
"REVERSE DISCRIMINATION" AND "THE RAPE OF PROGRESS"--
NEO-CONSERVATIVES ON AFFIRMATIVE ACTION AND NUCLEAR POWER

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The intellectuals who have become known as "neo-conservatives" take very clear, strong, and outspoken stands on both affirmative action and nuclear power. They adamantly oppose affirmative action as "reverse discrimination" and bureaucratic tyranny. They just as adamantly support the continued use of nuclear power and condemn the anti-nuclear movement for its "rape of progress." Both these stands are based on the "facts," as neo-conservatives see them; but their analysis and organization of the facts are embedded within certain characteristic assumptions and concerns. Before examining the neo-conservative positions on affirmative action and nuclear power, therefore, let us look at neo-conservatism itself.

NEO-CONSERVATISM

Ambiguities of Definition

The term "neo-conservative" is problematic in three ways. First, it is not a term used by a group of intellectuals to describe their beliefs; instead it has been employed primarily by their adversaries and by outside observers. As early as 1973, the left-liberal journal Dissent took aim at "neo-conservatism" and the "new conservatives." The terms were taken up in 1977 and 1978 by the national news weeklies in the wake of a growing conservative drift in American politics; and in 1979, the "neo-conservatives" were the subjects of a book-length critique by Peter Steinfels, executive editor of Commonweal. Many of the intellectuals called "neo-conservatives" reject the label (though the man known as the "Godfather" of neo-conservatism, Irving Kristol, openly accepts it).¹

¹Dissent, 20(4), Fall, 1973. "Why the Shift to Conservatism," U.S. News and World Report 84:24-25, January 23, 1978; "Is America Turning Right," Newsweek 90: 34-44, November 7, 1977. Peter Steinfels, The Neoconservatives (New York: Simon and Schuster, 1979). The characterization of Kristol as the

Second, the term "conservative" is inherently ambiguous, since conservatism in the contemporary world embraces contradictory philosophical and political positions. The label "conservative" was first used in the early 19th century to describe the intellectual reaction to the Enlightenment and to the rise of modern industrial society. Conservatives of this kind rejected the rationalism and individualism of the Enlightenment as well as the major features of the emerging modern world--the market, the nation-state, the factory system, representative democracy, secularism. In response to the Enlightenment/liberal image of society as a mere association of self-interested individuals, conservatives offered a notion of society as community--as an unplanned, organic web of traditions, customs, and social ties which embraced and shaped the individual. In opposition to the emerging world of Western capitalism, they offered "feudalism" or the "Old Regime," as they conceived it, as the model for society.

As the "Old Regime" became merely a memory in much of Europe and capitalism became an established fact, the label "conservative" virtually reversed its meaning: It began to refer to persons who championed the very modern world and the very rationalism and individualism that the original conservatives so vehemently rejected. Politically, support of laissez-faire capitalism and opposition to anything that smacked of collectivism became "conservative." Philosophically, the image of society as simply a sum total of pre-formed individuals, once called "liberal," became known as "conservative."

1 (cont.) "Godfather" of neo-conservatism is found in "Neo-conservatism: An Idea Whose Time is Now," Esquire 91: 23-42, February 13, 1979. Other illuminating articles are James A. Nuechterlein, "Neo-conservatism and its Critics," Virginia Quarterly Review 53(4): 607-625, 1977; Nuechterlein, "New Political Thinkers," Commentary 68(4): 74-79, October, 1979; Isidore Silver, "What Flows from Neo-conservatism," The Nation 225: 44-51, July 9, 1977; David Vogel, "Business's 'New Class' Struggle," The Nation 229: 609+, December 15, 1979.

Contemporary conservatism has largely been an effort to synthesize these two very different kinds of thought. It has sought to root itself in both an image of society as traditional community and an image of society as a market. It is thus inherently contradictory and confused. (This is not to say that contemporary conservatism has cornered the market in either contradiction or confusion, but merely that its thinking is characterized by certain distinctive ambiguities.) To call a contemporary thinker or idea "conservative" thus denotes not so much a coherent philosophical or political stance as a distinctive kind of intellectual confusion.²

The third problem with the term "neo-conservative" lies in the prefix "neo." Its placement before "conservative" implies either new persons or new ideas. In the first sense, "neo" suggests that persons who were once something else (liberals, socialists, etc.) have recently changed their outlook and become conservatives. In fact, however most of the thinkers called "neo-conservatives" simply have not changed their beliefs all that much in the last decade. Some were never anything but conservatives; others left their progressive beliefs long ago. In the second sense, "neo" implies that the beliefs being espoused somehow constitute a new kind of conservative thought. There is some truth here: The ideas of neo-conservatives do differ from those of rock-ribbed Republicanism, laissez-faire economics, or right-wing extremism. They are distinctive. The question is: Is neo-conservatism really enough of a new departure in conservative thinking to deserve a special label? The use of

²For the emergence of conservatism as a response to the French and Industrial Revolutions and to the Enlightenment, see Karl Mannheim, "Conservative Thought," pp. 74-164 in Essays on Sociology and Social Psychology (New York: Oxford, 1953); Raymond Williams, Culture and Society (New York: Harper and Row, 1958); Robert Nisbet, The Sociological Tradition (New York: Basic Books, 1966). The tortuous quality of contemporary conservatism has been noted numerous times: See Steinfelds; Samuel Hux, "The Debris of Ideas," Dissent, Spring, 1979, pp. 164-168; Sheldon Wolin, "The New Conservatives," New York Review of Books 23(1), February 5, 1976.

the special label begs the question.

"Neo-conservative," in short, is a term fraught with ambiguity, question-begging, and more than a touch of polemic. At the same time, however, the term has a certain currency, and there is no better one at hand. More importantly, it does denote something very real. If we do not worry about what the label "neo-conservative" means, it can be useful to designate a distinct group of intellectuals. We could just as easily call them "horses" or "group X."

Who are the Neo-conservatives?

The term "neo-conservative" can be employed in a reasonably consistent, accurate way to designate the following: (1) a set of interrelated journals, think-tanks, and organizations, (2) the intellectuals attached to these, (3) the shared sentiments that bind them together, and ultimately (4) one side of a very real split in the intellectual world.

The journals include The Public Interest, founded in 1965 by Daniel Bell and Irving Kristol (the latter a former editor of Encounter and Commentary) and currently edited by Kristol and Nathan Glazer; Commentary, published by the American Jewish Committee and edited by Norman Podhoretz; and Public Opinion, published by the American Enterprise Institute and edited by Seymour Martin Lipset and Ben Wattenberg. The think tanks include the Hoover Institution at Stanford University and the American Enterprise Institute (AEI) in Washington, D.C. Among the organizations are the Coalition for a Democratic Majority, which began as an anti-McGovern group in the Democratic Party, and its offshoot, the Committee on the Present Danger (CPD), the major and most effective proponent of a return to a "hard-line" foreign policy. Commentary is often regarded as a major mouthpiece for the CPD.³

³ See Steinfels for a detailed anatomy of the neo-conservative world. On the CPD, see Alan Wolfe and Jerry Sanders, "Resurgent Cold War Ideology: The Case of the Committee on the Present Danger," pp. 41-75 in Richard R. Fagen (ed.), Capitalism and the State in U.S.-Latin America Relations (Stanford, 1979)

There is considerable overlap of personnel among all these institutions. Indeed, the persons who have been identified most prominently as neo-conservatives are precisely those whose names recur most often in these journals, think tanks, and organizations. In a 1980 article, for example, Irving Kristol identified himself and the following persons as those most often called neo-conservatives: Glazer, Podhoretz, Lipset, Daniel Patrick Moynihan, Samuel Huntington, James Q. Wilson, Edward Banfield, Robert Nisbet, Roger Starr, and Aaron Wildavsky.

Kristol, Glazer, Starr, Wilson, and Moynihan (along with Daniel Bell) are all either editors or members of the publication committee of The Public Interest. Kristol, Glazer, Moynihan, Bell, Huntington, Lipset, Wildavsky, Nisbet, and Wilson all contributed to that journal's Fall, 1975 Bicentennial issue. Kristol, Nisbet, Wildavsky, and Glazer all provided articles for the Hoover Institution's recent volume, The Third Century, which was edited by Lipset. Kristol and Lipset are both on the editorial board of Public Opinion, while Nisbet and Wilson are members of AEI's Council of Academic Advisers. Podhoretz is a major figure in CPD.

This naming of names is not meant to be exhaustive; it merely illustrates that the term "neo-conservative" can be used to refer to a distinct cluster of intellectuals.

The neo-conservatives may not agree on every issue; on the most general level they often start from very different philosophical assumptions and images of society; and they may not regard each other as members of a distinct group. What they do share, however, is a feeling that they are pursuing a common goal and fighting common enemies. The enemies are identified in various ways-- the New Left, the counterculture, the New Class, the adversary culture.

In effect, neo-conservatives occupy one side of a sharp split in the intellectual world, and their perceived enemies the other side. This split has probably existed at least since the days of McCarthyism, but it was given new life and content by the anti-war movement and the counterculture. Neo-conservatism is a reaction to the political and cultural radicalism of the 1960s, whose handiwork neo-conservatives still see everywhere--in a pacifist foreign policy, the decay of family and religion, a pervasive distrust of capitalism, and above all, the adversary orientation of the intellectual world.

The ultimate value of the term "neo-conservative" is that it calls attention to this split in the intellectual world. Spend some time reading the New York Review of Books or any other left-liberal publication, then turn to Commentary. Or go in the opposite direction, if you prefer. What for one side is day, for the other side is night. What the one praises; the other buries in obloquy and sarcasm. Everything that one side takes for granted, the other side rejects. There are indeed two very different and opposed intellectual worlds--whatever we choose to call them.

What Neo-conservatives Believe

Neo-conservatives tend to agree on certain general issues and themes.⁴

(1) There is guarded support for capitalism and the market--not the Milton Friedman enthusiasm, but a measured judgment that capitalism is the best of existing alternatives. "The last, best hope of humanity at this time," says Kristol, "is an intellectually and morally reinvigorated liberal capitalism."

⁴The following discussion draws on Steinfels; Nuechterlein, 1977 and 1979; and Kristol, "The Real Neo-conservatism," San Francisco Chronicle, March 1, 1980.

2. Economic growth is regarded as the sine qua non for all that is good and distinctive in American society--individual freedom, social mobility, political democracy, and lack of major social conflict.

3. Neo-conservatives are opposed to big government. Although they believe that the state should maintain a minimum of social welfare and elevate public morals, they argue that government in American society has overextended itself and needs to be cut back. In general, their view of politics is rigorously anti-utopian and anti-rationalist: They see the proper activity of government as tending the status quo, not attempting to create a perfect society from an abstract blueprint.

4. Neo-conservatives support a hard-line foreign policy focused on the Soviet threat and a greater defense effort.

5. They favor family, religion, the work ethic, and "traditional values."

6. They oppose what they see as a cultural drift to hedonism and an emphasis on self-realization--the "counterculture" and the "me generation."

7. Neo-conservatives support equal opportunity, but oppose equality of results, as a social goal. The pursuit of equality of results, they argue, requires massive government action and ultimately leads to the undermining of liberty and meritocracy.

8. The United States, neo-conservatives believe, is undergoing a crisis of authority, in which established institutions (capitalism, family, church, political parties, universities, etc.) are losing their legitimacy and autonomy and in which much of what they value is being undermined.

9. Neo-conservatives blame this crisis of authority in virtually all its dimensions on intellectuals and the "New Class" of college-educated professionals and white-collar workers trained by intellectuals. Intellectuals, it is argued,

have always had an "adversary culture" critical of modern society, and they have taught this culture to the growing New Class. This class has thus developed a bias against American society, and through its control of the media and the universities has made the adversary culture dominant. At the same time, this New Class has pushed an ever growing role for government as a way of advancing its own interests against those of established elites. It has come to dominate American society.

The intellectuals, the New Class, and the adversary culture are the enemies against which the neo-conservatives see themselves as doing battle. The belief that this New Class now dominates American society accounts for the characteristic tone of new-conservative writing--a sense of an adversary stance against an entrenched foe. What effect the recent Republican electoral victories will have on this self-image and tone remains to be seen.

Studying Neo-conservative Positions

Having discussed who the neo-conservatives are and what they believe, we can turn to their analysis of affirmative action and nuclear energy. In surveying their discussion of these issues, we should keep these three questions in mind: First, what specific stand is taken on each issue and what specific arguments are used to support this stand? Second, to what extent are the stand and the supporting arguments framed by a coherent set of general neo-conservative themes? In other words, how "ideological" are the neo-conservative stands? Third, to what extent are the neo-conservative positions expressed in highly compacted phrases or figures of speech? That is, how "poetic" are their stands?

To get a representative sampling of new-conservative thinking on affirmative action and nuclear energy, I read every article on the topics (and relevant letters to the editors) since 1975 in Commentary, the Public Interest, Public Opinion (begun

three have been identified as neo-conservative journals. The last is the publication of the Heritage Foundation, a New Right think tank founded by Paul Weyrich with Coors money. In its pages, one finds neo-conservative and New Right writers side by side. Its Spring, 1980 issue, for example, contained articles on affirmative action by an assistant editor of Public Opinion and by a national fellow at the Hoover Institution as well as by New Right Senator Orrin Hatch.

In addition to these articles, I also examined Nathan Glazer's classic study, Affirmative Discrimination (1975), which examines preferential hiring, busing, and integrated housing. I found no comparable book by a major neo-conservative author on nuclear power.⁵

REVERSE DISCRIMINATION

Neo-conservatives vehemently oppose affirmative action, as they conceive it. Nathan Glazer's summary of his own arguments in Affirmative Discrimination adequately captures most of the neo-conservative case.

I have described the development of affirmative action into requirements for even statistical distribution in employment and education and the threat of such a development in housing. Many assert that this development is essential if the promise of real freedom and equality for Blacks and other American minority groups is to be fulfilled. I have argued in each case that equal opportunity, not even statistical distribution, is the proper objective of public policy. That argument can be made on constitutional grounds...It can be made on pragmatic grounds, for Blacks made real and substantial and permanent advances while equal opportunity, supplemented by affirmative action for equal opportunity, was still the main thrust of public policy. And that argument can also be made on political grounds: that equal opportunity represents the broadest consensus possible in a multiethnic and yet highly integrated society, and that this consensus would be broken if requirements for statistical representation were to become a permanent part of American law and public policy. (1975: 168-169)

⁵ See the Appendix for a full list of articles on affirmative action and nuclear power.

What is "Affirmative Action"?

The neo-conservative argument is rooted in a distinctive set of assumptions about what current U.S. civil rights policy is: Their assessment about what ought to be (or ought not to be) is based on a specific conception of what is. This conception is one that liberals or radicals would hardly share.

Consider the pivotal phrase from the just cited passage: "...equal opportunity, not even statistical distribution, is the proper objective of public policy." Hidden in this prescriptive statement are three crucial assumptions of fact: (1) Equality of results (even statistical representation) and equal opportunity are different, even antithetical, societal goals. (2) U.S. civil rights policy as now constituted seeks to establish equality, not equal opportunity. (3) Affirmative action means the enactment of quotas overt or covert in hiring and admissions to reach that goal.

More precisely, neo-conservatives believe that in the early 1970s, government policy moved from the simple effort to eradicate discrimination in hiring and admissions (i.e., to insure equal opportunity) to the pursuit of outright equality (statistically proportional representation of minorities in jobs and schools). To be sure, there was no official change in policy, no new laws or executive orders, no innovative court decisions (prior to Bakke). What happened instead was a change in the meaning of certain basic terms in the regulations of federal civil rights agencies.

(1) Unequal statistical representation of a minority group on a job or in educational programs was taken as proof of prior discrimination against that group by the employer or the educator. The burden was then placed on the latter to demonstrate a lack of prior discrimination. Because this is difficult to do, what happened was that discrimination (unequal opportunity) was effectively

redefined as lack of statistical parity (inequality).

(2) "Affirmative action" originally meant making a special effort to recruit and train individuals from previously excluded groups. (The term first appears in President Johnson's Executive Order 11246, where it is required only of employers holding federal contracts.) Proof that an employer or educator was doing this effectively, however, became whether or not certain hiring or admissions goals were filled. As a result, affirmative came to mean that a set proportion of jobs and admissions went to minorities.

(3) All requirements for employment, including educational certification and test scores, were assumed to be discriminatory if they led to the less than proportional hiring or admission of minorities. The burden of proof again lay with the employer. In practice, it takes considerable effort to validate a test or credential requirement, and thus the pressure was simply to drop them if they were challenged.

(4) Establishing hiring or admissions quotas has become the only realistic way for employers or schools to guarantee that they will not be charged with discrimination.

The Neo-conservative Critique

The neo-conservative case against affirmative action emerges from this notion of what the current state of affairs is. Affirmative action is said to be illogical, immoral, illegal, unnecessary and counterproductive, extremely unpopular, and conducive to governmental tyranny. Let us look at each of these arguments.

(1) Illogical. The transformation of discrimination into unequal statistical representation, of equal opportunity into equality, and of affirmative action into quotas is simply a sneaky process of word politics: Words with one meaning are surreptitiously given another, quite different meaning, while

keeping their original positive political connotations. The changes, however, do not make sense. Inequality is not synonymous with discrimination.

Discrimination, in fact, is not the cause of all statistical underrepresentation of minorities in hiring and admissions. Preferential hiring/admissions therefore are not appropriate for remedying all cases of statistical underrepresentation. As Thomas Sowell puts it, the notion "that the statistical 'representation' of a group--in jobs, schools, etc.--shows and measures discrimination" is "today's grand fallacy about race and ethnicity" and the "noble lie of our time." (1978: 39) Sowell thus draws an analogy between the notion that statistical underrepresentation implies discrimination and such past "grand fallacies" as the idea that Blacks are biologically inferior.

(2) Immoral. The use of quotas to insure proportional representation is immoral: It violates the basic American values of individualism and meritocracy--the right to be treated by the law as an individual (not as the member of a group) and the right to be evaluated for jobs and school admissions on one's merits. In so doing, it also undermines what Glazer (1975) calls the "American ethnic consensus." This consensus, which came into its own only in the mid-1960s, stresses that there ought to be no legal or political recognition of race/ethnicity, that persons have the right to be judged as individuals, and that individuals nevertheless are free to identify with and maintain distinct ethnic cultures.

The immorality of affirmative action is the very guts of the neo-conservative case and thus elicits the most pungent, pithy, and powerful language. Affirmative action is characterized as "affirmative discrimination," (Glazer, 1975) "reverse discrimination," (Adelson, 1978) and "reverse Nurembergism" or "benign Nuremberg laws." (Glazer, 1978) Each of these phrases draws an implicit analogy between affirmative action and some highly repugnant instance of racism. Or consider

the following:

But what cannot be, and should not be, countenanced is thinking in blood. (Bennett and Eastland, 1978: 34)

The villain--here [the Weber case], in Bakke, wherever it raises its head--is preference by race. (Cohen, 1979a: 52)

The sacrifice of fundamental individual rights cannot be justified by the desire to advance the well-being of any ethnic group. (Cohen, 1979a: 44)

(3) Illegal. The law faithfully upholds basic American values: No statute requires either proportional statistical representation or the use of quotas. Indeed both the Fourteenth Amendment and the 1964 Civil Rights Act explicitly forbid discrimination by race under any circumstances. The Civil Rights Act specifies preferential treatment by race only when a specific employer or educator is guilty of prior discrimination and then only for those individuals who were the actual victims and only when no other remedy is available. President Johnson's Executive Order 11246 requires employers holding federal contracts to engage in affirmative action, but only to the extent of actively seeking out qualified minority candidates. It is clearly unlawful to give a racial group as a whole a general preference because of widespread past discrimination: "Injuries are suffered in fact, claims made and burdens carried, by individual persons." (Cohen, 1979a: 44) The emergence of equal statistical representation and quotas is the work of neither the Congress nor the Courts, but of bureaucratic agencies like the Equal Employment Opportunities Commission. (As we shall see, the Bakke and Weber decisions require neo-conservatives to modify their legal argument.)

(4) Unproductive and Unnecessary. Affirmative action, neo-conservatives add, is neither necessary nor useful in promoting minority advancement. Blacks have made considerable progress without it. It does not really help Blacks very much: It does nothing for the poor Blacks who need help most; and it adds little to overall Black employment, since it mainly moves individuals

up a notch from a lesser job or school to a better one. Affirmative action, moreover, may be positively harmful to Blacks: It places the stigma of unearned privilege on all Black achievement; and it tends to elevate individuals who would have done well at one level to a job or school where they are likely to fail.

(5) Unpopular. Affirmative action programs, neo-conservatives argue, are so overwhelmingly unpopular with the majority of Americans that they threaten major social conflict. Sowell warns against letting "emotionally combustible materials accumulate from ill-conceived social experiments." (1978: 43) Overwhelming White rejection of affirmative action, however, does not imply racism. In fact, "affirmative action can be viewed as a subject not concerned with race." (Sackett, 1980: 22) White attitudes toward minorities are generally positive, and they approve of anti-discrimination laws, compensatory training, and even a modicum of special consideration. What they reject is only outright preference, not all programs aimed at overcoming a legacy of discrimination. Their stand is rooted not in racism, but in the basic American values of individualism and meritocracy.

These findings refute claims that when whites reject quotas they are rejecting all forms of special treatment or compensatory action for minorities. Clearly, a majority of whites are willing to endorse 'special consideration' of race as a factor in hiring and admissions and to approve of programs which channel resources to specific racial minorities. But they draw the line at absolute preference.

(Lipset and Schneider, 1978: 43)

Indeed, in response to some survey items, Blacks too reject "absolute preference."

This analysis of White response to affirmative action is typical of the neo-conservative assessment of American public opinion in general. On every issue (affirmative action, nuclear power, economic growth, big government), neo-conservatives try to demonstrate a middle-of-the-road consensus that

decisively rejects radical liberalism without straying too far to the right. They try to show, in other words, that their own neo-conservative stance on an issue captures the inchoate sentiments of the majority of Americans. Americans thus reject the radical program of affirmative action, but still support the goal of racial justice. They reject the "cult of the anti-nuclear," but they support stringent, responsible government regulation of nuclear power. They oppose big, inefficient government, but support a range of legitimate government programs. They reject a no-growth future, but are not willing to sacrifice everything to economic growth.⁶

(6) Bureaucratic Tyranny. Affirmative action necessarily means bureaucratic tyranny, the neo-conservatives argue. It imposes huge amounts of redtape on employers and schools; it gives federal agencies immense power over a whole range of social decisions; and it centralizes power and pre-empts local control. It treats people "like chess pieces on a board." (Sowell, 1978: 43) The tyranny is exacerbated by the fact that affirmative action often seeks to do the impossible: In the case of admission to professional and graduate schools, for example, the pool of qualified, but overlooked, minority candidates is very small. The process of quota-filling thus becomes never-ending as those admitted under affirmative action fail in large numbers. At the same time, admissions officers must prove to the government that their affirmative action programs are in fact working. The result is immense amounts of hypocrisy and duplicity.

⁶See Mark A. Schulman, "The Impact of Three Mile Island," Public Opinion 2(3): 7-9, June/July, 1979; Everett Carl Ladd, jr., et al., "The Polls: Taxing and Spending," Public Opinion Quarterly 43(1): 126-135, Spring, 1979; Ladd, "New Divisions in U.S. Politics," Fortune 99: 88-92+, March 26, 1979; Seymour Martin Lipset and Earl Raab, "The Message of Proposition 13," Commentary 66(3): 42-46, September, 1978; Editor's Report, "American Attitudes on Growth and Taxes," Public Opinion 3(4): 8-12, 57, August/September, 1980. (Ladd does the public opinion poll roundup for Public Opinion.)

The Villains of the Piece

If affirmative action is such an unmitigated disaster on all counts, why does it continue to exist? Neo-conservatives lay the blame for affirmative action at the feet of the New Class--or more specifically, bureaucrats. Affirmative action has been pushed by bureaucrats; it reflects their distinctive mentality; and it ultimately benefits them alone.

We have here the characteristic mindset of the New Class of foundation executives, university presidents, bureaucrats, and publicists who simply cannot bring themselves to understand that good things can happen without the benefit of their intervention. (Adelson, 1978: 27)

Certainly, the clearest continuing beneficiaries are the bureaucrats who acquired power, appropriations, and publicity from their activities, and who have stretched the law far beyond any Congressional intent. Nothing in the Civil Rights Acts or the Executive Orders authorizes quotas by any name, and both the Congressional debates and the specific language of the law forbid them. But the boldness of the various agencies who interpret and administer 'affirmative action', and the reluctance of courts to overrule administrative agencies, has permitted the growth of an administrative empire serving itself in the name of serving the disadvantaged. (Sowell, 1976: 64-65)

Bakke

The Bakke decision significantly altered the interpretation of civil rights law in a way that neo-conservatives find worrisome. Allan Bakke had sued the medical school at the University of California at Davis on the grounds that its program setting aside a proportion of places in its entering class for minorities discriminated against him. By a 5-4 vote, the U.S. Supreme Court ruled the Davis program illegal because its use of race as the factor in determining a certain proportion of admissions was unconstitutional and illegal. At the same time, again by a 5-4 vote, the Court also ruled that race may still be used as a factor in admissions. Justice Powell's pivotal decision (he voted with both majorities) argued that race along with a variety of other factors may be taken into account to create a diverse student body.

The admissions program of Harvard College was held up as an example.

In effect, what the Court did was sanction preferential minority admissions instituted without government mandate and without any claim of prior discrimination. This was unprecedented, and neo-conservatives were uncomfortable with it. The September, 1978 issue of Commentary carried two articles on the Bakke case under the title, "Why Bakke Won't End Reverse Discrimination."

In the first article, William Bennett and Terry Eastland argued that the Bakke case changed nothing: "As it stands, those who interpret the decision as a 'green light to go forward with affirmative action' are quite right." (34) Merely using race as "a" factor in admissions to "tip the balance" in favor of minorities, the authors argued, simply would not result in a significant increase in minority admissions to graduate and professional schools, because the test scores of minority applicants are so much lower than those of White applicants. Under government pressure to increase their number of minority students, schools would simply revert to quotas in covert form. The only way to end "reverse discrimination," Bennett and Eastland concluded, would have been "to rule out race as any kind of 'plus' factor for the admission of students to college and graduate institutions." (34)

In the second article, Nathan Glazer took a somewhat more optimistic view. He supported Powell's opinion as a prudent, judicious compromise that ruled out quotas while allowing voluntary programs that use race as "a" factor in admissions. This stance, Glazer said, is "consistent with the Constitution, with the broad and sound range of sentiment among the American people--both black and white--as to the kind of society they want, and with the common sense that should guide us in dealing with racial and ethnic diversity." (36)

What bothered Glazer was less the content of Powell's stand than its tenuousness. Justice Powell, after all, represented but one vote on a highly divided Court. The Court, moreover, had been consistently "pusillanimous"--too eager to defer to bureaucratic regulation and Congressional statute. Ultimately, Glazer argued, only Congress can stop "reverse discrimination" through additional legislation.

Weber

If neo-conservatives could discuss the Bakke decision in calm tones, the Weber decision left them screaming and hoarse. In 1974, Kaiser Industries and the United Steelworkers sought to increase the number of minority workers in the skilled crafts in Kaiser's Gramercy, Louisiana plant by establishing a racial entrance ratio: Equal numbers of White and Black workers were selected for on-the-job training from dual seniority lists. Brian Weber was denied admission even though he had more seniority than some of the Blacks who were admitted. He sued.

Writing in the June, 1979 issue of Commentary, Carl Cohen made a compelling, confident case for Weber, his arguments paralleling those already presented here: Any discrimination on the basis of race for any purpose is illegal. The only exception is when

racial classification is absolutely essential to give redress to identifiable persons injured by racial discrimination and where the injury was done them by the same party upon whom the numerical program is imposed. One purpose only may justify numerical schemes using racial categories: the making whole of those to whom redress for racial injury is specifically owed, by those who owe it. (42)

Clearly, the Kaiser program did not fit this exception: There was no claim of prior discrimination; the Black employees receiving special preference had not been done any prior racial injury by Kaiser; and most importantly, since the program was voluntary, the remedy was being imposed without due

process of law. The Supreme Court, Cohen confidently concluded, had every reason to uphold Weber's claims of discrimination.

A few weeks after Cohen's arguments appeared in print, however, the Court upheld the Kaiser plan and denied that Weber had suffered any injury. The majority argued that the Kaiser plan was within the spirit of Title VII of the 1964 Civil Rights Act (which forbids any racial discrimination in employment) since the goal of the plan was that of the statute itself--to increase Black employment--and since Title VII did not specifically outlaw voluntary efforts to redress racial imbalance.

In a second article in Commentary (September, 1978), Cohen found the majority's opinion beneath contempt. Drawing on Justice Rehnquist's scathing dissent, he argued that the Court clumsily confused means and ends: Just because Congress's goal in Title VII was to promote employment opportunities for minorities did not imply that it meant to countenance all means for reaching that goal. Quite the contrary, Cohen maintained, Congress specifically outlawed the use of racial preference. The language of Title VII was unambiguous and had been so deemed by the Supreme Court on several occasions. Even a cursory look at the Congressional debates over the Civil Rights Act, Cohen continued, shows that its proponents consistently and explicitly argued that a mere imbalance of employment did not necessarily imply discrimination and that the Act prohibited federally mandated racial preference programs to create a racial balance in employment. What is prohibited to the federal government in these matters, Cohen added, can hardly be permitted to Kaiser Industries.

Comparing the Weber decision to the Bakke decision, Cohen concluded that the Court had shown a "callousness...toward the interests of ordinary working-class people." (53) The quotas that the Court had proscribed in the case of

middle-class Allan Bakke, it upheld in the case of working-class Brian Weber. In every respect, then, the Weber decision was an example of "justice debased."

The Neo-conservative Alternative

On the broad continuum of possible civil rights policies ranging from mere anti-discrimination laws at one extreme to quotas at the other, the neo-conservative position ranges somewhere in the middle. In addition to laws forbidding racial discrimination, most neo-conservatives appear to support "affirmative action" in its original sense of special recruitment and training programs for minorities. Some would go further: Glazer, for example, favors voluntary programs on the part of employers or educators that use race as a factor in choosing employees or students, though he admits that in practice the line between the mandated and the voluntary may be difficult to draw. Bennett and Eastland oppose all use of racial preference, but they believe that adverse circumstances should be taken into account in hiring and admissions: the consideration of "personal attributes such as one's having overcome poverty, sickness, parental abuse, or racial discrimination." (1978: 34) One can thus imagine neo-conservatives supporting a major alteration in the evaluation of candidates for jobs and schooling to include consideration not only of achievements but also of obstacles overcome.

Dominant Themes

Two issues stand out in the neo-conservative case against affirmative action: "reverse discrimination" and "bureaucratic tyranny." What upsets neo-conservatives are first that affirmative action violates the values of individualism and meritocracy and second that it leads to a centralization of power. The other arguments are secondary: Neo-conservatives hardly would point out with such passion that affirmative action is illegal, ineffective,

and unpopular if they did not believe first of all that it is wrong and that it has undesirable consequences.

The issues of "reverse discrimination" and "bureaucratic tyranny" fit well with the general neo-conservative themes presented earlier. "Reverse discrimination" mirrors the concern with traditional values and with distinguishing equality from equal opportunity. "Bureaucratic tyranny" reflects the worry over big government and the undermining of established institutions. Indeed, the two clusters of issues tie together well, since the pursuit of equality is seen as inextricably linked to the growth of government and the weakening of established institutions. Behind affirmative action, as such, moreover, lurks the New Class, whose growing power and distinctive outlook are responsible for the whole mess.

THE RAPE OF PROGRESS

Neo-conservatives ardently support the continued use of nuclear power. They argue that it is safe, inexpensive, and necessary; that the accident at Three Mile Island should not change anything; and that even in the wake of TMI, public opinion supports the responsible, carefully regulated use of nuclear energy. Neo-conservatives, however, save their main fire for the anti-nuclear movement itself. They argue that behind the opposition to nuclear power is an insidious ideology that rejects economic growth, the notion of progress, and even Western civilization itself. This wider ideology is said to be the work of intellectuals, the media, and ultimately the New Class.

Safe, Cheap, and Necessary

Nuclear power, the neo-conservatives tell us, is both safe and relatively cheap. The major danger claims commonly made against nuclear power are

without merit: A normally functioning nuclear plant releases very little radioactivity; the likelihood of catastrophic accidents is minuscule; breeder reactors do not run a risk of explosion; there exists appropriate technology for waste disposal; theft and diversion of nuclear fuel into atomic weaponry are unlikely. Despite the growing expense of nuclear power, moreover, it is still cheaper per kilowatt than any feasible alternative. (McCracken, 1977, 1979a)

Nuclear power plants, neo-conservatives add, are not prone to most of the generic causes of technological accident: Their technology is not fundamentally flawed; they are not subject to meteorological or other disturbances that might overstrain operator capability; and their operators are not grossly incompetent. The only generic source of accident to which nuclear power plants are liable is lack of communication--between the government-run reactors and the utility-run electricity generators. This problem can be remedied through better coordination and more rigorous government regulation. (Starr, 1980)

The safety of nuclear power plants, however, can be truly appreciated only in comparison with other sources of energy:

it is in comparison with the alternative that nuclear energy really begins to shine. Far from being our most dangerous source of energy, nuclear energy is our safest. (McCracken, 1977: 43)

The human costs of producing energy from fossil fuels, especially coal, are much greater than those of nuclear power.

The relative safety of nuclear power is propitious, because it is absolutely necessary for producing the energy American society needs: Neither fossil fuels, solar energy, nor conservation represent viable alternatives. Fossil fuels are a naturally limited resource; moreover, reliance on them makes the United States dependent on often unfriendly and unstable Middle Eastern states. Solar energy is not a feasible alternative now and is not likely to be in the future. Finally, conservation on a major scale is

bound to mean "a radical alteration and lowering of the standard on which Americans live." (Starr, 1980)

TMI: Nothing Should Change

Neo-conservatives find the furor over the accident at Three Mile Island totally exaggerated--"The Harrisburg Syndrome," McCracken (1979a) calls it. In fact, McCracken asserts (1979a: 37), "Three Mile Island generally confirms what we have been told about nuclear power." Despite a major accident that caused a huge amount of damage, the danger was contained to the plant itself and no one outside was hurt. If anything, TMI shows us that the dangers of nuclear power have been overrated. "Although much may change as a result of Three Mile Island," McCracken opines (1979a: 33), "not much should." And Starr (1980: 54) finds it incredible that

American power policy in 1979 should have been more effectively determined by an expensive, but non-fatal, accident in Harrisburg than by the loss of the oil supply of Iran to American markets.

Public Opinion: Guarded Support

Even in the wake of TMI, neo-conservatives argue, public opinion still favors the use of nuclear power. To be sure, in early April, 1979, the public opposed by a 47%-45% margin the construction of new power plants (compared to 31%-57% in October, 1978) and rejected a nuclear power plant in their community by 56%-38%. At the same time, however, Americans overwhelmingly opposed a permanent shutdown of all nuclear plants by 80%-15% and even rejected by 57%-40% a temporary shutdown until the government could re-examine the safety risks. The public, moreover, had always opposed nuclear plants, coal-fired plants, and other potentially dangerous things in their neighborhoods, even before TMI. (Schulman, 1979)

Instead of condemning nuclear power outright, the public takes a more

moderate stance: It wants continued use of nuclear power as the only feasible energy alternative, but it expects the government to exercise tighter controls. In Mark Schulman's words (1979), government "should learn the lessons of what went wrong in Pennsylvania, develop better safeguards and supervision, redouble efforts to find alternative energy sources, but don't write off nuclear power for now." In short, a nice neo-conservative middle ground.

To be sure, the public does believe that nuclear power is unsafe (and it believed this well before TMI), but it is more afraid of running out of energy than of the dangers of nuclear power: Again in Schulman's words, "it is better to take a risk with nuclear power than to shut down the industry and jeopardize our way of life." This "energy syndrome" explains the failure of the public perception of the dangers of nuclear power to translate into outright opposition.

Nuclear Luddites

The neo-conservatives' technical case about the safety, cost, and necessity of nuclear power is embedded in a broader political argument aimed at the anti-nuclear movement itself. The opposition to nuclear power, they argue, is part of a much broader "cult," "ideology," or "religion" that rejects the basic features of modern industrial society. This is what really upsets the neo-conservatives, and some of their most evocative language is devoted to the "ideological skeleton that lies just below the technological skin" of the case against nuclear energy. (McCracken, 1979b: 61)

For the anti-nuclear movement, we are told, nuclear power is largely a symbolic issue:

But the point around which the resistance to nuclear power coalesces is its symbolic identification with the very heart and essence of the technological society. It is high technology, and high technology is bad because it contains the seeds of human destruction... (Starr, 1980: 56)

...nuclear power is the perfect demon. Kick it and you kick large corporations, the government, and technology, all with one blow of the foot. (McCracken, 1977: 46)

The opposition to nuclear power is based on a wider rejection of advanced technology and economic growth, which in turn implies a rampant anti-materialism-- a denial of the importance of improving the material condition of humanity.

This amounts to a wholesale denial of the "idea of progress" itself, for this notion is based on three premises:

first, a belief in the value of economic growth and prosperity; second, confidence in the powers of reason, particularly as manifested in the practical arts and sciences; and third, acceptance of material advancement as one of the signs of intellectual and moral advancement. (Nisbet, 1979: 5)

The opposition to nuclear power, therefore, results in nothing less than the "rape of progress" (Nisbet, 1979) and hence the rejection of Western civilization itself. For the neo-conservatives, the stakes in the nuclear power debate are indeed high.

The opponents of nuclear power thus stand condemned as "nuclear Luddites"-- simple-minded opponents of technology, industry, and progress akin to the famous factory-wreckers of early 19th-century England. They appear as simply one more instance of those who have unthinkingly balked at new, strange, but ultimately beneficial technology: The "nuclear Luddite" image implies that opposition to nuclear power is as misguided and cowardly as opposition to factories or railroads once was.

The fact is that historically such gifts take a considerable courage on the part of mankind if they are to be grasped and used for benefit. We remember with amusement those who opposed the railroad because it would stop the cows from giving milk and because the human constitution could not endure speeds as great as thirty miles an hour...If we are lucky, our descendants will be no more than amused by the nuclear Luddism of our time. (McCracken, 1977: 47)

Had Nader been operating in the early 19th century, the railways would have had a very hard time getting started. (McCracken, 1977: 40)

In a curious way, however, neo-conservatives agree with their "nuclear Luddite" opponents on the importance of the nuclear power issue. For them too nuclear power symbolizes a wider set of issues: To support nuclear power is ipso facto to support advanced technology, economic growth, progress, and Western Civilization. If the neo-conservatives find arrayed against them a veritable "cult of the anti-nuclear" with its "visions of no-growth Elysium" (Nisbet's phrases), they in turn have their own cult of nuclear power, ideology of economic growth, and visions of technological paradise.

The spread of an anti-progress ideology is blamed upon the New Class-- intellectuals and those who control the mass media. Intellectuals, Nisbet (1979) tells us, have always opposed material progress.

...current assaults on nuclear power have to be seen in the context of a two-century history of such assaults on any and all forms of power necessary to the industrialism that, while liked by the workers and consumers, was from the beginning the object of indictment by writers, artists, and many philosophers... (4)

By controlling the diffusion of ideas, intellectuals and their media allies have been able to give contemporary public discourse an anti-progress bias.

Such is the power exerted by intellectuals in our modern society and such is the pass America has been brought to by the media and its consecrated dissemination to the multitude of counter-economic, counterpolitical, and countercultural ideas. (55)

Nisbet's charge is echoed again and again in neo-conservative writing.

Summarizing Nisbet's argument, Seymour Lipset and Ben Wattenberg (1979) state that

...material progress in the United States and in much of the Western World is being hindered by an elite intellectual class that finds the notion of modernization and progress repugnant. The furor over Three Mile Island...is an excellent metaphor to illustrate the view of this class. (10)

Letters to Commentary in response to McCracken's articles are peppered with bitter condemnations of the media and the New Class.

The opposition of the New Class to nuclear power, economic growth, and progress is deemed to be self-serving, elitist, and hypocritical. Through its anti-growth, anti-materialist stance, the New Class effectively denies to the mass of the population the chance to acquire the goods that the New Class itself possesses. Nisbet (1979: 55) scores the "suburban environmentalists" of Marin County whose no-growth position has closed the very desirable suburb of San Francisco to further housing development and has thus denied others the chance to live there. McCracken condemns the "modern pastoralists" who publicly oppose high technology, but who reap its benefits in their private lives.

selective asceticism...best exemplified in communards who take their stereo sets--and hence a considerable proportion of modern technology--into the hills with them. (1977: 46)

it is typical of the great majority of the modern pastoralists that they seem to want to get back to nature in the most complicated and expensive way possible. Few if any mean to retire to the equivalent of an 18th-century farmstead. Rather, one is to live with the assistance of extremely costly gadgetry that will provide all the complexities of modern civilization, but with the inefficiency of time and resource that is the hallmark of the 'natural' way. Unfortunately only the few will be able to afford such 'handmade' energy... (1979b: 64)

Dominant Themes

Neo-conservatives thus tie a detailed technical argument about the specific merits of nuclear power to a broad ideological affirmation of the basic features of American society and a condemnation of its critics. In so doing, they stress some basic neo-conservative themes mentioned earlier--emphasis on economic growth, opposition to the "counterculture," concern with the decline of established institutions, and a preoccupation with the New Class and its adversary culture.

For the neo-conservatives, the debate over nuclear energy is symptomatic

of a wider battle for the soul of America. At stake is the very future-- whether American society will continue to progress or will willfully destroy itself in the name of conservation and no-growth. "Of the late 5th-century Romans," McCracken quips (1979b: 67), "it could at least be said that whatever their other faults, they did not mean to be followed by the Dark Ages."

CONCLUSION

The neo-conservative positions on both affirmative action and nuclear power go well beyond specific technical arguments. Their opposition to affirmative action is based on more than an interpretation of civil rights law and an assessment of the effectiveness of preferential hiring/admissions. Similarly, their support for nuclear power is rooted in more than a judgment of its safety, cheapness, and necessity. In each case, wider assumptions about the nature of the good society and contemporary threats to it come into play. Both neo-conservative positions are thus framed by a coherent set of themes and are situated in a broader outlook. In other words, they are ideological, in a non-pejorative sense.

Because of the passion they bring to their arguments on both affirmative action and nuclear power, neo-conservatives are able to express their stands in compact, evocative language. They succeed in creating verbal images-- "benign Nurembergism," "nuclear Luddites"--that capture complex sets of assumptions in clear, simple form. In this sense, their work is poetic--again in a non-evaluative sense.

APPENDIX

The following items were included in my samples of neo-conservative thought on affirmative action and nuclear power:

Affirmative Action

- Adelson, Joseph. "Living With Quotas," Commentary 65(5): 23-29. May, 1978.
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- Capaldi, Nicholas. "Twisting the Law," Policy Review 12: 39-58. Spring, 1980.
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- Cohen, Carl. "Justice Debased: The Weber Decision," Commentary 68(3): 43-53. September, 1979b.
- Glazer, Nathan. Affirmative Discrimination: Ethnic Inequality and Public Policy. New York: Basic Books, 1975.
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- Sowell, Thomas. "Affirmative Action Reconsidered," The Public Interest 42: 47-65. Winter, 1976.
- Sowell, Thomas. "Myths About Minorities," Commentary 68(2): 33-37. August, 1979.
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Nuclear Power

- Cohen, Bernard. "A Tale of Two Wastes," Commentary 66(5): 63-65. November, 1978.
- Lipset, Seymour Martin and Wattenberg, Ben. "Alternatives for American Growth: A Conversation with Herman Kahn and Ralph Nader," Public Opinion 2(4): 10-15+. August/September, 1979.

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Schulman, Mark A. "The Impact of Three-Mile Island," Public Opinion 2(3): 7-9.
June/July, 1979.

Starr, Roger. "The Three Mile Shadow," Commentary 70(4): 48-55. October, 1980.