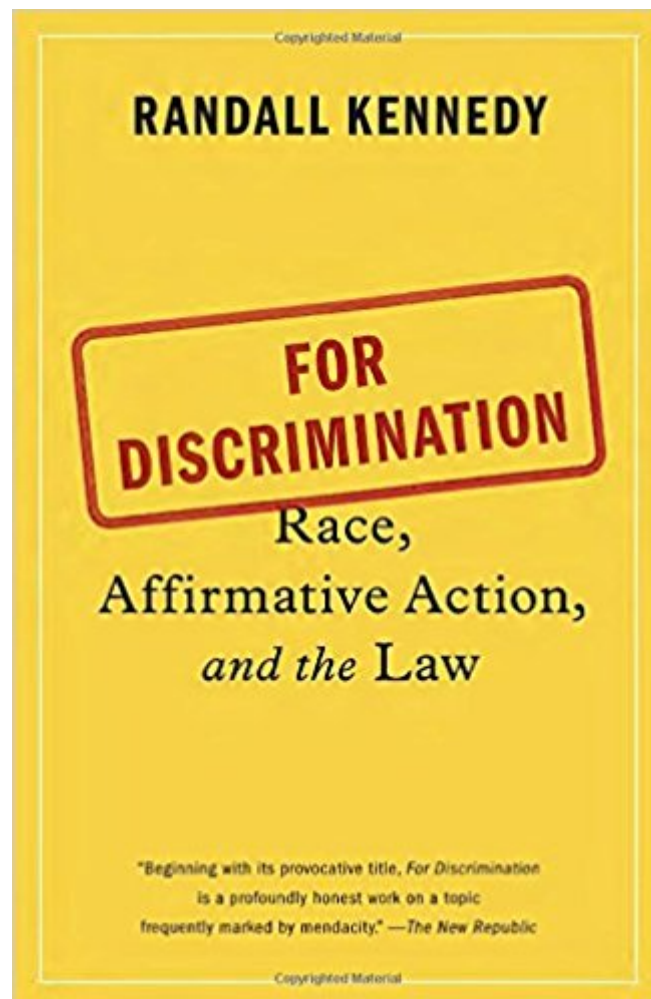




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# For Discrimination: Race, Affirmative Action, And The Law



## Synopsis

For Discrimination is at once the definitive reckoning with one of America's most explosively contentious and divisive issues and a principled work of advocacy for clearly defined justice. What precisely is affirmative action, and why is it fiercely championed by some and just as fiercely denounced by others? Does it signify a boon or a stigma? Or is it simply reverse discrimination? What are its benefits and costs to American society? What are the exact indicia determining who should or should not be accorded affirmative action? When should affirmative action end, if it must? Randall Kennedy gives us a concise and deeply personal overview of the policy, refusing to shy away from the myriad complexities of an issue that continues to bedevil American race relations.

## Book Information

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## Customer Reviews

The advance blurb from William Julius Wilson on the back of my hardcover reads: "This is arguably the most clearheaded defense of affirmative action ever written." I have to assume that Wilson is a personal friend of Kennedy's. This book is anything but "clear headed"; it isn't even really an "argument." Consider the critical issue of audience. To whom is this book addressed? I would expect a book arguing for affirmative action to address an audience opposed to or suspicious of it. However, the book seems largely written to address left-liberal objections to affirmative action. The chapter titled "The Affirmative Action Policy Debate," considers mostly left-leaning objections to affirmative action. I don't have any public opinion polls in front of me, but I'm willing to bet my left kidney that public opposition to affirmative action doesn't stem from it being insufficiently radical. So why not address the objections held by the general public? Kennedy's rebuttals to the left-liberal

objections he does discuss don't amount to much, in my opinion. They are the kind of small, speculative points that would fit more comfortably in a blog post (or in an book review) than in a full-fledged book. Consider, for example, his rebuttal to the book *MISMATCH*, by Richard Sander (which I have not read). Essentially, Sander argues that affirmative action harms recipients by placing them in competitive environments where they invariably are outmatched. If they attended schools with peers who share equivalent preparation, then they wouldn't enter a kind of "self-doubt" spiral, where relatively poor performance confirms doubt, which in turn feeds further poor performance.

It's been a long time since I've picked up a book on affirmative action. I've been applying for some "diversity and inclusion" positions on college campuses, and it annoys me more than a little bit when job counselors (and others) tell me to avoid talking about affirmative action. But now I have been able to enlarge the understanding I have had for affirmative action, thanks to Harvard Law School professor and author Randall Kennedy, with *For Discrimination: Race, Affirmative Action, and the Law* (N.Y.: Pantheon, 2013). This is a book which puts me back in the company in which I want to be. My own take has been that affirmative action is simply the effort(s) employers make to see that their workforce roughly reflects the demographics of the community in which they are located. Kennedy, goes so far as to assert that the courts are the major culprit in making a mess of what affirmative action really is and isn't, so I don't entirely blame myself for the mis-underinterpretation. He sets that forth, as an esteemed friend of the court, that affirmative action is: "policies that offer individuals deemed to be affiliated with a beneficiary group a preference over others in competitions for employment, education, or other valued resources" (p.20). For me his working definition is significant in two ways. First, I had to change my own particular mind set; it can't be about demographics per se because minorities continue to come to employment and higher education, in particular, without the background and contacts to be able to efficiently navigate their way to equal opportunities.

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