

Stephen Carter is black, intellectual, and...

# Out of the Box

By  
Bill  
Kauffman



**"To** be black and intellectual is to live in a box," declared Yale Law professor Stephen L. Carter almost a decade ago, whereupon the owners of the box factory nodded sympathetically and furnished for him two boxes: the "liberals' favorite black conservative," and the "conservatives' favorite black liberal." To Carter's credit, neither box has a lived-in feel.

Stephen Carter was threatened, for a time, with the imprimatur of soulless neoliberalism. "Every American should read" Carter's *The Culture of Disbelief* (1993) advised President Clinton, who went on to teach every American a thing or two about disbelief. But this, too, passed, and though Carter may well end his career answering to the honorific "Justice," he has drifted beyond the liberal/conservative humdrum and into less charted but deeper waters. For as he makes clear in his newest book, *Civility*, and in a recent interview with me, Stephen Carter may or may not be a black conservative, but he definitely is an even scarcer oxymoron: a devout Episcopalian.

Carter's father, Lisle, was an attorney in the Great Society-era Department of Health, Education, and Welfare, and later a professor at Cornell University. Carter traces middle-class ancestry back at least four generations on his father's side and at least two on his maternal side. Some friends, he notes, "puzzled by my writing on affirmative action, mark it down to the peculiarity of my background—born to the silver spoon, never having known what it is to want." But if his outlook is in part a

product of the old self-confident urban black middle class, it owes as much to geographical as to social mobility, for young Stephen would call three very different places home: Harlem; Washington, D.C.'s white Cleveland Park section; and Ithaca, New York. He attended mostly black Harlem schools through the sixth grade and mostly white schools thereafter, picking up the nickname "Brillo" from a white wit in junior high school.

Carter was graduated from Ithaca High School in the class of 1972, a brainy kid with a big Afro. He had a "wry sense of humor" and a "precision of speech," recalls Elsie Dentes, a classmate. He was the only black kid in the "smart" math and science classes. In stratified Ithaca he was a "Cornell kid," from somewhere else, on his way to somewhere else. Did this make for an awkward relationship with black kids at the other end of the academic scale? "I had friends who were white and friends who were black," recalls Carter, "but they were different sets of friends. If I was with my black friends, there weren't any white people around," and vice versa. "That was in retrospect quite sad, but true."

He says he learned two things as a black student in white schools. The first was "a strong understanding of the principle that a lot of black parents used to tell their kids: 'You've got to be twice as good....'" The other lesson is that it is "impossible for me to say, 'Oh, all white people are hopelessly racist,' because I had a lot of friends who were white, and certainly my teachers were overwhelmingly white, and a lot of them helped me a great deal."

Carter's first book, the provocatively titled *Reflections of an Affirmative Action Baby* (1991), is admirably blunt. "I got into [Yale] law school because I was black," he states, and he recalls, with a mixture of indignation and amusement, that Harvard Law first rejected this Stanford graduate and then hastily offered admission. ("We assumed from your record that you were white," explained a Harvard professor.)

These insults he bore with equanimity. He denies that "there lurks inside each black professional a confused and uncertain ego, desperately seeking reassurance," and there is in his attitude an echo of novelist Zora Neale Hurston's famous declaration that "I am not tragically colored. There is no great sorrow damned up in my soul, nor lurking behind my eyes.... I do not belong to the sobbing school of Negrohood who hold that nature has given them a lowdown dirty deal and whose feelings are all hurt about it."

Carter is not an abolitionist when it comes to affirmative action; he does not believe that Biff from Groton and Jamal from Newark should have their SAT scores fed into a computer and be rank-ordered on an admissions department printout.

## Harvard first rejected and then offered admission ("We assumed from your record that you were white.")

He explains that he is "all for putting the finger on the scale at the college admissions level, because we really know so little about what's going to make someone successful in various fields." But the finger comes off the scale at hiring time. "When one's training is done, when the time comes for entry to the job market, the case for preferences evaporates."

At all events, "the end of affirmative action is near," he declared in 1991, and the end grows nigher. "My nationalistic side" tells Carter that "drug problems, the epidemic of teen pregnancy, young people not being educated in the schools—affirmative action is not going to solve any of these problems."

His hope rests not with a liberal constitutionalism, which he now writes off as tyrannical, but rather in communities of the Christian faithful. "Left and right in America nowadays divide principally over the question of which conclusions to enforce, not over whether the national sovereign should be doing it," he asserts. Against this "hegemonic vision of the nation as a single community with a single set of values" Carter sets an alternative vision of families and self-governing communities making their own way, their own mistakes, their own places. That many of these communities would be Christian is all to the good, in Carter's view.

In his book-length essay *The Dissent of the Governed* (1998), Carter puckishly notes that "born-again Christians are woefully underrepresented at the nation's elite campuses, but when was the last time students or faculty organized to demand that more be hired?" I ask him, "If a scholar were being considered for a spot on

the Yale Law faculty, and it became known that he was a born-again Christian, would it become less likely that he'd be hired?"

"I sure hope not," Carter replies, though he remarks that just as anti-Catholicism was once called the anti-Semitism of intellectuals, "anti-Evangelical fervor seems to be greater," and not just among the strenuously secular. Carter recalls that "a Yale divinity student and I happened to be in a classroom together, and the letters of the alphabet were on the blackboard, as though for a kindergarten class. He said, 'Evangelical theology.'"

Carter, who frequently lectures gatherings of journalists on their coverage of religion, urges them to "avoid using the phrase 'religious right' altogether," for it "really has become pejorative." Nor does it have a homologue—"say, lifestyle left." He has little interest in causes like the promotion of prayer and creationism in public schools, preferring the pluralist vision of small private schools wherein the faithful can "educate our children in an environment that celebrates, not demeans, their religious beliefs, one that is responsive to our concerns about morality and parental responsibility."

A cradle Episcopalian, Stephen Carter "didn't go to church when I was a kid." He traces his religious awakening to the Kestenbaums, a Jewish family with whom he lived for a school year so that he could finish ninth grade in Washington before joining his family in Ithaca. The Kestenbaums were observant Jews; for Carter, "it was the first time I'd ever spent a significant amount of time with a deeply religious family. It helped me to realize how important faith was to me and how important it was going to be to me to have a faithful family when I grew older." He married the "deeply religious" Enola Aird, and they are raising their children in an Episcopalian household. (He jokingly acknowledges the denominational stereotype: "they rarely know what's in the Bible, but they always know the price of the Dow.") The Carters' son attends a Christian school and their daughter is in a secular private school, but, her father notes with pride, "her classmates voted her the most religious girl in seventh grade last year."

*Civility* is Carter's best book—despite its forbidding title, for "civility" can be a cant word used to expel radicals and reactionaries from public debate. In it, Carter is both trenchant and impassioned in critiquing the state's takeover of traditional family functions. "As parents of two magnificent children, my wife and I occasionally feel as though the state views the family as a little citizen-making factory, which must be run according to government specifications lest we lose our license. Lost in the march toward regulation of the family is the traditional notion that the family is prior to the state."

(A reader's cavil: In *Civility*, Carter sometimes lapses into what Joseph Epstein calls "quotatiousness," burdening the text with the thought of such eminently unquotable grandees as Ellen Goodman.)

Associate editor Bill Kauffman is the author of four books, most recently *With Good Intentions? Reflections on the Myth of Progress in America*.

I ask him about homeschooling and he grants his approval: "It provides for the child a morally coherent world, and it illustrates the sacrifice a parent will make: 'Not only will I not go out to the workplace to earn a living,' the homeschooling parent says, 'but I will take all of this time during the day and at night to get ready in order to teach you what I think you need to know.'"

Carter's politics might best be described as similar to those of the late Christopher Lasch: conservative in that he defends the autonomy of settled communities and the beliefs of religious and working people; leftist in that he accepts the necessity of state action to redistribute wealth (or "equalize the playing field," as he says). He argues that this places him in the mainstream of black Americans, whose churchgoers "tend to be on nearly every moral issue well to the right of the American political mean." Many black Americans are "socially conserva-

In *Civility*, Carter laments that "we do not even know the names of our neighbors," but he largely ignores the culprit: the frequent moves, the rootlessness of the professional classes. The rudeness he quite eloquently decries surely results partly from our instability. For example, I have given the finger to reckless motorists on the Interstate, but I would not do so in my hometown, not because no one has ever cut me off but because I'm afraid that the lady I digitally salute just might be my first-grade teacher or my neighbor the volunteer fireman, who would drop everything to come save my house.

For his part, Stephen Carter has put down his own roots just outside New Haven. Does he ever daydream about a Supreme Court nomination? "No," he replies, laughing. "Ten or 15 years ago I might have said no, but I would have been lying. Even if I had that ambition, I would not dream of putting my

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tive yet economically liberal, and sooner or later, a lot of religious black people may stop voting, or may begin voting for more conservative candidates."

Talk turns to the Reverend Martin Luther King, Jr. I ask if King "has been stripped of his Christianity by his idolators?" Carter, who acknowledges King as "one of my great heroes," muses, "In that respect, it may have been a mistake to have the national holiday. Don't get me wrong—I'm for it—but by putting him in this pantheon you can lose the prophetic power. This man believed that God was charging him with changing a nation. That's an enormous presumption that only a powerfully religious person would make. When he becomes a figure who 'fought for civil rights' and kids sing songs and so on, the power is lost."

Carter worries that "whenever a problem needs a solution, we imitate the civil rights model—a hefty centralized bureaucracy, backed up with uncompromising judges and well-armed troops." This blunderbuss was "inevitable" in the 1960s, "given our decision not to come face-to-face with our shared capacity for wickedness," but it became the prototype of a development Carter regards with disfavor: "the project of liberal constitutionalism, the effort to knit the nation into a single community sharing a single normative vision of the world."

Thus the ambivalence that makes Carter's most recent work the richest—if most hesitating and uncertain—of his career. "I suspect that our love for federal power is really a love for the formal equality rules that federal power was able to produce," he writes, for if we "imagine a national sovereign in the 1950s under the control of the southern segregationists and trying to force Jim Crow on a resisting North, I doubt that our image today of the relative benevolence of the two powers, the state and the federal, would be the same." Yet just several pages later Carter is capable of writing "I am troubled by our recent emphasis on federalism, with its celebration of unwilling and arbitrary geographic divisions." This, perhaps, is the other side of his early mobility, since no one who has lived in one place for long years would call its boundaries "arbitrary."

family through the confirmation process." What is more, "I don't think that's a direction in which God is moving me. There are particular paths God wants each of us to walk, and all we can do is look for evidence of what that path might be. Usually the evidence is found in small things, not in the large."

Carter does seem ill-suited for heavy-lifting in the anthill of official Washington. When he talks about God and his family he could not be less unctuous; these are not talking points but simply the stuff of his everyday life. It's hard to imagine him inviting the press to watch him perform at a power-prayer breakfast. He has written, "I am constantly amazed, and constantly depressed, by the number of my professedly egalitarian colleagues at Yale who do not seem to know the names of the people who clean their offices, despite encountering them several times a week for many years." (Curiously, Clarence Thomas, whose nomination Carter opposed, is said to be the sole Supreme Court justice who takes an interest in the J.D.-less workers at the Supreme Court.)

It is this basic decency, the refusal to permit class or ideology to mold one's friendships, that Carter most admired about Justice Thurgood Marshall, for whom he clerked. A "marvelous man in every respect," Marshall "had an enormously capacious acceptance of other people. He would describe with Christian affection people who were on the other side in the segregation era; Marshall would talk about them warmly. I was astonished to find this man who had to run for his life from segregationists during his days of litigating cases able to say of so-and-so, 'Oh, he was a great man and a decent man that just happened to believe in segregation.' That was an eye opener for me."

The cost of ending that segregation was the erection of a centralized civil-rights apparatus fortified by the guns and money of the federal government. An alternative to leviathan—a nation of self-governing communities based on neighborliness, Christian love, and heartfelt charity—is taking shape, albeit cautiously and ambiguously, in the writings of Stephen Carter. The air is much freer, and the view far better, outside the box.

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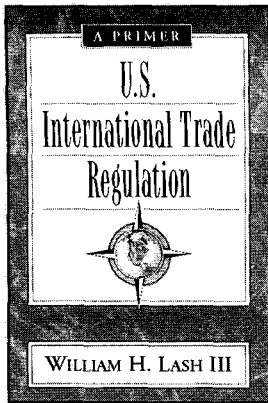
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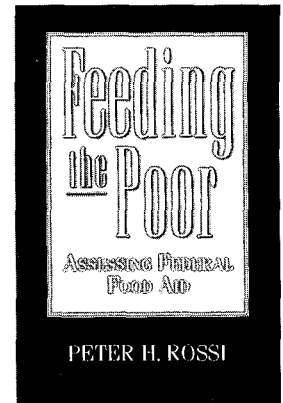
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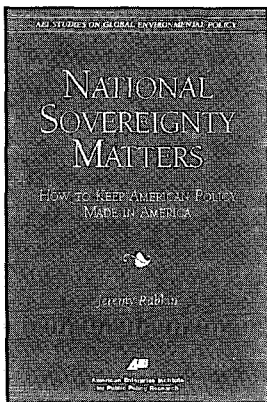
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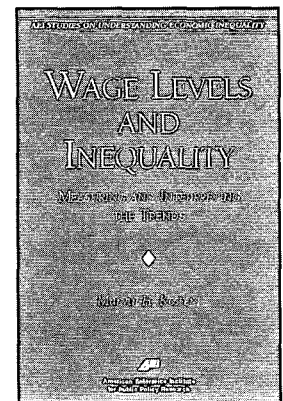
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The growing ranks of non-liberal blacks

# *Independents'* **Day**

By  
Andrew  
Peyton  
Thomas

**P**olitical diversity has taken root in black America, and we are beginning to see its fruit. A remarkable variety of new voices have addressed everything from economics to morality to affirmative action in ways that diverge sharply from the orthodoxy enforced by the black civil rights establishment.

*The following are vignettes of men and women in the new black vanguard who have begun to challenge the existing political order, even at the cost of rough treatment from the liberal elites whose opinions and power they would displace. The group includes intellectuals, politicians, businessmen, sports stars, musicians, ministers, and journalists. A varied lot, they share two qualities: a fierce determination to think and act for themselves, and an abundance of moral courage.*

## ELOISE ANDERSON

A former recipient of food stamps and a high-ranking social-services administrator under Wisconsin Governor Tommy Thompson, Eloise Anderson was an intriguing selection when, in 1992, California Governor Pete Wilson appointed her director of the California Department of Social Services. Since federal welfare reform passed in 1996, Anderson has given no quarter to defenders of the *ancien régime*. Her moment of national fame came in a blunt exchange with Leslie Stahl of "60 Minutes," who was aghast when Anderson insisted welfare should be eliminated. Under Governor Wilson's leadership, Anderson has settled for a more modest strategy, one centered on

child immunization and good school attendance as preconditions for parents receiving aid. She has also helped to craft California's new welfare reform program, CalWORKs, which devolves authority to the state's 58 counties.

## JONETTA ROSE BARRAS

*Washington Times* columnist Jonetta Rose Barras laughs when asked if she is a black nationalist. "I do think [my writing] borders on radicalism at times because it takes the concept of cultural allegiance beyond what we saw in the '70s and '80s, which I consider rather narcissistic." She cites Frederick Douglass and Marcus Garvey as intellectual heroes for making the case that black Americans should dedicate themselves to their hallmark virtues, industry and religiosity. "Somewhere along the line, we devalued our inheritance," she laments. And yet, "these values are like a fine silver platter. If you neglect to polish it, it's no less valuable a piece. You just have to clean it off and put it back on the shelf."

A District of Columbia resident, Barras recently wrote *The Last of the Black Emperors*, a critical history of Mayor Marion Barry's career since leaving federal prison in 1992. Despite the District's racial polarization, Barras is optimistic that race will fade in importance as blacks move into the upper and middle classes, where economics will supplant race as blacks' main gauge for making political decisions. She notes with justifiable pride that black culture "has become a marketing tool for corporate America," as young whites come to emulate its talk and dress. "African-American culture is becoming American culture."