

Notes on Current Anxieties

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I respond to three of Guoping Zhao's contentions:

1. The term "liberal" and the term "democracy" are kaleidoscopic in Zhao's usage and end up allowing for both conceptual overreach and conflation.
2. I am all for a critique of the structuring of DEI apparati in higher education, but in the demand to connect these flawed institutional strategies to a defense of "liberal democracy," Zhao reduces social justice movements to simple-minded rejections of individual rights.
3. I simply disagree with Zhao's seeming dismissal of the centrality of the justifications, in the U.S. version of democracy, for insisting on group characterization with moral and material consequences – consequences that cannot be ameliorated by erasing the significance of history.¹

At the end of the paper's introduction, Zhao states that she will argue that the "current crisis of democracy is a crisis of *liberal* democracy."² (emphasis added) Further, she contends that both the "right and left populist movements have contributed to its crisis," and she proposes to analyze shifts in "liberal *values*" that have led to the current state through the examination of Diversity, Equity, and Inclusion educational initiatives.³ I enter into this response with a good faith reading. Nevertheless, the paper itself elides many of its own arguments, leaving me confused as to what problem, exactly, the "democratic deliberation" of the final paragraph is expected to address.

LIBERAL, LIBERALS, ILLIBERALITY, AND DEMOCRACY

Zhao makes a distinction between "basic" and "liberal" democracy, in which *basic* is focused on election fairness; this spoke on the wheel of democracy she dismisses on the grounds that Hitler almost won an election (as have many autocrats, including Putin, in elections that were neither free nor fair). Obviously, at this time in U.S. history, one *could* focus on the ways in which even this basic take on democracy is in jeopardy, given the structure of our government and

the various vitiations of voting rights (post-1965, with a particular nod to the 2013 United States Supreme Court decision in *Shelby County v. Holder*.⁴ Liberal democracy in this account is conditioned on a wariness toward illiberal tendencies as they are found in authoritarian or totalitarianism—the key feature of which is a “concentration of power and deprivation of individual freedom and basic rights.” After signaling the enforcement in Nazism of group allegiance over individual conscience and suggesting that the leftist opposite of Nazism is Stalinism and Marxism, Zhao suggests that all these political movements are founded in “identity thinking” and the demonization of those of a different class, race, or ideology.

In contrast, liberalism “emphasizes that individuals have natural rights to life, liberty, property, and the pursuit of happiness . . . and are equal in their natural rights.” She then suggests that liberalism in this account is in the modern world tied “almost inevitably” to democracy. Then she gives a praise dance to the U.S. Declaration of Independence as embodying these values, forgets to mention the Constitution and its multiple “compromises”—then dismissively takes care of “the fact that slavery and Jim Crow laws in U.S. history manifested a contradiction between the liberal ideals” and the lived reality of the time by stating that the doctrines of liberalism were just the remedies needed.

I will use an analysis of liberal democracy provided by Charles Mills in “Black Radical Kantianism” in addition to Cheryl Harris’s “Whiteness as Property.”⁵ Both point out that group identity, group-based experience and power, and identity thinking are distinctive as they play out in policy and politics. In particular, I want to counter Zhao’s seeming view that racism and other forms of group-linked harms are mere blips in the glorious history of Western liberal traditions (of democracy). Mills centers Kant as the modern figure on whom any liberalism we would recognize hangs, and he is clear that Kant’s racist views are not incidental to his moral claims, nor are they simply to be bracketed:

I think we should take the more radically revisionist position that Kant is *not* committed to universality (in the sense of imputing equal moral standing to all humans), but rather to a bifurcated ethics in which innate and unchanging inferior nature

of white women and people of color limits them permanently to sub-person status.⁶

For Kant, the lower races are incapable of autonomy and self-legislation and, thus, do not reach the threshold of personhood.⁷ Mills then relies on the long arc of the black radical tradition, including Walker, Delany, Douglass, DuBois, and others, to insist that we take up their rejection of “the ‘anomaly’ view of American racism, which . . . depicts it as basically egalitarian and inclusive, with racism being a deviation from the norm [and accept their endorsement of the] ‘symbiosis’ view, which sees racism as central to the workings of the white polity.”⁸

In this analysis, liberalism *rests* on the exclusions from the very personhood (individualism) that Zhao believes is essential to democratic flourishing. Harris is important here as she gives part of the consequence of this understanding of the foundations of U.S. (Western) rights-based personhood:

The property interest in whiteness has proven to be resilient and adaptive to new conditions. Over time it has changed in form, but it has retained its essential exclusionary character and continued to distort outcomes of legal disputes by favoring and protecting settled expectations of white privilege. The law expresses the dominant conception of “rights,” “equality,” “property,” “neutrality,” and “power”: rights means shields from interference; equality means formal equality; property means the settled expectations that are to be protected; neutrality means the existing distribution, which is natural; and, power is the mechanism for guarding all of this.⁹

It is precisely the practical uses and applications of these terms that is enforced through an insistence on the “innocence” of power and neutrality in particular, which falls apart in a society structured on racial subordination. Here Harris references Martha Radin’s contention that whiteness is precisely what someone needs to be a person and, in its absence, any ascription of autonomy or liberty is severely hindered.¹⁰ “As whiteness is simultaneously an aspect of identity and a property interest, it . . . can move from being a passive characteristic as an

aspect of identity to an active entity—that like any other types of property—is used to fulfill the will and to exercise power.”¹¹

The origins of property rights in the United States are rooted in racial domination. Even in the early days of the country, it was not the concept of race alone that operated to oppress Blacks and Indians; rather it was the *interaction* between conceptions of race and property that played a critical role in establishing and maintaining racial and economic subordination. The hyper-exploitation of Black labor was accomplished by treating Black people themselves as objects of property. Race and property were thus conflated by establishing a form of property contingent on race – only Blacks were subjugated as slaves and treated as property. Similarly, the conquest, removal, and extermination of Native American life and culture were ratified by conferring and acknowledging the property rights in Native American land. Only white possession and occupation of land was validated and therefore privileged as a basis for property rights.¹²

It is important to note that the understanding of this concept conditioned how other excluded groups sought access to rights through proximity to whiteness, including the differences of access to property for women across racial groups.

VERY INCOMPLETE NOTES ON THE BUSINESS MODEL OF DEI

We should not be surprised that universities and other institutions (whether liberal or neo-liberal) are doing the work of redress badly, that the moment when the subaltern speak accelerates the feeling of crisis in the academy. These U.S. institutions are bathed in the seventeenth-century European glow of both liberality and merit. Thomas Jefferson, before the founding of a public university in his own image in Charlottesville, called for state-supported education for the “regular” white children to make them fit citizens for the Commonwealth of Virginia. He did all this while he was steadily depriving his wife’s black siblings of their freedom and bodily autonomy (by sexual domination

of Sally Hemings and by labor domination of James, who was only permitted freedom at age thirty from his culinary servitude when he trained—and thereby further shackled—his own brother, Peter, to the cause). Jefferson states quite baldly in *Notes on the State of Virginia*,

To our reproach it must be said, that though for a century and a half we have had under our eyes the races of black and of red men, they have never yet been viewed by us *as subjects of natural history*. I advance it therefore as a suspicion only, that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments both of body and mind.¹³

He goes on to suggest that it is not the condition of slavery itself that puts the slave outside of personhood (“But the slaves of which Homer speaks were whites”); it is the racial/natural endowment of body and mind that are inferior. “This unfortunate difference of colour, and perhaps of faculty, is a powerful obstacle to the emancipation of these people.”¹⁴

These institutions are the products of the history that has assiduously denied its exclusionary premises. The embodiment of an idealization of its liberal origins, the modern university has very limited tools to revolutionize its practices to address the *de jure* and *de facto* exclusion of the subaltern who dare to challenge the inability to see, hear, or include the fractious voices without diminishment. The idea that these voices are inciting “leftish” forms of authoritarianism is simply a fever dream born in the fears and anxieties of those who might have to listen or transform if and only if those voices are granted legitimacy—hence the clever stylings of the Rufos, the bullying erasures of the DeSantoses, or the continuous clanking bells about “cancel culture” from the *New York Times*. Misdiagnose the actual problem, misdirect the blame, and misread the room. How about instead we tell the truth and shame the devil?

REFERENCES

1 Guoping Zhao, “DEI and the Crisis of Liberal Democracy,” *Philosophy of*

Education 79, no. 1 (same issue).

2 Emphasis added.

3 Emphasis added.

4 *Shelby County v. Holder*, 570 U.S. 529 (2013). On June 25, 2013, the United States Supreme Court held that it is unconstitutional to use the coverage formula in Section 4(b) of the Voting Rights Act to determine which jurisdictions are subject to the preclearance requirement of Section 5 of the Voting Rights Act, eliminating key protections for residents of areas with historical practices of discrimination.

5 Charles Mills, "Black Radical Kantianism," *Res Philosophia* 95, no. 1 (2018): 1-33; Cheryl Harris, "Whiteness as Property," *Harvard Law Review* 106, no. 8 (1993): 1707-1791.

6 Mills, "Black Radical Kantianism," 10.

7 Mills, "Black Radical Kantianism," 13.

8 Mills, "Black Radical Kantianism," 27.

9 Harris, "Whiteness as Property," 1778.

10 Harris, "Whiteness as Property," 1730. See note 92.

11 Harris, "Whiteness as Property," 1734.

12 Harris, "Whiteness as Property," 1716.

13 Thomas Jefferson, *Notes on the State of Virginia*, Query XIV (Philadelphia, PA: Pritchard and Hall, 1785), <https://docsouth.unc.edu/southlit/jefferson/jefferson.html> (emphasis added).

14 Jefferson, *Notes on the State of Virginia*, Query XIV.