affirmative action does not true inclusion, but rather a surrogate. There are several problems that the article sees with the intellectual and moral foundation of affirmative action. First of all, it offers selective inclusion that is merely a form of exclusion, rather than universal inclusion. Also, affirmative action is elitist in its approach; it has been formulated by elites and for the benefit of elite rule. The article particularly focuses on three major features of black culture that are cultivated in the black community and are integral to black identity: the role of the church and religion in public life; the principle of the sanctity of life, and the black family and family values. The article shows that liberal ideology and practice does not ignore these values that are so important to the black community. Liberal disregard for these values amounts to de facto exclusion of the black community and culture by the liberal elites. Finally, the article offers a perspective that makes possible to embrace black values on their own terms. The proposed perspective makes possible to achieve true inclusion and equality for all races and groups in American society. The article concludes that the repeal of affirmative action is a right thing to do since it opens new possibilities in the search for inclusion, equality, and justice.

**Key words:** affirmative action, SCOTUS, inclusion, equity, equality, Lyndon Baines Johnson, Ketanji Brown Jackson.

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## Introduction

At the end of last June the Supreme Court of the United States (SCOTUS) has put an end to race-conscious admission policies collectively known as affirmative action. The approach pursued by progressive liberal for more than fifty years has effectively expired, leaving the progressive agenda without one of its most precious crown jewels. As the three Democratic appointees on the Supreme Court have pointed out in their dissenting statements, “even if the court did not formally end race-based affirmative action in higher education, its analysis will make it practically impossible for colleges and universities to take race into account.”<sup>1</sup>

The SCOTUS ruling has not been entirely unanticipated. The ramblings of the coming storm have been heard for quite some time.<sup>2</sup> Yet, the decision has still produced the effect of an exploded bomb. It has left no one indifferent. Politicians, public figures,

religious leaders, activists, and even ordinary Americans have entered into heated discussions as to what American future will be like without affirmative action.

As America and Americans are still coming to grips with this historic decision and are likely to do so for quite some time, everyone agrees that its impact will be significant. Most people are convinced that it will affect many spheres of American life that have been affected by the spirit and letter of affirmative action: from politics to economics, to management and employment practices, public health, social services, and many, many others.<sup>3</sup> The ruling is already setting the stage for ending corporate diversity programs. Many Republican attorney generals have already warned Fortune 100 companies against using race-conscious criteria in hiring.<sup>4</sup> According to Stephen Paskoff, a former lawyer at the Equal Employment Opportunity Commission, “Although this case deals with education, it’s likely employers are going to have to reassess their policies just to make sure they’re handling affirmative action issues properly.”<sup>5</sup> There is a general expectation that the fallout of this decision will be heavy: law suits, protests, legislative actions, etc. Many fear that it will affect other important decisions that stand before SCOTUS, particularly the case of *Muldrow v. City of St. Louis* that comes before the court in its next term. Many progressive liberals see this hearing as the next important political test of their Equality Act.<sup>6</sup>

The main focus in all discussions of the SCOTUS decision is on one vitally important principle that, in many ways, defines America--the principle of fundamental equality of all humans. This principle goes back to the very beginning of this nation. The Declaration of Independence—the corner stone of the American civilization—stated this principle in a passage that has arguably been the most quoted passage in the entire American history: “. . . all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”<sup>7</sup> This principle is integral to many sections of the Constitution of the United States that constitutes the foundation of the American state.

The questions that most frequently arise in the discussions of the momentous decision by SCOTUS relate precisely to the principle of equality: Does the decision to abrogate affirmative action reject the fundamental principle of equality? Does the decision mean that Americans will no longer pursue this principle and will forfeit the promise that their ancestors solemnly made at the birth of this nation?

This article will address these questions. It will also deal with a variety of other issues relevant to what many regard as the most important message of America to the entire world—the message of universal equality. The article will also analyze the intellectual and moral basis of affirmative action articulated in statements by those who framed and advocated affirmative action all through its long and tumultuous history. Another set of questions to be addressed with respect to affirmative action will be the following: Has affirmative action had the capacity to solve the problem of equality? Given more time, could the path it outlined lead eventually to the full inclusion and equality for all black Americans and to the elimination of racial tensions and conflicts in this country?

The article will also discuss and analyze alternative proposals that have been put on the table since the abrogation of affirmative action and that try to remedy the anticipated negative impact of SCOTUS decision. Finally, the article will describe the framework for the solution of the problem of equality and inclusion and will illustrate

what specifically the attainment of full inclusion and equality for the black American will require.

## **Responses to SCOTUS Decision**

The responses to the decision by SCOTUS started to come in practically immediately after the ruling was promulgated; and their flood has not subsided to this day. In many ways (but not in all), the responses reflect the main political divisions in America today. They pretty much follow the division between the left and the right, with the former condemning the decision as ruinous for American progress and the latter celebrating the move as the opening of a new path to America's future.

Upon hearing the news, President Biden "strongly, strongly" disagreed with the decision. He referred to SCOTUS contemptuously as "not a normal court" that "once again walked away from decades of precedent." Biden also vowed to resist this decision and directed the Department of Education "to analyze what practices can build a more inclusive and diverse" student body. "We cannot," Biden added defiantly, "let this be the last word" and called for laws that "protect diversity." In addition, the president stressed that colleges and university "should not abandon their commitment" to "diverse" student campuses that "reflect all of America." Biden also recommended a new standard that educational institutions should follow. He proposed that the "adversity" that a qualified student faces, rather than race, should be part of the new criteria.<sup>8</sup>

Vice President Kamala Harris followed the president with the criticism that the Supreme Court ruling "rolls back long-established precedent and will make it more difficult for students from underrepresented backgrounds to have access to opportunities that will help them fulfill their full potential." She added that it would "impact our country for decades to come."<sup>9</sup> The NAACP, former First Lady Michelle Obama and a host of other Democratic leaders and progressive activists also quickly chimed in to denounce the Supreme Court's landmark decision.<sup>10</sup> In an opinion piece for *The New York Times* Darren Walker, the president of the Ford Foundation, gave the following harsh assessment of the decision: "Indeed, they wish to impose an ahistoric mythology on the American people that makes it harder, if not outright impossible, to address the many ways that Black and white still live in separate and unequal Americas."<sup>11</sup> The decision has also prompted attacks against Justice Thomas and other justices who voted to repeal affirmative action.<sup>12</sup> Many Democratic politicians have also renewed their calls for expanding (some call it packing) SCOTUS.

On the opposite side of the spectrum conservative leaders and advocacy groups praised SCOTUS affirmative action ruling, calling it a step toward ending racial bias and discrimination in education.<sup>13</sup> Justice Clarence Thomas spoke in an unusual and very personal way about the court's judgment. He characterized affirmative action as "rudderless, race-based preferences designed to ensure a particular racial mix in their entering classes." He particularly emphasized the discriminatory and damaging ways of enforcing affirmative action policies. House Speaker Kevin McCarthy praised the affirmative action decision. The justices, he said in his comments, "just ruled that no American should be denied educational opportunities because of race." Republican Senator Ted Cruz referred to the decision as "a great day for all Americans." Former

President Donald Trump in his remarks stressed that the repeal by SCOTUS marked a “great day for America.” In a post on his site *Truth Social* Trump elaborated: “People with extraordinary ability and everything else necessary for success, including future greatness for our country, are finally being rewarded . . . This is the ruling everyone was waiting and hoping for and the result was amazing.”<sup>14</sup>

The decision has brought a wave of criticism of affirmative action and programs associated with it. Programs in diversity, equality, and inclusion (D.E.I) are one of the main targets of criticism. Detractors point out the general ineffectiveness of these programs. Researchers at Harvard and Tel-Aviv University have circulated a massive 30-year study of various diversity programs in business companies and collected data from more than 800 U.S. companies. They make a grim conclusion that “mandatory diversity training programs had practically no effect on employee attitudes--and sometimes activated bias and feelings of racial hostility.”<sup>15</sup> Scholarly analyses of D.E.I programs at educational institutions draw a similar conclusion. Critics argue that many D.E.I. programs are predicated on principles that are radically different from the liberal tradition in education. Christopher Rufo is a senior fellow at the Manhattan Institute (a public policy think tank), a trustee of New College of Florida, and the author of “America’s Cultural Revolution: How the Radical Left Conquered Everything.” In his piece for *The New York Times*, Rufo writes that D.E.I programs are not neutral “to increase demographic diversity; they are political programs that use taxpayer resources to advance a specific partisan orthodoxy.”<sup>16</sup>

Needless to say that SCOTUS decision shocked the left, even though it was not entirely unexpected. Many on the left immediately rushed into action. They launched campaigns to take legal actions against justices who had censured affirmative action; they vowed to remove recalcitrant justices from SCOTUS, and tried to intimidate them in other ways. Alexandra Ocasio-Cortez (D-NY) and other progressive members of Congress issued calls to subpoena and impeach justices who voted for ending affirmative action. They also organized demonstrations at residences of these justices they wanted removed from SCOTUS, including the residences of Justices Thomas and Kavanaugh.<sup>17</sup>

One senses urgency in the attempts of the left to explain the reversal. Their interpretations are monotonously similar, except maybe in their rhetorical intensity. The main point is simple: a conservative minority has captured SCOTUS and uses its platform to achieve the goal that conservatives have pursued for the entire history of affirmative action. In his op-ed, for example, Darren Walker has claimed, without any supporting evidence, that a majority of Americans do not back the decision. He writes: “As Americans, we have a charge to keep, a beacon to keep alight, especially now, as minoritarian tyranny has taken hold of our institutions.”<sup>18</sup> Maggie Severns and Zachary Leeman writing for *The Messenger* also put the blame on conservatives in SCOTUS whose opinion, they claim, does not reflect the views of most Americans.

Numerous facts contradict these *ad hominem* claims. For one thing, the group that initiated the two lawsuits considered by SCOTUS for its ruling is essentially a non-partisan one. It is not affiliated with any conservative organization. The name of the group—Students for Fair Admission (or SFFA)—reflects its non-partisan character. Also, the group has not argued its case from a conservative point of view. Its members are not opposed to inclusion and do not support racial discrimination. On the contrary, they argue from inclusion and equality that are broader than those that characterize affirmative

action. Their claim is that the college admission process that considers race as the main factor for admission is unfair and discriminatory. They want to replace this process by one that is fair to all, not just some selected individuals or races. In her article published by *The New York Times*, Sophia Lam, a high school student from Massachusetts, writes:

Our race-based system of preference, however, doesn't seem to work this way. Underprivileged white and Asian American kids, including some living just a few miles from my house, do not benefit from affirmative action. How fair is a system that seems to give an affluent African American student an advantage over an underprivileged white or Asian American one, simply on the basis of skin color?<sup>19</sup>

Amir Whitehead, a son of a black priest and teacher in Biblical Studies, has few regrets about the demise of affirmative action. A member of the Lafayette fencing team and a sophomore in the college, Amir has developed views that are politically and socially more conservative than the views of his father. In his interview for *The New York Times* Amir remarked: “Affirmative action being taken away is not so much a bad thing, because I don't think that anyone who is not qualified for something should get that purely based off their skin color.” Amir included his race on his college application but chose not to dwell on the subject in his personal essay.<sup>20</sup>

Facts also do not support the claim that the decision to end affirmative action has little support in the American population at large. Even those who are in favor of affirmative action recognize that an overwhelming majority of Americans support the SCOTUS ruling. Even in California, where liberals enjoy overwhelming support and popularity, the attempt to restore race-conscious affirmative action in 2020 failed. A large majority of traditional pro-Democratic voters rejected the Proposition 16 across many precincts (Black, White, Latino, and Asian). The Proposition 16 went down with 57 percent of voters overall opposing it.<sup>21</sup>

According to a Pew Research Center report released last month, only 33 percent of American adults approve of race-conscious admissions at selective colleges. Only forty-seven percent of African American adults say they approve such admissions.<sup>22</sup> The polls held after the SCOTUS ruling show that 74% of Americans—including as many as 60% of Democrats, 88% of Republicans, and 76% of independent voters—believe public colleges and universities should not be able to use race as a criterion in admissions. Looking at the racial distribution, polls show that 64% of Black Americans, 70% of Hispanic Americans, and 77% of white Americans are opposed to affirmative action. Polls that used other criteria show similar patterns.<sup>23</sup> Contrary to what the supporters of affirmative action would like Americans to believe, the decision by the majority of SCOTUS justices is by no means a fortuitous quirk of fate—an opportunistic action by a conservative political minority that has little support among Americans. This decision has been long in the making; and it is favored by an overwhelming majority of Americans across political spectrum, racial groups, or class strata.

As the above shows the decision to terminate affirmative action belies simple and simplistic interpretations. One cannot explain it by either political or racial factors. It challenges superficial approaches. Obviously we cannot accept explanations that claim,

for example, that America is a racist country with deep racial prejudices. We need a better understanding that the proponents of affirmative action offer.

The data shows that the difference between the proponents and opponents of affirmative action defies simple and simplistic interpretations. The difference between the two sides is not one between racists and non-racists. The group that initiated the lawsuits that led to the decision does not argue against inclusion. On the contrary, it advocates a broader inclusion and fuller equality. Both the proponents and the opponents of affirmative action are for inclusion. The opponents simply want a broader inclusion that does not discriminate among races. The difference between the two sides seems to be about what kind of inclusion we want and how we can achieve this goal; it is about equality and equity. Also, the decision appeals to an overwhelming majority of Americans across social classes, races, and political convictions and loyalties. This majority represents a good cross-section of American society.

Those who support the abrogation of affirmative action do not want to terminate the search for equality. Their support is not a result of some sporadic impulse that occurred, so to say, on the spur of the moment. It is a result of serious and careful consideration and in the name of the principle that goes to the very heart of American civilization. They all recognize that America should move forward toward full equality. They may not know how to move forward, but they do know well that affirmative action is not the way to achieve this goal. Those who support SCOTUS decision argue from inclusion and equality, not exclusion and inequality. They want to achieve full equality; their contention is that affirmative action cannot realize this goal and moreover is an obstacle on the path of progress toward this goal. In order to understand the nature of the protest against affirmative action and, thus, the reason or reasons for its repeal, we have to look at the history of affirmative action and at its intellectual and moral foundation.

### **Critique of Affirmative Action: Equity vs. Equality**

The argument of the opponents of affirmative action is very strong and convincing. It raises important questions: Why can't affirmative action achieve full equality? How are we to proceed toward this goal? These questions merit attention. The power of the argument compels a re-examination of affirmative action. However, as strong as this argument is, it has one weak point that makes it vulnerable and that is used by the opponents of the decision. There is no question that affirmative action denies inclusion to Asian Americans and poor whites. However, it does seem to offer at least something to black Americans. Doesn't affirmative action offer them at least a degree of inclusion and equality? These questions also merit attention and have to be part of the discussion of SCOTUS decision. A close look at the justification of affirmative action by progressives will certainly be helpful in answering these questions.

The introduction of affirmative action goes back to the 1960s. That is when the Democrats began to advocate this course. One important pivotal point that launched affirmative action was the speech made by the then-President Lyndon Baines Johnson at Howard University on June 4, 1965.

There are several reasons why Johnson's words deserve careful examination. It was a major public statement made by the occupant of the highest executive office in the

country and it was addressed to America and all Americans. By a universal recognition, Johnson's statement provided an intellectual and moral foundation for the direction that the President and progressive liberals urged Americans to take in pursuit of their most cherished principle--equality. Ever since Johnson's pronouncement, all proponents of affirmative action, and particularly members of the Democratic Party, have treated this speech as practically a revealed truth. In their view, Johnson's words transcended the temporal realm and reached into the domain of absolutes. Jerome Karabel speaks for many when he writes that affirmative action "offered a way to take into account far-reaching differences in personal circumstances and to begin to right a historic wrong."<sup>24</sup> So, what exactly does LBJ say in his address? What are the truths on which his statement stands and that make his words so irresistible?

The striking feature of Johnson's address is that he focuses entirely on disadvantages and suffering of the black Americans. This speech presents a very skewed portrayal of the history of black Americans by focusing exclusively on suffering, discrimination, and exclusion. Johnson does not make any positive points or observations. For example, makes no mention of anything of value that the black community has created in the course of their long history. His account gives an impression that the only achievement of the black Americans is the fact that they have survived against incredible odds, despite the enduring slavery and discrimination.

This view strikes one as extremely limited, one-sided, and subjective. It completely overlooks some pretty impressive accomplishments of the black community. The very creation and preservation of the black community is no mean achievement. But there is much more. Black religion and church are definitely an achievement in which many black Americans can and do take pride. Black religion and the church have been central to the culture of the black community. They represent a very original and unique contribution to Christianity with rich intellectual content, extraordinary and very colorful rituals, and with norms and values that are uniquely African American.

Black family is another important institution created by the black Americans. Families are central to the life of the black community. Generations of young blacks have been nurtured in their families, not just nuclear families, but extended networks of relatives and neighbors that have also played an important role in bringing up generations of black youth. Black families and the church are rich repositories of black traditions, important values and beliefs—such as, for example, the belief in the sanctity of life and the enormous respect for parents and older relatives. The black community cultivates these institutions and values. These are just a few examples of important accomplishments of the black community. The most remarkable fact is that the black community has made these accomplishments despite slavery and oppression that they have endured. These achievements show the enormous creative capacity of the black people and their indefatigable efforts and incredible ingenuity in realizing this creative capacity.

Johnson does not mention any of that in his speech. All he sees is a cultural tradition that is "twisted and battered by endless years of hatred and hopelessness." All he gives is a familiar story of "oppression, hatred, and injustice" as if these are the defining factors that shaped the black community, its history, culture, and tradition. This is not to deny the all too obvious evils of slavery, but this is also to emphasize the human dignity, the aptitude for invention and innovation, and the gift of creativity that we also

find in the history of the black community and the character of black Americans. Numerous disabilities, oppression, and indignity have not suppressed the creative drive of millions black Americans; they have not defined the black community. The creative capacity, ingenuity, and the commitment to pursuit of truth that we find in abundance among black Americans have defined their community. That's what has created this community, not slavery or indignity.

Yet in his speech Johnson pays no attention to any positive factors that shaped the black community. He focuses exclusively on the negative experiences of slavery as if these experiences, and not the positive attainments, have made the black community what it is today. In explaining the reason why black people do not succeed where other ethnic minorities do, Johnson says:

For they [these other communities] did not have the heritage of centuries to overcome, and they did not have a cultural tradition which had been twisted and battered by endless years of hatred and hopelessness, nor were they excluded--these others--because of race or color--a feeling whose dark intensity is matched by no other prejudice in our society.<sup>25</sup>

Johnson sees the need to undo the past as a way of bringing blacks as equals into American society. His call suffers from the unhealthy dose of utopianism. There is nothing one can do about the past. Attempts to change the past are doomed to failure since the past is no longer accessible. Even more importantly, it is not necessary to undo the past to move into the future. The past does not determine our future. We create our own future by using what is best in us, not languishing on our past sufferings and injuries. Our future vitally depends on our capacity to create this future. The black community is no exception to this rule. Like any other community, it has the capacity to create its own future and it offers many examples that prove this fact.

Johnson's myopia toward the real and important achievements of blacks blinds him in his assessment of the real causes of the woes that plague the black community. For example, he blames slavery and the past for what he calls a "collapse of the black family." Yet the decline of the family and family values is not a unique phenomenon that affects only the black community. In fact, such decline is characteristic of modern American society as a whole; one can even suggest that the decline of the black family may be more a result of the insidious impact of modern American society and culture than the impact of the past slavery. This suggestion implies that the modern problems faced by blacks today are the same problems that affect modern American society as a whole. One could even suggest that the problems in the black community may be a result of modern values that are in some critical ways alien to the black tradition with its emphasis on strong family ties, unshakeable faith in God, and on the church as the center of community life. One should probably put the blame on the overall conditions of American life and culture that have eroded black family as an institution.

Johnson does not see things this way and does not even make an attempt to see it this way. In his uncritical and politically motivated speech, he chooses to put the blame on slavery and discrimination, rather than on flaws in modern American society and culture. One could even venture to make a common sense suggestion that American society could benefit a great deal by borrowing family values from the black community,



rather than imposing moral strictures and cultural norms of the liberal elite culture that dominates in America. This common sense thought does not even occur to Johnson who completely ignores the fact that black family fostered and sustained by black religion and the church is an important creation of the black community. Neither their family nor family values have much worth in the individualistic and materialistic elite culture of modern America.

In an important way, by ignoring the achievements of black America, Johnson's speech promotes exclusion, rather than inclusion of the black community. He excludes the achievements of the black people and portrays them as victims. He totally ignores their great accomplishments and even suggests that the lack of significant positive contributions worthy of imitation and borrowing make them different from other groups; it makes them less than others and, consequently, less human.

Johnson's speech brims with noble promises and lofty proclamations that emphasize the need for inclusion. Yet, on close analysis his vision is exclusionary. By not recognizing the achievements of black people, Johnson in fact excludes them. Make no mistake, it is the same exclusion in all its shabby ugliness as the one practiced by white slave owners.

In his speech Johnson makes a critical distinction that defines affirmative action. He says: "We seek not just legal equity but human ability, not just equality as a right and a theory but equality as a fact and equality as a result." This passage indicates that what Johnson has in mind is what we often call today equity, not equality. But is equity related to equality? No, it is not.

The distinction is very revealing. It signals that the framers of affirmative action are prepared to violate equality as an absolute and universal principle and use a selective approach that favors black people. In other words, Johnson indicates that the practice of affirmative action will be selective, preferential, and, therefore, discriminatory. He sees this discrimination as necessary to address "the devastating heritage of long years of slavery; and a century of oppression, hatred, and injustice" for the sake of equality in the future. The argument, however, raises a question: How can you attain universal equality—the foundational principle of American state—if you practice discrimination? What can one achieve if one starts with a discriminatory practice?

To sum up, in his programmatic address Johnson does not offer inclusion; he offers selective and discriminatory inclusion. Such "inclusion" is a form of exclusion; and exclusion can only breed exclusion and inequality, not inclusion and equality. Johnson does not offer black people what is rightfully theirs. He offers them preferential treatment, or in other words privileges. Only those who have the exclusive and superior power can bestow privileges. Only special people—the elites—can have this power. Johnson's address reveals the true meaning of affirmative action. Privileges are not about rights. They emphasize the subservient and inferior position of the beneficiaries of these privileges. Thus, the privileges offered by affirmative action will only increase the dependency of black Americans on elites. In other words, the realization of affirmative action will only strengthen the system of exclusionary elite rule.

There are other, perhaps less important but still significant points that indicate some fundamental flaws in affirmative action as articulated in Johnson's address. For example, in his version of inclusion Johnson emphasizes consent, not differences. Consent is about commonalities, not differences. True inclusion that is enriching for all

sides requires conservation, not suppression of differences. Differences, not commonalities, are the source of creation and progress. Also, Johnson sees poverty among blacks as the effect of the legacy of slavery. Yet poverty is characteristic for many other groups in American society, including those that have never experienced slavery.

Johnson repeatedly emphasizes that humans are shaped by their world; and blacks are shaped by the conditions in which they live. He writes:

Men are shaped by their world. When it is a world of decay, ringed by an invisible wall, when escape is arduous and uncertain, and the saving pressures of a more hopeful society are unknown, it can cripple the youth and it can desolate the men.

This kind of sociological determinism ignores the fact that all humans, regardless of their race, possess autonomy and agency; they can use them to change their conditions and reshaped the world in which they live. Johnson's emphasis on conditions, rather than agency implies a denial of the simple fact that blacks also have autonomy and agency and, as a result, they have the capacity to change their world.

Almost sixty years have passed since Johnson made his famous speech. Much has changed over this time. We talk a lot more about autonomy and agency than we did back then. Yet despite the passage of time and significant transformation of our current discourse, Johnson's speech still resonates with the proponents of affirmative action today. In his op-ed article, Jerome Karabel celebrates this speech and the affirmative action agenda that it initiated. Karabel does not see any problems with this speech and the views and attitudes it conveys. In his assessment, "Affirmative action offered a way to take into account far-reaching differences in personal circumstances and to begin to right a historic wrong."<sup>26</sup>

One can also hear echoes of Johnson's address in the dissenting opinions of justices who opposed the majority decision on affirmative action. The response of Justice Ketanji Brown Jackson is a good case in point. Her statement contains principles, arguments, points, and conclusions that we encounter in Johnson's address.

Just like Johnson, Justice Jackson argues from the existence of specific inequalities that affect the black community, rather than from the universal principle of equality articulated in the Declaration of Independence and in the Constitution of the United States. From the perspective of the universal principle of equality, the existing inequalities are an abomination; they are a rejection of this principle. One questions the logic of Justice Brown's argument: How can arguments that proceed from the fact of denial of universality bring us to a solution that will be universal. If the result is to be universal, the argument should proceed from this fundamental universality.

Race is not universal. It is a phenomenon that belongs to the temporal realm of human civilization. Jackson writes in the introduction to her dissent: "I write separately to expound upon the *universal benefits* of considering race in this context, in response to a suggestion that has permeated this legal action from the start."<sup>27</sup> In other words, she wants to achieve universality from non-universal conditions that are part of our life. In order to achieve results that are to be universal, we should proceed from the universality that we want to attain.

Jackson's statement shows that the real goal of affirmative action, as she sees it, is not equality, but equity. Jackson adds to the confusion by using the two terms—equity and equality—interchangeably as if they are the same. They are not. There is a world of difference between the two: one relates to the eternal domain of universal truths and the other to temporal and very much fallible human realm. One cannot attain equality by pursuing equity. They belong to two different dimensions and their paths do not cross.

There is more in Jackson's statement that creates confusion. For example, she repeatedly calls for upholding the promise of equality that arises from affirmative action and other rights. She forgets that equality is not a promise. Equality is not just about the future. Equality is a principle that is universal and eternal; it is about the present, the past, and the future. The rights of all Americans, including black Americans, have their roots in this eternal principle, not the other way around, as Justice Jackson would have it.

Much like Johnson, Jackson also invokes slavery as the defining characteristic of the black community. She cites Justice Thurgood Marshall:

Three hundred and fifty years ago, the Negro was dragged to this country in chains to be sold into slavery. Uprooted from his homeland and thrust into bondage for forced labor, the slave was deprived of all legal rights. It was unlawful to teach him to read; he could be sold away from his family and friends at the whim of his master; and killing or maiming him was not a crime. The system of slavery brutalized and dehumanized both master and slave."<sup>28</sup>

But the words of Justice Marshall also have little to do with equality that is universal and fundamental. The emphasis on the overwhelming impact of slavery assigns the latter some fundamental property that it does not possess. In the argument of the supporters of affirmative action, slavery acquires almost mythical power over the many positive creative abilities that black Americans, like other humans, possess. In fact, those who perpetrated slavery also made slavery appear to be fundamental, coming from the will of God. Following Justice Marshall, Justice Jackson unwittingly also lends her support to this perverse view.

Justice Jackson also cites favorably Senator John Sherman who said the following in support of affirmative action:

We are bound by every obligation, by [Black Americans'] service on the battlefield, by their heroes who are buried in our cause, by their patriotism in the hours that tried our country, we are bound to protect them and all their natural rights."<sup>29</sup>

There is much that is wrong with this statement. We are not bound to recognize the equality of blacks on the basis of their contributions in the battlefield and other services to this country. We are bound to recognize their equality on the basis of the principle that is fundamental to the existence of this country—a principle that is eternal and universal. And it is not our obligation to protect blacks. They do not need our protection. What we owe to all humans, including blacks, is to recognize their fundamental and universal

equality to all other human beings, to recognize their human dignity, and according them justice by acknowledging their autonomy, agency, and value.

In her self-righteous zeal to promote the exclusionary agenda of affirmative action, Justice Jackson even loses a sense of reality by making arguments that are clearly exclusionary and even racist in nature. In one passage she goes so far as to accuse white doctors of having an implicit bias against black children and black people in general. Citing some questionable research, Justice Jackson gives vent to her tone-deaf racist views. She goes so far as to claim that white doctors are generally in dereliction of their Hippocratic oath and duties as far as lives of black children are concerned. Jackson writes:

Research shows that Black physicians are more likely to accurately assess Black patients' pain tolerance and treat them accordingly (including, for example, prescribing them appropriate amounts of pain medication). For high-risk Black newborns, having a Black physician more than doubles the likelihood that the baby will live, and not die.<sup>30</sup>

Much of what Justice Jackson talks about in her dissent—the quotes she uses and the arguments she makes so forcefully—again and again repeat the same misguided mantra: slavery and discrimination define the history of the black community, not their creative genius that they have exercised even under the conditions of slavery. Facts and common sense contradict her wrong-headed assertions. Facts show that all that blacks have achieved, both during slavery and after the abolition, has roots in their human capacity to create that is fundamental, eternal, and universal. We must recognize this fact and that is what SCOTUS does in its majority decision.

Justice Jackson sees the solution of the problem of inclusion in bringing more blacks into the ranks of elites. In her ardor, she does not recognize that elite rule is the source of exclusion and inequality. There is no doubt that we need more black doctors, politicians, and professionals. Indeed, we need more blacks on our campuses. But we also need on our campuses more Asian American, poor whites and representatives of other underprivileged categories. In pursuing this goal, we need to proceed from the principle of universal equality, inclusion, and empowerment, not in application of the principle that is selective, subjective, and ultimately unfair. The pursuit of selective inclusion that is essentially a form of exclusion, as Justice Jackson would have it, undermines the source of inclusion.

In her insistence on the exclusionary approach of affirmative action, Justice Jackson proceeds from the recognition of exclusion in American society. In effect, she claims that we need to fight exclusion with exclusion. Jackson, the first black woman to serve on the high court, writes:

Our country has never been colorblind. The best that can be said of the majority's perspective is that it proceeds (ostrich-like) from the hope that preventing consideration of race will end racism. But if that is its motivation, the majority proceeds in vain.<sup>31</sup>

Yet the tragedy is that despite decades of existence, the exclusionary approach she recommends has failed to achieve its professed goal. Not recognizing this fact is indeed “ostrich-like.”

In sum, the above discussion shows that affirmative action does not address the problem of equality and inclusion. It only addresses the issue of equity; and the two are very different. One has its basis in what is eternal and universal and the other has roots in what belongs to the temporal and profoundly flawed reality of our civilization. This analysis also shows that affirmative action does not recognize black Americans as a positive community that has been shaped by their great achievements. The proponents of affirmative action do not recognize the autonomy and agency of black Americans. They do not think that blacks can build their own future; they think that blacks need a leg.

No wonder that affirmative action has not brought many positive results for the black community. This community faces the same problems today that it faced back in the 1965—the year of Johnson’s famous address. The only result that affirmative action has achieved is to create black elites and make them part of liberal elite rule. However, this change hardly benefits the majority of black Americans. It merely strengthens elite rule that is the main source of exclusion, domination, and oppression that affect our society, including the black community.

Proponents of affirmative action do not recognized the value of important contributions made by the black community. They have not accepted these contributions, nor have they rejected them; they have simply ignored them. They have not considered them worthy of attention, careful consideration, and perhaps even emulation. The way they have treated and continue to treat black Americans is nothing short of exclusion. They have not considered and still do not consider blacks as equals.

### **The Future of Inclusion: Where Do We Go From Here and How?**

There is a prevailing conviction today that American society should be more inclusive; and that goes for all spheres of our life and for all Americans—blacks, Asian Americans, poor whites, and others. No one really argues against inclusiveness. Disagreements arise only with regard to the path toward achieving this goal.

#### *New Proposals for Pursuing Equality*

No sooner did SCOTUS promulgate its decision that new proposals cropped up to offer alternative courses in pursuit of inclusion. Many see the end of affirmative action as an opportunity for further experimentation. Darren Walker is one of many who call for a new beginning in pursuit of equality.<sup>32</sup>

Perhaps the most popular proposal is one that shifts the focus of affirmative action from race to class. This shift has been under consideration for some time.<sup>33</sup> Richard D. Kahlenberg, a nonresident scholar at Georgetown University's McCourt School of Public Policy, has been for year advocating a system of college admissions based on economics, rather than race. Professor Sander, who also favors class-based affirmative action, has

suggested that California should recognize that its universities are better off for this change. On hearing the news about SCOTUS decision, he remarked: “The sky did not fall . . . It was a triumph in many ways.”<sup>34</sup> While David Brooks of *The New York Times* expressed regrets about the demise of race conscious admissions, he speculates in his op-ed article that diversity on campuses can be sustained by a robust class-based affirmative action system.<sup>35</sup> Jerome Karabel, a professor of sociology at UC Berkeley and the author of *The Chosen: The Hidden History of Admission and Exclusion at Harvard, Yale and Princeton*, predicts that many American colleges and universities are likely to switch to affirmative action based on economic class. He welcomes this move that, in his view, will nevertheless have an impact on racial composition of American colleges and universities.<sup>36</sup> One advantage that he sees in the shift from race to economic class is that the latter approach is “likely to enjoy broader public support than race-conscious affirmative action.” As Karabel notes, “According to a recent [Washington Post poll](#), 62 percent of Americans believe that students from low-income families have an unfair disadvantage in getting into a good college.”<sup>37</sup>

Last but not least, affirmative action based on economic class is a strong favorite among young people. Members of SFFA have a preference for this approach. The shift holds an irresistible sway even among young Democrats. Sunjay Muralitharan, a freshman at UC San Diego, is a leader of the chapter of the Democratic Party there. A staunch supporter of Bernie Sanders, Muralitharan argues for a policy that gives weight to low-income applicants. “Affirmative action should be about economic status,” he says.<sup>38</sup>

Another proposal to address the effects of the repeal of affirmative action is to increase funding for historical black colleges and universities (HBCU). For example, in their report published by Brookings Institution, Andre M. Perry and his co-authors argues that an increased funding for HBCU can fill in the gap created by the demise of affirmative action. The reports points to a numbers of successful lawsuits that have helped make significant gains in building the endowments that support HBCUs.<sup>39</sup> In part, the report says:

Historically Black colleges and universities (HBCUs) can help fill this gap. HBCUs have developed talent that other institutions turn a blind eye to, and in the face of the Court’s decision, society will demand that these schools educate even more students. But for HBCUs to meet that demand, these systematically devalued institutions must receive greater investment.

The report recommends making sustained efforts designed to boost the endowments for HBCUs. The authors envision a number of potentially profitable venues that can help expand educational programs at HBCUs.<sup>40</sup>

Quite a number of Americans have spoken strongly against legacy admissions that offer preferential access to elite institutions to children of parents who graduated from these institutions. Legacy preferences have attracted a great deal of attention now that affirmative action no longer exists. Many prominent media sources and institutions are discussing this issue. They hope that the end of legacy admissions will free room for blacks and other minorities on campus.<sup>41</sup> One should mention that blacks are generally lukewarm about legacy preferences since they do not expect that blacks will accrue many

benefits from this change. Johnnie Whitehead, the black principal of a Christian school, is quite ambivalent about both the ruling and affirmative action. In his interview for *The New York Times* he said that if affirmative action was to be abolished, then legacy preferences should also be abandoned.<sup>42</sup> Several prestigious schools are now considering a move to terminate legacy admissions.

There are a slew of other proposals on the table that range in scope and significance. The general hope is that colleges and universities will develop a variety of plans and approaches that will focus on sustaining diversity of campuses. One such plan is to introduce what is called adversity scores or disadvantage scales. The U.C. Davis is already applying one such race-neutral socio-economic model to foster diversity on its campus. Dr. Mark Henderson, the head of admissions at the UC Davis medical school, is one of those who try to develop unorthodox tools to be used in admissions. He has created, for example, the socioeconomic disadvantage scale, or S.E.D. for short. Asked whether he is concerned about possible challenges to this model, Dr. Henderson acknowledges that such possibility definitely exists. However, he added, “Is it going to stop me? No.”<sup>43</sup>

The U.C. Davis scale has drawn attention because of its ability to bring in diverse students using what the school describes as “race neutral” socioeconomic models. The disadvantage scale has helped turn U.C. Davis into one of the most diverse medical schools in the country — notable in a state that voted in 1996 to ban affirmative action. Quite a few other schools are also trying to replicate this model based on the experience on U.C. Davis.<sup>44</sup>

President Biden has also spoken in favor of using what he calls “adversity criterion” in admissions. He has directed the Department of Education to formulate a new standard that will take into account “the adversity a student has overcome.” Speaking to reporters at the White House, Biden said: “The kid who faced tougher challenges has demonstrated more grit, more determination, and that should be a factor that colleges should take into account in admissions.”<sup>45</sup>

These are just some sample proposals as to what progressives plan to do in the wake of the repeal of affirmative action. There are many others even more exotic plans. Daron Acemoglu, for example, proposes some hybrid form for college admissions that combines test scores and weighted lotteries.<sup>46</sup> But then who knows, lotteries may be most promising, as well as much cheaper and less controversial than many other schemes.

### *Critique of New Proposals*

The new proposals that have transpired since SCOTUS decision are essentially variations on affirmative action. Consequently, all principal criticisms that apply to affirmative action also apply to these proposals. Just as affirmative action, they also proceed from the existing conditions of inequality and through schemes weighted in favor of some disadvantaged group bring the condition of full equality. As has been argued earlier, there is just no way using discriminatory tools to produce non-discriminatory outcomes.

Just like affirmative action, these proposed solutions do not address the fundamental problem of the origin of exclusion and inequality. Examining the problem of origin is very important. Only if we know and understand the source, we can be successful in dealing with effects. Since most, if not all, of these proposals are ad hoc—a sort of a knee-jerk reaction to the repeal—they do not and cannot solve the problem of exclusion and inequality.

As has been indicated earlier and argued elsewhere,<sup>47</sup> there is a connection between exclusion, inequality, and elite rule. Exclusion is inherent in elite rule and it leads to inequality and disempowerment. Elite rule maintains these conditions because elite rule embodies the domination of hierarchies and hierarchical interactions that are the characteristic feature of elite rule. The domination of hierarchies, or rule by elites, cannot in principle achieve real inclusion and real equality—never has and never will.

Inclusion and equality go together. Inclusion is impossible without equality and equality fosters inclusion. One is not possible without the other. Equality is a universal principle. It cannot be partial or selective. It can only be universal. Anything less than universal equality is no equality. The close interrelationship and mutual dependence of equality and inclusion leads inescapably to one conclusion: if equality is and can only be universal, then inclusion and empowerment must also by necessity be universal. As has already been argued, selective inclusion is a form of exclusion.<sup>48</sup>

The critical analysis of affirmative action shows that affirmative action is selective inclusion. Therefore, its practice is a form of exclusion. That is the reason why affirmative action has not solved the problem that the framers of this policy expected to solve, or at least alleviate. Over its fifty-year history affirmative action has neither solved nor alleviated the problem of racial inequality and injustice. As an elitist policy, affirmative action has not even targeted elite rule, to say nothing about ending it. It was not designed originally to dismantle elite rule. Affirmative action relied on the continued existence of elites. Its authors have never raised elite rule as the problem, not even as a problem.

On the contrary, intentionally or not, affirmative action bolstered elite rule. The only result it has achieved is to create black elites and bring them into the ranks of liberal elites. But this inclusion has not changed anything for the great majority of black people. Today the black community continues to face the same problems that it has faced in the past, perhaps even in more acute forms.

### *Inclusion and Equality: A Theoretical Perspective*

The inadequacies of affirmative action show that it does not and cannot lead to universal inclusion and equality. Opponents of affirmative action are not the only ones who point to its flaws. There are also many proponents of affirmative action who draw attention to its limitations. Jerome Karabel who has written much in support of affirmative action notes that “affirmative action on its own, whether based on race or economic class, is far too limited a tool to realize the dream of the great civil rights movement of the 1960s for full racial equality.”<sup>49</sup> Karabel reminds us of the admonition by the Rev. Dr. Martin Luther King Jr. who has said that to produce real equality, “the



movement must address itself to the question of restructuring the whole of American society.”<sup>50</sup>

Inclusion is not a fad or a trendy word. It cannot be used merely for scoring political points. Inclusion is a practice that is essential for human survival. It is integral to the foundation upon which the existence of human civilization and our individual existence rest. Indeed, as has been argued elsewhere,<sup>51</sup> our entire universe relies on inclusion. The vital relationship between inclusion and equality shows that in order to solve the problem of equality, we have to solve the problem of inclusion. We have to understand why inclusion is universally important and what role it plays in our own life and the life of humanity.

As has been argued elsewhere,<sup>52</sup> inclusion, particularly the inclusion of differences, is essential for creating new and increasingly more powerful levels of organization. Such levels of organization offer new possibilities and new degrees of freedom; they also provide access to new resources that are necessary for our survival under the permanent conditions of finite and limited resources. We have to create new and increasingly more powerful levels of organization in order to ensure that we do not run out of resources necessary for sustaining our civilization.

New and more powerful levels of organization emerge in the course of interactions among equal agents. In such interactions agents combine their differences into novel arrangements that have not existed prior to their emergence. The result is the rise of new levels of organization that have greater power than the levels from which they have emerged. Greater power means more possibilities and more resources. The influx of new resources assures our continued survival. Humans have the capacity to create an infinite number of new and increasingly more powerful levels of organization. This capacity is our main resource that is infinite.

Social interactions play an important role in creating new levels of organization of superior power. They enhance our creative capabilities but they can do so if, and only if, they combine differences. Differences, not similarities, are the source of new possibilities. Only new combinations of differences that have not existed prior to their emergence increase our power, offer access to new resources, and, thus, make our survival possible. In order to combine differences, we have to appreciate them for their sake, i.e., we have to embrace their autonomy and their value; we have to treat them as equal to our own differences.

The creation of new and increasingly more powerful levels of organization marks the rise of hierarchies. The new and more powerful levels of organization and the levels from which they have emerged form a hierarchical structure. The relationship between levels of organization that differ in their power is essentially hierarchical.

Thus both non-hierarchical and hierarchical interactions are essential for the survival and evolution of systems, including human systems. Non-hierarchical interactions are the source of creation, while hierarchical interactions conserve and optimize what non-hierarchical interactions create. Therefore, both types of interactions are essential for the survival and evolution of systems; both are equally important and, for this reason, must be in balance. A system can survive and evolve only by balancing these two types of interactions.

The recognition of equal value of both types of interactions is very important. Only by recognizing their equality we can create a common frame in which both types of

interactions represent particular cases, i.e., cases that are true under specific conditions or assumptions. This common frame that combines and conserves their differences is capable of sustaining the essential balance between the two types of interactions. The domination of one type of interactions over the other disrupts the creation of new and more powerful levels of organization and makes evolution and survival impossible. If non-hierarchical interactions dominate, they can create but they cannot conserve and optimize their creations; and hierarchical interaction cannot create new levels of organization that are necessary for survival.

The balance between hierarchical and non-hierarchical interactions, just like any other balance, works on inclusion. It conserves both non-hierarchical and hierarchical interactions as equals. We find the balance between hierarchical and non-hierarchical interactions in all systems that exist in nature. This balance sustains our universe and, therefore, the nature of this balance is universal. The conclusion that arises from these observations is that all that is relevant to the process that sustains all systems is universal; and, consequently, all aspects of this process are also universal. Therefore, the principle of inclusion and equality that are both integral to the universal process of creation are also universal and we must recognize them as such. Selective inclusion and equality are forms of exclusion and inequality; exclusion by its very nature cannot be universal.

As has been argued earlier, affirmative action and its modifications practice selective inclusion. They can only result in inequality. Inequality is what characterizes elite rule. The elitist approach is the foundation of affirmative action and its variations. They serve only one purpose: to perpetuate elite rule and, consequently, the domination of hierarchical interactions over non-hierarchical ones. The result is stagnation and lack of progress, which is what we have observed throughout the history of affirmative action. Although it has existed for decades, affirmative action has not moved us any closer to the realization of universal equality. The demise of affirmative action is a legitimate result of its lackluster performance. It has struck an insurmountable obstacle of its own making that has eventually led to its repeal.

Despite its claims, affirmative action has not practiced inclusion of black Americans. It has merely generated the black elite. Members of this elite have become acculturated to liberal culture and values and have been included in the ranks of liberal elites. Thus affirmative action has merely sustained and conserved elite rule, or the domination of hierarchical interactions over non-hierarchical ones. For this reason, affirmative action is incapable of fostering and cultivating the creation of new forms. This failure is the main reason why it was eventually abandoned. To put it simply, affirmative action could not create anything new.

### *Including the Black Community*

Inclusion and equality are closely interrelated: inclusion of differences requires the recognition of their autonomy and equal value, and the recognition of equality of differences is the necessary condition that makes their inclusion possible. Only the creation of a common frame, or level of organization, that is sufficiently powerful to accommodate all differences as particular and equal cases, i.e. case that are true and valid under specific conditions of assumptions, makes inclusion possible.

Therefore, the inclusion of the black community must involve the recognition of its values, norms, and traditions as deserving consideration on their own terms. This condition is absolutely necessary for mutual adaptations of all included differences and the emergence of a common frame that conserves and sustains all values that it includes as particular cases. No particular set of values should be regarded as superior to others.

This article has mentioned several, but by no means all, values that are important for the black community. A genuine inclusion of the black community requires the recognition of these values. The inclusion of these values as equals into a common frame represents, first and foremost, the inclusion of these differences. Such inclusion will enrich our common American culture. The values of the black community that the article has mentioned are: 1) the importance of the role that religion and the church play in public life; 2) a strong commitment to the principle of the sanctity of life; and 3) the importance of the family and family values. Consequently, the inclusion of the black community requires locating a point of view, a perspective, that allows viewing all values, norms, and traditions—those that come from the black community and those contributed by other cultures and communities—as completely equal. Only under such conditions they all will be conserved and will retain their autonomy and equality. The rest of this section will focus on identifying the perspective that makes possible the creation of the common frame that will include all these differences as equals.

## 1. Religion and the Church

The role of the church and religion in the black community is hard to overestimate. For African Americans religion is an important source of knowledge, morality, and aesthetic sensibilities. The institution of the black church is in the very center of the life of the black community. It regulates interactions among members of the community, maintains law and order, organizes various community actions, takes care of the welfare of the community and its members, and does much, much else. Members of the black community view the social and political reality through the prism of the church doctrine. The black church is involved in organizing and overseeing most, if not all, forms of political participation of community members. Church leaders endorse candidates for political offices. Any candidate or party that seeks the support of the black community tries to gain the endorsement of the black church leaders. The church also provides moral and religious instruction and guidance; it also offers advice and support to individuals and families in distress. It is hard to imagine any sphere of life of the black community in which the church is not involved in one way or another. The church is in many ways the keeper and the custodian of the black community.

The capacity of the church to occupy a central place in the black community has its source in religion. Therefore, in the eyes of the members of the black community religion has a legitimate, important, and very visible role in public life. The significance that the black community attributes to a very public role of religion and the church stands in stark contrast to the views and policies of liberal elites with regard to the role of religion. Liberals derive their views and policies toward religion and the church from the First Amendment that establishes the separation of church and state. Their interpretation of this amendment goes way beyond the intention of the original framers. The text of the

Amendment reads as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." While it explicitly prohibits Congress to establish any state religion, the amendment specifically prohibits any restrictions on free exercise of any religion. There are no specific objections to a public role for church and religion that follow from the amendment.

In their ideological war against religion liberals have extended the meaning of the First Amendment in a way that allows them to limit and even suppress a public role for the church and religion. Following the Enlightenment tradition, liberals systematically use the power of the state to limit public discourse by excluding religion. Many members of liberal elites, including some very influential figures, see religion largely as a prejudice that stands on the path to progress. The only positive role that liberals grudgingly concede to religion is one of moral instruction that is to be performed strictly in church institutions. But even this limited role is often subject to various regulations and restrictions. In most other respects, liberal elites see religion as useless and even harmful. Any form of religious instruction or prayer is inadmissible in American public schools.

The scientific community, that plays a extremely important role in liberal culture, is particularly aggressive in attacking religion and the church. The attitude of most scientists toward religion and church is one of grudging toleration. Members of the scientific community are adamantly opposed to religion and jealously protect the domain of sciences from any infiltration of religious views and sensibilities. In general, liberal elites see the relationship between religious and secular culture as one of coexistence between two totally separate realms, or what they call non-overlapping magisteria (NOMA)--a term coined by Stephen Gould back in the 1990s.<sup>53</sup>

But make no mistake, it is a very uneasy coexistence and more often than not the tolerance is merely a sham; tolerance does not prevent the liberal establishment and the government from systematic persecution and repression of the freedom of religious expression. Take, for example, the case of Chike Uzuegbunam, a former student at Georgia Gwinnett College, who dared to share his religious convictions with his fellow students.

In July of 2016, when Chike was handing out pamphlets on campus and talking with interested students about the Gospel, college officials approached Chike and informed him that he could not engage in these activities unless he reserved a time slot in a campus "speech zone." The campus has two "speech zones" where students can exercise their First Amendment rights. However, these "zones" make up about 0.0015 percent of the campus. For comparison, if the campus were the size of a football field, the "free zones" would be the size of a sheet of notebook paper. On top of that, the "zones" are only open for student use for 10 percent of the week—just 18 hours on weekdays; and they are completely closed on weekends.

These obstacles did not stop Chike. He reserved the time and space and even received approval from college officials for what he planned to do. However, when he started sharing his views, campus police approached him, took his ID card, and told him to stop speaking because someone had complained. According to campus officers, Chike violated the speech code, which allowed the college to prevent him from speaking if someone complained. In other words, Chike was not allowed to exercise his right to free speech anywhere on campus.

Chike took his case *Uzuegbunam v. Preczewski* to court: first to the District Court of the Northern District of Georgia and then to the U.S. Court of Appeals for the Eleventh Circuit. Both courts decided against Chike. While Chike was going through the wringers, which obviously took some time, he managed to graduate and was no longer a student at Georgia Gwinnett College. When in 2019 the Eleventh District Court finally approved the decision by the district court and refused to hear the case in 2020, Chike took the case to the U.S. Supreme Court. In March of 2021—five years (!) after the initial incidents—the Supreme Court made the decision in Chike’s favor by the 8 to 1 vote. Following this decision, the college paid \$800,000 in fees and damages. The college also changed its policies but totally ignored the way in which the college officials had mistreated Chike, even though the specific actions by college officials were part of the suit. According to Alliance Defending Freedom (ADF) that assisted Chike, such practice is very common on American campuses.<sup>54</sup>

The story of Chike Uzuegbunam and many other similar stories are good illustrations of tensions and conflicts between liberal elite culture and communities, like the black community, in which religion occupies a central place. These tensions and conflicts reflect a more general problem that exists between secular and religious culture. This problem is not new. Its roots go back to the rise of Humanism and the tradition of the Enlightenment. Consequently, its solution requires bringing these two cultures together, or, in other words, combining the differences that these two cultures represent. In other words, the solution lies in inclusion; not just coexistence and tolerance of the two, but in a genuine unity that recognizes the autonomy and equal value of each; the solution lies in the creation of a common frame, or level of organization, in which neither religion nor secularism will have a dominant position.

Obviously, the creation of such new level of organization requires a perspective that can observe religion and secular outlook on equal terms and that can incorporate them as particular cases in a more general view of reality. Only such perspective can serve as the foundation for a common frame that will include both religion and secular outlook as its two specific cases. The source of such perspective can only be that which is common to both realms.

The focal point of the two major world religions that are most relevant to this discussion—Christianity and Islam—is God the Creator. God is the very principle of creation. God is Creation. The process that embodies Creation is the source of everything that exists. To know God is to understand Creation, i.e., the process of creation; and knowing the process of creation, one can understand God. Both Christianity and Islam stagger on this point. They do not consider Creation to be accessible to human understanding. Human mind, in their view, cannot comprehend God. That is why both religions rely on faith as a way of knowing God.

Relying on faith may be adequate in cases of communities of faith. But faith does not work in the secular realm that relies on logic, rational proof, and experiments, not on faith. These two different approaches—one relying on faith and another on reason—separates the two cultures and turn them into irreconcilable opponents. For modern society faith is not enough. Modern secular society relies on rational explanation and verifiable facts. Religion obviously cannot meet these requirements, but neither does modern secular knowledge explain the process of creation. Moreover, it does not even recognize it despite the abundant evidence in support of its existence.

The prioritization of either modern secular knowledge or faith cannot solve the problem of bringing these two cultures together. Only by combining the differences of both domains—that is, by, on one hand, embracing the process of creation and, on the other, providing a rational explanation of how this process works—we can bring the two domains together and solve the problem that sets them apart. In other words, the solution is in creating a common frame that will integrate both secular knowledge, on one hand, and religious knowledge, on the other. Not the rejection of religion and faith, but the rational explanation of the process of creation supported by verifiable facts can realize this goal.

Religion captures an intuition about the centrality of Creation to all that exists. Contrary to what secular thinkers often claim, religion has a firm basis in reality. We see the work of Creation throughout our universe: from particles and atoms, to molecules, life, galaxies, stars, planets, humans and human civilization. Our capacity to create radical novelties is a convincing proof of the existence of Creation and the process that makes Creation possible. Despite all its enormous achievements, modern secular knowledge is painfully missing a rational explanation of the process of creation.<sup>55</sup> It simply chooses to deny the existence of this process to its own detriment.

As has been explained in detail elsewhere, the process of creation yields to rational analysis; a rational understanding and explanation of the process of creation are possible. There is even a way to explain miracles.<sup>56</sup> Secular knowledge is human creation and, as such, it involves the process of creation. Knowledge essentially represents a one-to-one correspondence between our mental constructs and the observed reality. Our mental constructs are products of creation. They represent specific forms sustained by particular levels of mental organization. We constantly create new and increasingly more levels of mental organization.<sup>57</sup> As a result of its conservation, each level of organization gives rise to a new level of organization that is more powerful than the one from which it has emerged. A more powerful level of organization sustains new and more powerful forms, or mental constructs (ideas, theories, perspectives, approaches, etc.). Establishing one-to-one correspondences between mental constructs and the observable reality is a way to conserve these forms. These correspondences are what we commonly call knowledge. Thus we can see that the capacity to create is the source of our knowledge. Since we can create an infinite number of new and increasingly more powerful levels of mental organization, our knowledge is infinite.<sup>58</sup>

Thus one can see that a perspective that uses the process of creation is the central organizing principle makes possible to view both religious and secular knowledge as equals. The more we know about the process of creation, the more powerful is our understanding of reality that is the subject of both faith and science. Such integration will contribute to the mutual enrichment of both secular and religious realm, which will make the overall progress of human knowledge possible

Since religion is very important to the life of the black community, solving the conflict between secular knowledge and religion will help to create a frame that would include both liberal and black culture. By embracing the intuition that religion represents, our secular culture with its community of secular intellectuals and scientists will immensely enrich its capabilities and knowledge.<sup>59</sup> But the solution of this problem will also bring another huge benefit—the recognition of equality and importance of black culture and its religion. The recognition will contribute to the true inclusion of the black

community into a common frame that will be capable of including the secular and religious outlook. Such frame opens the path toward universal inclusion and empowerment in which the black community will enjoy autonomy and equality.

## 2. The sanctity of life

The sanctity of life is another important issue that separates the black community from the liberal elites. As has been mentioned earlier, the recognition of the sanctity of life is an important value that has been cultivated in the black community for generations. This value is integral to religious sensibilities of black Americans and is a very important part of their identity. This commitment separates the black community from the ideology and practice of the liberal elites. The deep religious connotation of the sanctity of life has often been the object of criticism and even ridicule in the progressive liberal discourse on abortion and sex.

The black community is and has always been consistent and staunch in its pro-life stance. Black Americans see life as a product of creation. This view reflects the belief that creation is central to the emergence of life—the intuition that recognizes that life is one of the ways in which creation manifests itself. Thus black Americans connect life with the process of creation. In this view, any violation of the principle of the sanctity of life is an offense against God and Creation.

The intuition about the sanctity of life has an important cognitive role. It captures the scientific claim that life is a product of the evolution. As has been explained elsewhere, the driving force of the evolution is the process of creation.<sup>60</sup> This process conserves life by creating new and increasingly more powerful levels of organization and thus makes the evolution of life possible. In view of the connection between life and the process of creation the imperative of the sanctity of life acquires huge importance. Going against this principle disrupts our connection to the process of creation, which poses a threat to our survival. The principle of the sanctity of life is not a subjective and arbitrary preference. It has a solid foundation in biology and the evolution. By not recognizing this principle as fundamental to human civilization, secular culture and science miss something that is extremely important for understanding reality.

The principle of the sanctity of life is integral to human morality. Morality is a product of the process of creation that works on inclusion. Inclusion is impossible without the recognition of autonomy and equality. The recognition of autonomy and equality is the foundation of morality. The acknowledgement that life in all its manifestations, including the life of the unborn, is an essential principle of human morality. The important connection between the sanctity of life and the universal process of creation indicates that pro-life morality is more fundamental to our existence than pro-choice attitudes.

The denial of the sanctity of life erodes the moral fabric of our society. It makes us indifferent to life, which disrupts our connection to the process of creation and poses a threat to our survival. The relation of the principle of the sanctity of life to the universal process of creation makes this principle universal. The pro-choice stance represents individualistic morality. Obviously individualistic morality differs from the universal morality. Since individualistic morality is not universal, it cannot contradict and oppose

principles that are part of universal morality. It is universal, not individualistic, morality that maintains our connection to the universal process of creation.

The liberal elites refuse to recognize the supreme importance of the principle of sanctity of life. They continue to insist on the primacy of the pro-choice stance, even though it negatively affects our society. The result of the rejection of the principle of the sanctity of life imposed on America by the dominant liberal ideology is the growing indifference to life and the erosion of the moral fabric in our society.

The sanctity of life is central to black culture. By their unwillingness to embrace this principle, the liberal elites in fact refuse to recognize this important aspect of black culture and identity and acknowledge its value that is equal to their own values. The rejection of this principle means a de facto denial of equality and inclusion to the black community. It also shows the superficiality of the practice of inclusion professed by the liberal elites. The inclusion that they actually offer to the black community means that by joining liberal elites, blacks should also embrace liberal values as primary and their own values as inferior and secondary.

A genuine inclusion of the black community requires a serious rethinking of the pro-choice agenda advocated by liberal elites. Such rethinking does not mean that liberals should completely abandon their views on abortion. Rather, it means that they should modify these views in a way that shows their appreciation for the sanctity of life and accommodates their own agenda to this principle.

This is not to advocate a total abolition of the abortion practice. But this is to remind that the use of abortion as a form of birth control is impermissible and destructive for our society. The problem of abortion is a complex one and defies simplistic solutions. But the recognition of the sanctity of life will be a step in the direction that leads to a real and inclusive solution. It will also be a productive way toward a genuine inclusion and empowerment of the black community.

The recognition of the sanctity of life puts sex and sexual act in a very different light; they acquire a new and profound meaning and significance, not just in the architecture of life, but as phenomena related to the existence of our entire universe. As evolutionary phenomena, sex and sexual act are, first and foremost, about the creation of life—that is, it is ultimately about the process of creation. For this reason, we should not take them lightly. Our culture should develop a respect for sex and sexual act as the source of new life. The culture that dominates our society today has no respect for sex and sexual act. It cultivates promiscuity and casual sex. It views sex as a form of entertainment and a means for individual gratification. Sex has even become a commodity that, like any other commodity, can be bought and sold.

There is nothing trivial about sexual desire. We should develop a deep appreciation for sex and sexual desire; we should approach them responsibly and with utmost care. We should teach our young about enormous responsibilities and possibilities associated with sexual act. Individual whim cannot be the ultimate criterion in matters related to sex and sexual act. We cannot solve the acute moral dilemmas related to abortion by simply providing access to contraceptives and abortion on demand, or by educating our young in safe sex. The resolution of the abortion issue requires a broad approach that will involve culture, morality, and knowledge about sexuality and procreation; it also has an important psychological dimension. This solution should involve all these components and much else that is relevant to it. The guiding light is the



respect for the process of creation and our dependence on this process for the survival of our civilization. We as individuals and a society must work for the solution of this problem.

The problem of the sanctity of life is a moral problem. The role of morality in human civilization is hard to overestimate. Moral norms sustain social cohesion. But the importance of morality goes way beyond social cohesion since morality connects us with the universal process of creation. The basis of morality is in the recognition of autonomy of all individuals and their differences. The process of creation works on differences. It combines differences and thus gives rise to new and increasingly more powerful levels of organization. Each new level of organization conserves the one from which it has emerged and is, in turn, conserved by the one to which it gives rise. Thus, the process of creation conserves all that exists and thus propels the evolution.

A failure to uphold moral norms does not only damage the moral fabric of society and leads to social instability; it also, and this is important, disrupts our connection to the universal process of creation that is the source of our civilization and that ensures its survival and evolution. The violation of the principle of the sanctity of life makes us indifferent to human life and life in general. This indifference erodes the moral fabric of our society; it disrupts our connection to the universal process of creation, thus making the survival of our civilization more problematic. Consequences of the disruption of our connection to the universal process of creation are very serious. Each incident of such disruption undermines our capacity to create that is essential for our survival and continued evolution.

The fact that the moral commitment to the sanctity of life often relies on intuition and faith does not in any way make the reasons for this connection less real or less important. The rational and conscious understanding of these reasons is certainly very important. It will strengthen this commitment by making it less dependent on the fortuitous nature of subjective belief. Such rational and conscious understanding will make our connection to the universal process of creation more stable. Indeed, the role of secular knowledge in this regard is very important. With its emphasis on reason, rational justification, and empirical verification, secular knowledge can perform a great service to our society. But the rationalization of the intuition about the sanctity of life will also be an important step in the recognition of the black community that has made the principle of the sanctity of life one of its most important and defining features. The real significance of such act is not only in that it will help to repair and restore the moral fabric of our society; it will also represent an act of the real inclusion, as opposed to a merely surrogate inclusion that is characteristic of affirmative action.

Obviously, we cannot change our attitude to sex and sexual act overnight. Such change will require fundamental transformations in our culture, our public and private life. But we must pursue such transformations for the future of our civilization. We must take the sanctity of life extremely seriously since our survival depends on it. Black culture reminds us of the importance of this principle.

As the above discussion makes clear, the recognition and the rationalization of the sanctity of life will enrich our society. We will open the path to a new and better America. The key to moving forward along this path is the embracing of the universal process of creation. The perspective based on the process of creation as its central organizing principle makes possible to see both approaches—one that is based in faith

and the other that rests on reason—as equals. It will make possible to include the differences they both represent into a common frame, which will lead to the emergence of a new and more powerful level of organization capable of generating solutions to the problem of the sanctity of life and abortion.

### 3. Family and Family Values

As has already been mentioned, family is a very important institution in the black community. Family values have played a crucial role in shaping generations of black people and sustaining the black community throughout its history. These values have been critical for the survival of the black community during the most trying periods in its history. The family has been and remains an important source of continuity and stability that creates strong social bonds that characterize the black community as a whole.

The conception of family in the black community is much broader than just the nuclear family. The term “family” covers all members of the community. The fact that blacks often use terms such as “brother” or “sister” in addressing each other is no accident. It reflects the conception of the family as the model for organizing society. The black family rests on a solid foundation of norms, rules, and principles that sustain this institution. It is in many ways a traditional institution. Much support for the family comes from religion and the church--these two pillars of the black community. The church and religion sanctify the family and family values as integral parts of the black tradition. The renunciation of the individual self for the sake of the family unit is central to this tradition.

Members of the black community see family as a matrimonial union between a man and a woman. Procreation is one of the main purposes for creating such union. Children are an important and in many ways a necessary and indispensable component of the family. They are essential for sustaining the family and the black community as a whole. Children are important for the community to have a future; they ensure that there is a future. Because children play such important role, abortions are very unpopular among black Americans. Even today, after so many years of exposure to liberal pro-choice ideology, the overwhelming majority of blacks are staunchly opposed to the liberal practice of abortion.

Even members of the liberal elites who are generally indifferent toward family values and often view them with hostility as a ruse used by conservatives, recognize the importance of family in the black community. In his famous speech at Howard University Lyndon Johnson lamented the decline of the black family and the damage this decline caused to the black community.<sup>61</sup> Yet, despite this recognition, the elite culture that dominates American society is promoting, and has been promoting for quite some time, values and practices that are at odds with the black tradition, the black family, and family values. Liberal policies are not conducive to the survival of the black family and, in fact, undermine it as an institution.

As has been indicated earlier, Johnson attributed the decline of the black family primarily to the poverty widespread among the black population. Johnson’s analysis of the reasons for the decline is extremely biased to the point of being wrong. While poverty is indeed rampant among American blacks, and it certainly contributes to the

plight of the black family, it is not the only or even the most important factor in the decline of the family. After centuries of slavery, poverty, and oppression, the institution of the black family emerged strong after the abolition. The decline started some years later. Johnson's political biases blindside him to the fact that the plight of the black family is to a large degree due to the liberal ideology and practice that emphasized individualism and individual gratification, as opposed to the imperative of self-renunciation for the sake of the family that has traditionally been preached and practiced by the black community.

The liberal ideology and practice with their emphasis on individualism and self-gratification are opposed and hostile toward the views on the family and family values held by members of the black community. As a result, liberal policies have not been conducive to strengthening black families. The anti-religious stance of the liberal elites has also contributed to the weakening of the influence of religion and the church, both of which have had an important role in sustaining the family values. The aggressive promotion of gender non-conformism and non-traditional sexual behaviors by the liberal elites has also had a negative impact on the black family.

The LGBTQ agenda that is promoted by the liberal establishment is a good illustration of how antithetical liberal policies are to vital life interests of the black community. For over five decades, if not longer, the so-called sexual liberation and gender politics have been central to liberal ideology and politics. The liberal establishment has consistently supported, defended, and popularized alternative lifestyles and unorthodox sexual practices; they have also promoted new approaches toward gender, including transgender practices. This aggressive pursuit of the LGBTQ agenda is a full-scale war in which the liberals are pulling all stops. They are pushing legislative initiatives, organize marches and demonstrations, introduce pride months, and are doing much, much else to promote LGBTQ goals. Nothing is off-limits. No sphere of American life is immune to interventions in the interests of the liberal LGBTQ agenda. Even schools have become a ground for fierce gender battles. Efforts to reeducate American youth, some as young as six or seven, are particularly divisive and controversial. They cause much confusion and disorientation among the most vulnerable members of our society—America's youth.

Most students in American schools come from heterosexual families. Their exposure to unconventional views on sex and sexual practices in school programs create tensions and even conflicts between children and parents, which contributes to the destabilization of families and American society as a whole. The effect is particularly detrimental among black families where parents tend to hold views on gender and sexuality that are even more traditional than those in other racial groups.

The LGBTQ movement has little interest in promoting family as an institution. Members of the LGBTQ community certainly create families. However, this practice is not very common; it is certainly not a priority for the movement as a whole. Also, matrimonial unions formed by members of the LGBTQ community are not procreative. They may of course adopt children. However, in matters of adoption they are not independent and rely of heterosexual couples, i.e., on traditional sexual practices. The members of the LGBTQ community who describe themselves as queer or transgender are even less likely to contribute to the strengthening and the evolution of family. Pushing gender and transgender ideology and practice on American society and its youth creates

more problems than it offers solutions. The promotion of norms and practices cultivated in the LGBTQ community results in confusion, tensions and conflicts on all levels, but particularly among the young who may face serious problems in their adult years due to their exposure to the LGBTQ ideology and practice. Thus, the LGBTQ agenda is not conducive to strengthening family as an institution, black families included.

Recently, the liberal establishment has been aggressively pursuing the campaign in support of the rights of the members of the LGBTQ community. They promote these rights as part of the universal human rights. Promoting the LGBTQ rights in this way gives them a special status as absolute and universal. The implication of this approach is that the LGBTQ rights are to be enforced unconditionally, with no exceptions or reservations, in all spheres of American, and not only American, life.

There is no justification for such categorization other than the liberal bias. As has been argued elsewhere,<sup>62</sup> human rights pertain to human nature. It is what makes us all humans and what we all share, regardless of race, gender, sexual orientation, and the like. The human race is a product of the evolution that is propelled by the universal process of creation. The process of creation is the main reason that has led to the rise of humanity. We have inherited the capacity to create an infinite number of new and increasing more powerful levels of mental organization in the course of the evolution. We use this process to sustain our civilization and our progress. All humans without exception have this capacity. Our nature is not about race, gender, specific and subjective biases or preferences, sexual orientation, etc. It is primarily about our capacity to create. This capacity ensures our survival and evolution.

Non-orthodox sexuality and gender dissent do not represent new levels of organization. They are mere inversions of conventional sexual practices and gender norms. They operate on the same level of organization that sustains conventional sexual norms and behavior. Inversions are not autonomous; they rely on conventions for their existence. For this reason, the rights associated with non-traditional sexuality, alternative lifestyles, and gender non-conformism are not universal and absolute.

This is not to say that the rights of sexual minorities and gender non-conformists are not legitimate or important. Various forms of self-expression and the rights associated with them, including the LGBTQ rights, are important and legitimate; as such, they should be protected. However, these rights cannot possibly have the status of absolute and universal. Including LGBTQ rights in the category of human rights puts them into a privileged position vis-à-vis other non-fundamental rights. Like other non-fundamental rights that are not derived from the unique and universal human nature. Like other non-fundamental rights, they are negotiable and subject to legitimate restrictions and limitations. They should have no more protection than, say, the right to free expression, the right to hold assembly or to stage a demonstration. These latter rights are subject to regulation and restriction, depending on circumstances and conditions.

Heterosexuality is different from alternative sexual practices. Heterosexuality is a product of the biological evolution that made it the dominant form of sexuality in nature. There is a reason why the biological evolution followed this direction and made sexual reproduction the dominant form of reproduction in the life world. Its emergence involved the creation of a new level of organization that was more powerful than the one from which it emerged—the asexual reproduction. The sexual reproduction is more efficient

than the asexual one. The emergence of this new level of organization sustained life and its further evolution. Heterosexuality represents this new level of organization. Its emergence is a product of the emergence of a new level of organization that is more powerful than the one from which it has emerged. It is directly related to the process of creation that conserves life and propels life's evolution.<sup>63</sup> This form of sexuality is fundamental in a way in which other forms are not.

Unconventional sexual behaviors and practices are derivatives of heterosexuality. They are simple inversions, or negations, of heterosexuality. As derivatives and mere inversions, they do not represent a new and more powerful level of organization. The same level of organization that sustains sexual reproduction also sustains these inversions. Without heterosexuality, this level of organization simply will not exist. We cannot say the same about inversions. They are not essential forms for this level of organization; it will exist even without them. As inversions and negations of conventional forms they create a fertile ground for confusion, tensions, and paradoxes that generate chaos, conflicts, and instability. We witness these conflicts in today's world. They are generated by nothing more than the attempts to attribute to the LGBTQ rights the status of absolute and universal—in other words, the status of human rights.

This is not to argue that we should suppress the LGBTQ ideology and practices. This is to argue, however, for their limited and very cautious application. We have to make sure that the exercising of these rights does not erode fundamental norms and practices, including practices that sustain such fundamental institutions as the traditional family.

The experience of having a family and children plays a very important role in our individual cognitive development. The family union is one of the closest forms of relationship between two human individuals. It involves both biology and social relations. Children add another extremely important aspect to this relationship. Thus family creates some of the strongest possible social ties among humans. As all other forms of interaction, interactions among family members allow them to combine their differences—not just ordinary differences that all human individuals possess, but also biological differences. Such combinations make possible to create new and more powerful levels of organization, thus strengthening social ties among family members. With the birth of children, these ties become even stronger. The possibilities offered by alternative sexuality and gender dissent are much more limited.

By pursuing aggressively the LGBTQ agenda in a manner that knows no limitations or boundaries, the policies of liberal elites erode family as a social unit, increase tensions in our society, and generate conflicts. They have particularly egregious effects on black families and family values. The liberal ideology and practice in matters of sexuality and gender totally disregard the traditions of the black community. They are at odds with the strong commitment to family and family values that exist among American blacks. The liberal establishment neither rejects nor endorses black family values; it simply ignores them. Such practice amounts to the exclusion of the tradition that sustains the black community.

Despite all efforts by the liberal elites to promote the LGBTQ agenda, the black community has been largely unresponsive, if not hostile, to these liberal infringements. An overwhelming majority of blacks find the liberal agenda on sexuality and gender unacceptable. Indeed much of this opposition has roots in faith and tradition, but it is not

all about religion and tradition. Many blacks see the corrosive influence that these policies have on their institutions, beliefs, and on their community in general

The aggressive promotion of the LGBTQ agenda assaults the black family, the black family values, and the black community. By and large black Americans embrace heterosexual practices. They recognize the importance of such practices, and particularly procreative sex, for strengthening their families and community. They associate the family and procreative sex with the creation of new life that they regard as sacred. Alternative sexual practices and gender ideology have little to do with the creation of new life and family. This fact is the main reason why members of the black community resist them.

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To conclude, this entire section shows that liberal policies ignore and disregard the important traditions and values that sustain the black community. The liberal model of inclusion is very self-serving; it strengthens the rule of liberal elites, not the black community. The inclusion liberal style leaves little choice for American blacks: they must abandon their values and traditions and embrace the liberal outlook that is very different from what they believe and cherish. Such “inclusion” is merely a refined and disguised way of exclusion.

This section discusses three important parameters of black culture that define the black community. They are religion and the church, the principle of the sanctity of life, and the black family and family values. The liberals have failed to recognize these important features as having a value equal to that of liberal values. Without such recognition, the liberal “inclusion” of American blacks simply cannot and will not work.

The genuine inclusion of black and liberal culture requires a perspective that would be capable of viewing both cultures as equals. As this section has argued, the perspective that uses the process of creation as its main organizing principle can offer such possibility. Due to the fact that the process of creation is universal, it is equally relevant to both cultures. Such perspective will provide the foundation for a common frame that will include both liberal and black culture as equal and specific cases.

## **Conclusion**

The avowed goal of affirmative action is to overcome the exclusion of black Americans that has been and still is the source of their discrimination and inequality. As this article has shown, affirmative action has not achieved this goal; moreover, in many respects, race relations in this country are no better today, if not worse, than they were decades ago. This article argues that affirmative action is not capable of creating an equal and just society; it never will be. The practice of affirmative action involves selective, not universal, inclusion; and selective inclusion is a form of exclusion. Thus, despite the claims made by the proponents of affirmative action, this policy has never been about inclusion. The “inclusion” it offers is merely a surrogate of inclusion. All such “inclusion” does is to create black elites. The price that newly minted black leaders pay for such “inclusion” is that they adopt liberal values. Their role is to promote liberal

ideology and practice in the black community. They are the fifth column that contributes to the destruction of the black community, its traditions and institutions.

Contrary to what the proponents of affirmative action have been arguing, the repeal of affirmative action by SCOTUS is not the result of a malicious intent motivated by opposition to inclusion and equality for the blacks. The repeal of affirmative action is a product of much thinking and intense discussions and debates. Those who initiated the process that led to SCOTUS decision do not argue from the position of exclusion, racism, and racial discrimination; neither they are dupes who act as “useful idiots” in the service of conservatives and reactionaries. On the contrary, they have argued and continue to argue for inclusion and integration that are much broader than the type of inclusion that liberals advocate; their arguments are cogent and rest on a sound foundation.

There are several reasons for rejecting affirmative action. One important reason is a singular lack of success of this policy in advancing toward its professed goal—to put an end to racial tensions and conflicts. The history of affirmative action is uneven and spotted. Decades of affirmative action policies have not led to a decline of racial tensions and conflicts. On the contrary, we witness today a dramatic deterioration of race relations in America.

However, this outcome is not the only, and not even the most important reason for rejecting the theory and practice of affirmative action. As this article has argued, this policy is ill conceived. It is exclusive and divisive. Despite its claims to the contrary, this policy is elitist; it has been conceived by elites and for the benefit of elite rule. Intentionally or not, affirmative action has misled the people of color by conjuring up an illusion that it actually works against exclusion. The source of exclusion is elite rule. Affirmative action has never raised the issue of elite rule. Its true goal has never been to end elite rule as the source of disempowerment of the black people. Intentionally or not, the real goal of affirmative action has always been to strengthen elite role and increase its domination in America. Indeed, the only real result that affirmative action has achieved has been the emergence of black elite. More representatives of black elite have joined the ranks of liberal elites and achieved prominence. However, this change has had little effect on the fate of ordinary black Americans and the black community as a whole. It has not solved the problem of exclusion, discrimination, and racism.

The repeal of affirmative action is not the exclusive doing of six justices who voted for it, as liberal activists and politicians claim. The support of this decision is much wider than just a few justices. According to national polls, more than 70% of Americans support SCOTUS decision.<sup>64</sup> When progressive zealots make threats against these justices, when they stage demonstrations to protest their action, they actually threaten and attack all those millions of Americans of all races, all walks of life and population strata who support this decision. These millions do not want to see America as a divided society based on exclusion and domination. They reject affirmative action in the name of inclusion and equality that are sacred principles proclaimed in the foundational documents of this nation—the Declaration of Independence and the American Constitution.

The rejection of affirmative action does not put an end to the search for inclusion and equality in America. On the contrary, it has reopened this search that has been stalled by affirmative action; it invites and supports new ideas and solutions that may move us closer to our cherished goal. The purpose of this article is to make a

contribution to this search and to help solve the problem of racism, discrimination, and inequality—the solution that will bring equality and empowerment to all races and other underprivileged groups. An important part of the solution outlined in this article is the creation of a frame, or level of organization, that will be powerful enough to include all differences as particular cases. It has argued that such universal inclusion requires a perspective that uses the universal process of creation as its main organizing principle. This process is common to all human creations and can serve as the foundation for such broad and inclusive frame. As this article has shown, this approach can certainly work for the inclusion of the three defining features of the black community and culture—the role of religion and the church, the principle of the sanctity of life, and the black family and family values.

With the experience that Americans have gained over the last several decades, they want more viable proposals and real solutions. Following the decision by SCOTUS, the elites are now rushing in with their new proposals. Yet, as this article shows, these proposals are merely variations on the same fundamental approach that is embodied in affirmative action. They all without exception represent the same elitist approach that is characteristic for affirmative action. The only way to end exclusion and domination in America is to put an end to their very source—elitism and elite rule. The only real solution of the problem of inequality is true democracy based on universal inclusion and empowerment. That is why the repeal of affirmative action is a good thing.



## ENDNOTES

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- <sup>3</sup> Darren Walker, “Repeal of Affirmative Action Is Only the Beginning,” *The New York Times*, June 30, 2023, <https://www.nytimes.com/2023/06/30/opinion/affirmative-action-supreme-court-repeal.html>.
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- <sup>7</sup> See “Declaration of Independence,” *America’s Founding Documents*, <https://www.archives.gov/founding-docs/declaration-transcript>
- <sup>8</sup> “Biden Blasts Affirmative Action Ruling: ‘This Is Not A Normal Court,’” *The Messenger*, June 29, 2023. <https://themessenger.com/politics/biden-blasts-affirmative-action-ruling-this-is-not-a-normal-court>.
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