

ARTICLES

BLACK LIKE ME? “GANGSTA” CULTURE, CLARENCE THOMAS, AND AFROCENTRIC ACADEMIES

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In this Article, Eleanor Brown seeks to shift the framework through which we view Afrocentric academies. In the spirit of Justice Clarence Thomas's concurrence in Missouri v. Jenkins, Brown proposes that Afrocentrism represents an innovative educational response to the crisis in urban black communities. Applying social psychological literature, she argues that poor urban environments are ill equipped to provide the intersubjective reinforcement that is essential to healthy identity formation. A significant proportion of black youth have developed an alternative means of validating themselves, adopting a core of "oppositional" or "gangsta" norms that they associate with being authentically "black." A primary feature of these norms is the rejection of mainstream opportunity-enhancing behaviors, such as educational achievement and law abidance. Drawing on the philosophical insight that black youth who privilege a detrimental picture of themselves are essentially being misrecognized, Brown suggests that Afrocentrism may be viewed as an attempt to recognize properly black youth. She outlines an Afrocentric curriculum that articulates a vision of black culture as constituted by a history of political struggle and promises to meet the intersubjective needs of black youth. Addressing several liberal criticisms, including the concerns that Afrocentrism undermines healthy participation in the body politic and constrains individual autonomy, Brown concludes by offering a compromise: Liberal educational goals should predominate during primary education and an Afrocentric curriculum should guide secondary education.

Because we have forgotten our ancestors, our children no longer give us honor.

Because we have lost the path our ancestors cleared kneeling in perilous undergrowth, our children cannot find their way.

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Because the old wails of our ancestors have faded beyond our hearing, our children cannot hear us crying.

Because we have abandoned our wisdom of mothering and fathering, our befuddled children give birth to children they neither want nor understand.

Because we have forgotten how to love, the adversary is within our gates, and holds us up to the mirror of the world shouting, "Regard the loveless."

Therefore we pledge to bind ourselves to one another, to embrace our lowliest, to keep company with our loneliest, to educate our illiterate, to feed our starving, to clothe our ragged, to do all good things, knowing that we are more than keepers of our brothers and sisters. We are our brothers and sisters.¹

INTRODUCTION

The debate surrounding Afrocentric education² has generated significant interest among academics, legal theorists, policymakers, educators, and judges.³ Public commentators and academics particularly

¹ Maya Angelou, *The Black Family Pledge* (visited Mar. 6, 2000) <<http://www.thecybermom.com/attic/issue1/family/angelou.html>>. For a discussion of pledges at Afrocentric academies, see Majorie Coeyman, *Black Pride Drives This Public School*, *Christian Sci. Monitor*, Oct. 6, 1998, at B6 (highlighting pledges used at Paul Robeson Academy, Afrocentric school in Detroit).

² Although there is substantial debate among self-identified Afrocentrists as to the precise principles of Afrocentrism, there are some recurring features which constitute the core elements of Afrocentric thought. Afrocentrism traces its roots to the work of early African American scholars such as W.E.B. DuBois, Carter G. Woodson, and Charles H. Wesley. See Frederick Dunn, *The Educational Philosophies of Washington, DuBois and Houston: Laying the Foundations for Afrocentrism and Multiculturalism*, 62 *J. Negro Educ.* 24, 24-33 (1993); see also Charles H. Wesley, *Richard Allen: Apostle of Freedom* (Associated Publishers 1969) (1935); Carter G. Woodson, *The History of the Negro Church* (Associated Publishers 1992) (1921); James A. Banks, *African American Scholarship and the Evolution of Multicultural Education*, 61 *J. Negro Educ.* 273, 273-86 (1992) (discussing major works by W.E.B. DuBois). Building on the work of these scholars, Afrocentrism attempts to rectify the historical omission of blacks from academic scholarship.

Professor Molefi Kete Asante, a prominent and controversial defender of Afrocentrism, defines the philosophy as the idea that African people must be seen as subjects of history and human experience, rather than objects. See Molefi Kete Asante, *Afrocentricity* 45, 55-56 (1990) (describing Afrocentricity as "a reorganization of our frames of reference in such a way that we become the center of all that radiates from us" and as level of awareness "when the person becomes totally changed to a conscious level of involvement in the struggle for his or her own mind liberation"). See generally Maulana Karenga, *Introduction to Black Studies* (1982); C. Tsehloane Keto, *The Africa Centered Perspective of History and Social Sciences in the Twenty-First Century* (1989).

³ School districts across the country increasingly have adopted Afrocentric curricula. See Melissa Butler, *Afrocentric Education: How It Can Work*, *Pittsburgh Post-Gazette*, July 9, 1997, at A7. From Detroit to Milwaukee to Pittsburgh, superintendents of public

have been skeptical of attempts to use public funds for Afrocentric "propaganda."⁴ Yet the skepticism in the ivory tower has not been reflected on the ground. Despite vocal opposition,⁵ superintendents

schools have adopted traditionalist Afrocentric curricula to protect and bolster values and traditions that the black community historically has valued. See Dennis Kelly, *Afrocentric Studies: A Concept Rooted in Controversy*, *USA Today*, Jan. 28, 1992, at D1. The principal of the Paul Robeson Afrocentric Academy explains that an Afrocentric curriculum is "a way of healing the effects of racism." Coeyman, *supra* note 1, at B6. He predicts that cultural strength will allow "people to come together by choice, standing on their own two feet." *Id.*

⁴ See, e.g., Gregory Kane, Editorial, *New Excuse for Poor Academic Performance by Black Students*, *Star Trib. (Minneapolis, Minn.)*, Jan. 3, 1997, at 19A (commenting on Oakland school board's decision to recognize Ebonics as distinct language:

Some excuse has to be made for why black students are not doing well If only the curriculum were African-centered enough, the argument went, black students would miraculously improve their reading and math skills. Of course, Afrocentrists didn't realize they were in essence admitting that black students were simply incapable of learning a Eurocentric curriculum And actually, they were conceding black inferiority too.

. . . .
I shall make yet another in what is becoming an endless string of appeals for black folk to abandon this nonsense. We need to stop looking at curriculum and language and look at the students.

. . . .
There is a long list of black Americans—some famous, most not—who mastered education without . . . an Afrocentric curriculum.);

Patricia Smith, *School Learns a Hard Lesson*, *Boston Globe*, Nov. 15, 1996, at B1:

[I]t appeared to many on the committee that an Afrocentric school that teaches Swahili and African drum and dance and is based on the principles of Kwanzaa is not going to attract a diverse student population. Many members of the committee, and that includes minority members, didn't think that was a program we wanted to replicate throughout the system. One person on the committee even said that if we approved a pilot school in South Boston that taught Gaelic and Irish dance and concentrated on Irish literature, we'd be shot for approving it. (quoting Ed Doherty, Boston Teachers Union President).

See also Arthur M. Schlesinger, Jr., *The Disuniting of America* 79-103 (1991) (critiquing notion that promoting ethnic pride or self-esteem is appropriate goal for education). Nathan Glazer offers similar sentiments based on his experience advising the New York City School Chancellor on multicultural education. See Nathan Glazer, *We Are All Multiculturalists Now* 22-25, 75-77 (1997) (discussing "doubtful claims of African primacy" put forth by some Afrocentrists and urging that "extravagant enhancement of the role of black Africa in world history" must be fought). Historian Clarence E. Walker argues that "advocates of Afrocentric education have invented the field for themselves." David C. Butty, *Afrocentrism Generates Mixed Results in Detroit and Debate Across the Nation*, *Detroit News*, May 19, 1996, at 5B (citing views of Clarence Walker together with other critics of Afrocentric education). The best articulation of this view may be found in Mary Lefkowitz, *Not out of Africa: How Afrocentrism Became an Excuse to Teach Myth as History* (1996) (discussing views of policymakers and multicultural educators).

⁵ Members of the Milwaukee school board expressed such opposition to the establishment of an Afrocentric curriculum. See Tamara Henry, *Afrocentric Curriculum on Trial*, *USA Today*, Dec. 18, 1996, at D6. Leon Todd, a school board member in Milwaukee who opposed the establishment of Afrocentric academies, deemed them "racist" and "nationalist." Todd sponsored a resolution seeking to ban the teaching of Afrocentrism in any "K-

and educators have maintained their support for Afrocentric education.⁶ Moreover, parents have been overwhelmingly supportive of attempts to institutionalize these curricula.⁷ As the president of the Baptist Minister's Union in Kansas City noted, "nothing has galvanized interest in education in our community like Afrocentrism."⁸

The adoption of Afrocentric curricula arguably represents the most public and controversial departure by the black community from the integrative ideal first delineated in the Supreme Court's 1954 decision in *Brown v. Board of Education*.⁹ *Brown* signaled that integration had become a primary public value.¹⁰ Indeed, it represented such

12 multicultural curriculum." Todd also accused Afrocentric academies of miseducating black children. Todd justified his opposition by citing unfavorable educational results. See *id.* In fact, educational results are mixed empirically:

A 1992-93 study by Moore & Associates showed that student performance at African-centered academies was better. The survey showed that students at African-centered schools are generally performing above national and district norms on the California Achievement Test, and that students attendance rates also exceeded district rates. Students' attitudes and behaviors have improved. But there have been mixed results on the Michigan Education Assessment Program tests among three of the original African centered academies.

Butty, *supra* note 4, at B5.

⁶ In perhaps the highest profiled of these efforts, the Superintendent of the Washington, D.C., public school system, Andrew Jenkins, in 1990 approved an Afrocentric curriculum for a pilot program in an overwhelmingly black school district. See Afrocentric Studies Planned for Schools, Wash. Times, Apr. 27, 1990, at B2, available in Lexis, News Library, WTIMES file; David Nicholson, D.C.'s African-Centered Curriculum, Wash. Post, Sept. 27, 1990, at B4; Ward 2 Wrangle, Wash. Times, Jan. 14, 1991, at B2, available in Lexis, News Library, WTIMES file. While Jenkins's approval of the curriculum received extensive press coverage, most attention focused on the school board's threat to dismiss him for adopting a divisive curriculum, which it deemed to be an inappropriate use of public funds. See, e.g., Jonetta Rose Barras, Early Jenkins Ouster Is Being Pushed, Wash. Times, Nov. 29, 1990, at B1, available in Lexis, News Library, WTIMES file; Editorial, No More Excuses for Andrew Jenkins, Wash. Times, Dec. 4, 1990, at G2, available in Lexis, News Library, WTIMES file. Jenkins refused to reconsider, offering to find alternative funds in exchange for the board's promise of lessened scrutiny of the curriculum and greater decisionmaking power on the part of black educators. Jenkins made his objectives clear: He would use the increased autonomy to make Washington, D.C., a laboratory for the Afrocentric curriculum. Ultimately, Superintendent Jenkins was dismissed. See *id.*

⁷ See, e.g., Jerry Phillips, Where Has Our Community Gone?, Wash. Post, Aug. 26, 1990, at C8 (noting that angry parents protested Washington, D.C., School Board's threat to terminate superintendent in response to Afrocentric pilot program); see also Dorothy Gilliam, A Time for Learning, Wash. Post, Dec. 3, 1990, at D3 (discussing protest demonstrations aimed at perceived threat to Afrocentric education funding); Lynn Horsley, Hundreds Show Support for Afrocentrism, Kansas City Star, Dec. 9, 1997, at B2 (describing large crowd of several hundred people urging Kansas City school board to resist legal threat to Afrocentric program at local high school).

⁸ Horsley, *supra* note 7, at B2.

⁹ 347 U.S. 483 (1954).

¹⁰ See generally Hugh D. Graham, *The Civil Rights Era: Origins and Development of National Policy 1960-1972* (1990) (noting that *Brown* is widely regarded as beginning of civil rights era); Richard Kluger, *Simple Justice: The History of Brown v. Board of Educa-*

an urgent goal that other educational objectives were evaluated by how effectively they furthered or undermined integrationist objectives.¹¹ Today, however, support for Afrocentric academies represents black parents' willingness to prioritize other educational goals, even if these goals are inimical to integrative efforts. To the extent that they represent a popular attempt to marshal public funds to subsidize a particularistic identity shared primarily (though not necessarily exclusively) by blacks, these academies are perceived as the most dramatic deviation to date from *Brown's* mission. Thus, Afrocentric academies perhaps represent a paradigmatic instance of what Professor Drew Days has termed the "Brown Blues"¹²—the sagging commitment to the integrative ideal.

These blues have been articulated most famously by Justice Thomas in his concurrence in *Missouri v. Jenkins*.¹³ Justice Thomas criticizes the focus on integration as a route to educational equality and encourages the black community to look within itself: in other

tion and Black America's Struggle for Equality (1975) (characterizing *Brown* as among Supreme Court's most important decisions); U.S. Commission on Civil Rights, *Twenty Years After Brown* (1975) (noting that many Americans regarded *Brown* decision as beginning of civil rights and desegregation movements); J. Harvie Wilkinson, III, *From Brown to Bakke* (1979) (noting that *Brown* fundamentally changed legal landscape by raising expectations for racial equality); Michael Klarman, *Brown, Racial Change, and the Civil Rights Movement*, 80 Va. L. Rev. 7 (1994) (discussing complex relationship between *Brown* and changes in race relations); Gary Orfield & David Thronson, *Dismantling Desegregation: Uncertain Gains, Unexpected Costs*, 42 Emory L.J. 759 (1993) (arguing that contemporary efforts to dismantle *Brown* ignore its power in legal landscape). For claims that *Brown's* impact on the jurisprudential and social landscape are overstated, see, e.g., Jonathan Kozol, *Savage Inequalities: Children in America's Schools* 3 (1991):

The Supreme Court decision in *Brown* . . . did not seem to have changed very much for children in the schools I saw . . . Most of the urban schools I visited were 95 to 99 percent nonwhite. In no school that I saw anywhere in the United States were nonwhite children in large numbers truly intermingled with white children.

See generally Gerald N. Rosenberg, *The Hollow Hope: Can Courts Bring About Social Change?* (1991) (discussing difficulty of implementing change through courts as evidenced by *Brown*); *Shades of Brown: New Perspectives on School Desegregation* (Derrick Bell ed., 1980) (contending that *Brown* has failed to deliver on its promise to black parents).

¹¹ See, e.g., David J. Armor, *Forced Justice: School Desegregation and the Law* 114-15 (1995) (noting that *Brown* rationale that segregation causes psychological harm to children is used to justify many educational policy decisions); Sonia R. Jarvis, *Brown and the Afrocentric Curriculum*, 101 Yale L.J. 1285 (1992) (analyzing Afrocentric curriculum in terms of ability to satisfy *Brown's* demands).

¹² See Drew S. Days, III, *Brown Blues: Rethinking the Integrative Ideal*, 34 Wm. & Mary L. Rev. 53 (1992) (discussing variety of recent educational trends, including Afrocentric academies, which represent retreat from *Brown's* commitment to integrated education).

¹³ 515 U.S. 70, 122 (1995) (Thomas, J., concurring) (reviewing constitutionality of district court's remedy in Kansas City desegregation case and describing potential benefits of black-only schools).

words, to exploit resources innovatively that presently exist in the black community. This Article proposes that Justice Thomas's exhortation to seek solutions that may lie within the black community is not incompatible, in spirit, with Afrocentrists' goals to make blacks the subjects of history and human experience. At first glance, this conflation of Thomas's views—often described as conservative—with the theoretical project of Afrocentrism, which some liberal critics view as radically separatist, may seem surprising. However, this Article contends that both viewpoints represent a growing dissatisfaction with the integrationist ideal, as expressed by black intellectuals at opposite extremes of the ideological spectrum.

In addition, while acknowledging that Afrocentrism may seem inimical to liberal educationalists' goals of fostering autonomy, empathy, and democratic participation, this Article also aims to bridge the gap between liberal critiques and the Afrocentric response by proposing a compromise. Part I seeks to shift the framework through which we view Afrocentric academies and proposes that Afrocentrism represents an innovative educational response to what may be called a "crisis" in the black community. Viewing this "crisis" through the lens of sociological studies, this Article argues that the absence of positive validation of blacks by the larger society has led a significant number of black youth to articulate alternative means of validating themselves, developing a core of norms that they associate with being authentically "black." I refer to these as "gangsta" norms. These norms embrace rather than castigate the negatives with which "blackness" is associated in the larger society. Thus, antisocial behaviors, historically stigmatized by blacks, have become themselves symbols of blackness.¹⁴

Using this theoretical framework as a reference point, Part II argues that gangsta norms have overrun inner-city communities and are substantially responsible for the crisis besieging black youth. Utilizing sociological literature to trace the historical development of an oppositional culture, Part II.B discusses the factors that made urban communities ripe for the development of oppositional norms, including the depletion of the job base, the declining presence of middle-class blacks, and the corresponding decline in the community groups that middle-class blacks historically organized and that served as important

¹⁴ It is worth noting that, for the Afrocentrist, it is not coincidental that the primary victims of the embrace of oppositional norms (e.g., assault, robbery, rape, and homicide) are other black people. This, in and of itself, is indicative of a withered self-concept. See Hussein Abdilahi Bulhan, *Frantz Fanon and the Psychology of Oppression* 163 (1985) (describing these intraracial acts of violence as "expression of misdirected rebellion and collective autodestruction").

mechanisms for the validation of "mainstream" behaviors. This Part also draws on social psychology literature to illustrate a striking increase in adverse reactions to sustained economic disadvantage in recent years, as demonstrated by the widespread embrace of an oppositional gangsta culture, which has caused a substantial proportion of black youth to reject law's expressive function.

Part II.C applies the analyses of social psychologists and argues that poor urban environments are ill equipped to provide the intersubjective reinforcement that is essential to identity formation and that black youth meet this need by creating positive reinforcement out of the negative behaviors that surround them. The result: gangsta norms. Similarly, Part II.D draws on the philosophical insight that an individual who privileges a detrimental picture of herself is essentially being "misrecognized," and contends that negative intersubjective processes are classic instances of misrecognition.

Part III proposes that Afrocentrism can be viewed as an attempt to "recognize" properly black youth. Accordingly, in this Part, I propose an Afrocentric curriculum that articulates a vision of black culture which meets the intersubjective needs of black youth—that is, black culture as constituted by a history of political struggle. To the extent that the black adolescent intersubjective experience has been distorted by oppositional norms now associated with "blackness," Afrocentricism can provide a sufficiently substantive cultural content to effectively undermine these norms. The point is to replace misrecognition with recognition.

Part IV examines several criticisms which the advocate of an Afrocentric curriculum must overcome: that Afrocentric norms are themselves opportunity constraining—that they undermine healthy participation in the body politic;¹⁵ that they subvert the individual's capacity to exercise autonomous choice;¹⁶ and that a multicultural curriculum offers a preferable method for displacing oppositional norms.

¹⁵ The theory of this critique is that, by essentializing African American students via selected traits, an Afrocentric curriculum hinders effective participation in public life. See K. Anthony Appiah, *Identity, Authenticity, Survival: Multicultural Societies and Social Reproduction*, in *Multiculturalism: Examining the Politics of Recognition* 149 (Amy Gutmann ed., 1994) (discussing how movements to recognize collective identity overlook individual identity); Martha Minow, *Not Only for Myself: Identity, Politics, and Law*, 75 *Or. L. Rev.* 647, 653-55 (1996) (discussing tendency of identity politics to "essentialize" participants by reducing them to one trait and assuming that this trait determines viewpoints and experiences).

¹⁶ Bruce Ackerman argues that curricula that indoctrinate students undermine the students' capacity for critical thinking and autonomous choice. See Bruce A. Ackerman, *Social Justice in the Liberal State* 139-57 (1980) (arguing that any curriculum based on comprehensive conception of "the good" undermines autonomy).

In response, I argue that a "less thick,"¹⁷ multicultural approach to education, unlike an Afrocentric education, cannot achieve the kind of immersion in positive, black-identified norms that is needed to displace negative norms.

I conclude by suggesting a compromise in which liberal educational goals determine the curricula for primary education, while secondary education becomes the venue for teaching an Afrocentric curriculum. It is my hope to bridge the distance between the liberal critique and the Afrocentric response, as I believe that the goals of liberal education and Afrocentric curricula are not mutually exclusive.

I

JUSTICE THOMAS'S CHALLENGE TO TURN INWARD AND THE AFROCENTRIC PROJECT

Although dissatisfaction with the integrative ideal has come from various sources within the black community,¹⁸ this disenchantment has been most prominently articulated by Justice Clarence Thomas.¹⁹

¹⁷ The operating principle of this "less thick" multicultural approach is neutrality, where contributions of a diverse range of groups are celebrated—each group, in theory, receives "equivalent" subsidization. Consider, for example, the institutionalization of different celebrations for ethnic groups (Black History Month, Asian History Month, Hispanic History Month). This approach has received support from liberal theorists, although it represents a deviation from traditional approaches to neutrality that rejected cultural subsidization of any group. Will Kymlicka's understanding of neutrality asserts that the state is neutral to the extent that it makes every effort to ensure that as many groups as possible have their say. See generally Will Kymlicka, *Finding Our Way: Rethinking Ethnocultural Relations in Canada* (1998) [hereinafter Kymlicka, *Finding Our Way*]; Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (1995) [hereinafter Kymlicka, *Multicultural Citizenship*]; see also Amy Gutmann, *Introduction to Multiculturalism: Examining the Politics of Recognition*, *supra* note 15, at 3, 3 ("The challenge [of multiculturalism] is endemic to liberal democracies because they are committed in principle to equal representation of all.").

¹⁸ See, e.g., William Raspberry, A "Crazy" Idea for Teaching Black Kids, *Chi. Trib.*, Nov. 18, 1987, at 21 (discussing black efforts to prioritize educational quality); Rogers Worthington, *Milwaukee Proposal Splits City, Educators*, *Chi. Trib.*, Nov. 22, 1987, at 4 (discussing efforts by black teachers to reduce "obsession" with integration).

¹⁹ I acknowledge the irony of utilizing Justice Thomas's views as a mirror of the views of the black community, given the extent to which he has been denounced by leaders of that very community. In a profile of Justice Thomas in the *New Yorker*, Jeffrey Rosen discusses the criticism that has been directed at the Justice. See Jeffrey Rosen, *Moving On*, *New Yorker*, Apr. 26 & May 6, 1996, at 67-68:

Among members of the civil-rights establishment in particular, Thomas is vilified in terms that would be inconceivable for other black officials, let alone other Supreme Court Justices. At the N.A.A.C.P.'s annual convention in July, Thomas was denounced as a "pimp" and a "traitor." At an academic conference in Birmingham, Alabama, last fall, celebrating the thirtieth anniversary of the Voting Rights Act, Joseph Lowery, of the Southern Christian Leadership Conference, told a cheering, mostly black audience, "I have written to Justice Brother Whatchamacallit, and I have told him I am ashamed of him, because

In his concurrence in *Missouri v. Jenkins*,²⁰ Justice Thomas argues that the traditional reliance on the integrative paradigm to solve inequities between blacks and whites is belied by poor educational results among black children in integrated schools.²¹

Justice Thomas challenges society to solve educational problems by innovatively exploiting resources that presently exist within the

he is becoming to the black community what Benedict Arnold was to the nation he deserted; and what Judas Iscariot was to Jesus: a *traitor*; and what Brutus was to Caesar: an *assassin*! And we must pray for him." In a speech about Thomas at New York University last fall, Judge A. Leon Higginbotham, Jr., derisively quoted from William Blake's "The Little Black Boy." "I am black but my soul is white," he ominously declaimed, adding, "There is something happening to the core of this man's soul." Thomas, Higginbotham intoned, exhibits "a level of racial self-hatred which is clinically observable."

But see generally Shelby Steele, *The Content of Our Character: A New Vision of Race in America* (1990) (challenging exclusive authority of black liberals to articulate interests of black community and their tendency to demonize black conservatives when they dissent from liberal orthodoxy).

²⁰ 515 U.S. 70 (1994) (Thomas, J., concurring).

²¹ See *id.* at 121-22 ("Given that desegregation has not produced the predicted leaps forward in black educational achievement, there is no reason to think that black students cannot learn as well when surrounded by members of their own race as when they are in an integrated environment."). A recent poll of black respondents indicates that a majority expressed sentiments remarkably similar to those expressed by Thomas. See Steve Farkas & Jean Johnson, *Public Agenda, Time to Move On: African-American and White Parents Set an Agenda for Public Schools 10* (1998) ("[African American] parents believe in integration and want to pursue it, but insist that nothing divert attention from their overriding concern: getting a solid education for their kids."). Although 79% of black parents say that "it is important to them that their child's school be racially integrated," the support for racial integration decreases dramatically when they are asked to prioritize educational goals. See *id.* at 11. Eighty-two percent of black parents say that their first priority for public schools is "[r]aising academic standards and achievement" as opposed to 8% who consider "[a]chieving more diversity and integration" their top priority. *Id.* Moreover, 54% of black parents believe that the educational performance of black kids constitutes a "crisis," with 28% deeming the situation "a serious problem." *Id.* at 19. When asked "Do kids get a better education in a racially integrated school, is it worse, or does it make little difference?" over half of black parents (51%) answered that it makes little difference (41% believe that racially integrated schools are better, and 5% assert that they are worse). See *id.* at 26. Moreover, 73% of black parents worry that their children will disproportionately bear the burdens of busing. See *id.* at 27. A *New York Times* article quotes Glenn Loury, director of the Institute on Race and Social Division at Boston University, as saying that "[b]lack parents have become much more skeptical that [busing] is the way of attacking the problem." The article also quotes Clint Perkins, a black parent, as saying that "[a]s long as all the teachers and parents are singing off the same page . . . I don't care what color they are." Dirk Johnson, *Then, the Color of Classmates. Now, the Color of Money*, *N.Y. Times*, Sept. 26, 1999, § 4 (Week in Review), at 3. However, Gary Orfield and Susan Eaton argue that proponents of integration do not claim that black kids cannot learn without white kids, but, rather, that integrated education provides black children, who are disproportionately likely to live in poor neighborhoods, with access to networks to which their white peers have access, and that these networks lead to jobs and educational opportunities. See Gary Orfield & Susan E. Eaton, *Dismantling Desegregation: The Quiet Reversal of Brown v. Board of Education* xv, 54, 57 (1997).

black community. In *United States v. Fordice*,²² he suggested that black students may achieve excellent academic results in primarily black environments:

Despite the shameful history of state-enforced segregation, [black colleges] have survived and flourished. Indeed, they have expanded as opportunities for blacks to enter historically white institutions have expanded. Between 1954 and 1980, for example, enrollment at historically black colleges increased from 70,000 to 200,000 students, while degrees awarded increased from 13,000 to 32,000. . . .

I think it indisputable that these institutions have succeeded in part because of their distinctive histories and traditions; for many, historically black colleges have become "a symbol of the highest attainments of black culture."²³

In *Jenkins*, Thomas went further, analogizing black high schools to historically black colleges:

Indeed, it may very well be that what has been true for historically black colleges is true for black middle and high schools. Despite their origins in "the shameful history of state-enforced segregation," these institutions can be "both a source of pride to blacks who have attended them and a source of hope to black families who want the benefits of . . . learning for their children."²⁴

Although Justice Thomas's concurrence provoked widespread commentary,²⁵ critics were preoccupied with his articulation of a jurisprudence of "black inferiority,"²⁶ even though this was a familiar no-

²² 505 U.S. 717 (1992) (Thomas, J., concurring) (reviewing constitutionality of Mississippi's efforts to consolidate its state university system, which entailed closing traditionally black institutions that historically provided sole access to higher education for blacks).

²³ *Id.* at 748 (internal quotation marks omitted).

²⁴ *Jenkins*, 515 U.S. at 122 (one set of internal quotation marks omitted) (quoting *Fordice*, 505 U.S. at 748).

²⁵ See, e.g., Jose Felipe Anderson, Perspectives on *Missouri v. Jenkins*: Abandoning the Unfinished Business of Public School Desegregation "With All Deliberate Speed," 39 How. L.J. 693, 713 (1996) (describing Thomas's concurrence as contributing to Supreme Court's retreat from "strong commitment to participation of the federal courts in desegregation"); Bradley W. Joondeph, *Missouri v. Jenkins* and the De Facto Abandonment of Court-Enforced Desegregation, 71 Wash. L. Rev. 597, 669-80 (1996) (criticizing Thomas's concurrence by arguing that segregation continues to have pervasive harms, even where there is no state-sponsored discrimination).

²⁶ In his concurrence, Thomas elucidated the logical errors in what he took to be an increasing (and disturbing) trend, namely, a willingness on the part of federal courts to find unconstitutional state action in the absence of a definitive finding of intentional governmental action. He argued that these courts were acting on the belief that racial imbalances per se constitute a constitutional violation. Thomas suggested that this belief was rooted in what he termed a "jurisprudence . . . of black inferiority." See *Jenkins*, 515 U.S. at 114-22 (Thomas, J., concurring). Thomas noted, "It never ceases to amaze me that courts are so willing to assume that anything that is predominantly black must be inferior." *Id.* at 114. He continued: "After all, if separation itself is a harm, and if integration therefore is the only way that blacks can receive a proper education, then there must be something inferior

tion that had long been in the public domain.²⁷ However, critics overlooked what I believe is the most powerful portion of his concurrence: the discussion of the historical strengths of black institutions in dealing with black educational problems. Thomas's position represented a dramatic shift in the terms of the debate about morally defensible and efficacious routes to school equity.²⁸ Implicit in his opinion is the sentiment that despite historical structural inequities,²⁹

about blacks. Under this theory, segregation injures blacks because blacks, when left on their own, cannot achieve." *Id.* at 122. Critics such as Ted Shaw take issue with this position:

There is *nothing* inherently wrong with an all-black institution. There *is* something inherently wrong with all-black institutions that are created and maintained by a predominately white power structure and that do not have the resources because the resources are withdrawn as white folks flee. . . . So we are not talking about all-black institutions as inherently inferior because something magic about white children rubs off on black children that allows them to learn in a better way. That is not the underlying principle. What we are talking about are structural realities that continue to exist within the society and within the schools that make learning next to impossible.

Theodore M. Shaw, *Equality and Educational Excellence: Legal Challenges in the 1990s*, 80 Minn. L. Rev. 901, 905-06 (1996).

²⁷ Indeed, three decades earlier, Malcolm X had famously made an identical argument. It is worth juxtaposing central passages from Justice Thomas's concurrence with the reflections of Malcolm X on the integrationist paradigm three decades earlier:

I just can't see where if white people can go to a white classroom and there are no Negroes present and it doesn't affect the academic diet they're receiving, then I don't see where an all-black classroom can be affected by the absence of white children. . . .

So, what the integrationists, in my opinion, are saying, when they say that whites and blacks must go to school together, is that the whites are so much superior that just their presence in a black classroom balances it out.

Malcolm X, *Answers to Questions at the Militant Labor Forum*, in *New York, N.Y.* (Apr. 8, 1964), in *By Any Means Necessary: Speeches, Interviews and a Letter 14, 17* (George Breitman ed., 1970).

²⁸ In the *New Yorker* article, Jeffrey Rosen describes Thomas's impassioned plea at the Justices' conference at which *Jenkins* was discussed:

In January of 1995, . . . Justice Clarence Thomas interrupted the decorous calm of the conference with a highly personal appeal. . . . I am the only one at this table who attended a segregated school, Justice Thomas reportedly said. And the problem with segregation was not that we didn't have white people in our class. The problem was that we didn't have equal facilities. We didn't have heating, we didn't have books, and we had rickety chairs. All society owed us was equal resources and an equal opportunity to make something of ourselves.

Rosen, *supra* note 19, at 66.

²⁹ See *id.* at 66-67:

[Thomas's grandfather] never asked for handouts from the state. He hadn't made a great living, and his business had been restricted to black neighborhoods, but he had not needed affirmative action to get his contracts. Thomas reportedly went on to say that affirmative action, like segregation, is inherently wrong, because it is premised on the patronizing belief that blacks are inherently inferior. Having survived the ordeal of segregation, Thomas, who is

the black community has, in the past, addressed educational problems by inventively utilizing resources that have been cultivated within the community amid conditions of extreme deprivation. Essentially, black educators took institutions that were scorned and resource-deprived, and turned them into thriving centers of academic excellence.³⁰ Moreover, these schools provide benefits that go far beyond the academic enrichment of individual students; often they accrue to the larger black community. In Thomas's words, "black schools can function as the center and symbol of black communities, and provide examples of independent black leadership, success, and achievement."³¹ I will term this argument his "inward" turn. It is this same tenet of communal autonomy and initiative, of turning inward to find solutions within the black community, that underlies the grassroots efforts to establish Afrocentric academies.³²

forty-seven, knew from experience that black communities and black families often flourished in the face of adversity.

³⁰ Dunbar High School in Washington, D.C., was one such center of black educational success. Founded in 1870, it was the first high school for the education of black Americans in the United States. Historically, the school has had phenomenal success rates. Thomas Sowell, in his description of Dunbar, writes the following:

As far back as 1899, Dunbar students came in first in citywide tests given in *both* black and white schools. Over the 85-year span, most of Dunbar's graduates went on to college, even though most Americans—white or black—did not. . . . [T]hose Dunbar graduates who attended Harvard, Amherst, Oberlin, and other prestigious institutions (usually on scholarships) ran up an impressive record of academic honors. . . .

In their careers, as in their academic work, Dunbar graduates excelled. The first black general (Benjamin O. Davis), the first black federal judge (William H. Hastie), the first black Cabinet member (Robert C. Weaver), the discoverer of blood plasma (Charles Drew), and the first black Senator since Reconstruction (Edward W. Brooke) were all Dunbar graduates.

Thomas Sowell, *Black Excellence: The Case of Dunbar High School*, 35 Pub. Interest 3, 3-4 (1974). In his attempt to account for Dunbar's success rate, Sowell mirrors Justice Thomas in eliminating racial integration as a factor: "Clearly *not* essential to the Dunbar performance was racial integration Except for a few white teachers in its early days . . . Dunbar was an all-Negro school, from students to teachers to administrators, for generation after generation. Moreover, it was located in a segregated city" *Id.* at 9.

³¹ *Jenkins*, 515 U.S. at 122 (1995) (Thomas, J., concurring).

³² Ironically, Justice Thomas himself does not subscribe to Afrocentrism. Indeed, he has criticized the African American studies courses that are now popular in universities. See Ron Suskind, *And Clarence Thomas Wept*, *Esquire*, July 1998, at 70, 73 (noting that Justice Thomas advised his mentee not to take any of that "Afro-American-studies stuff"). Since these courses represent a substantially milder Afrocentrism (to the extent that they are not necessarily committed to an Afrocentric value system), one expects that Justice Thomas would be as disturbed (if not more disturbed) by the suggestion that his inward turn can be achieved by embracing a "thick" Afrocentric curriculum.

Another irony is the methodological difference between Justice Thomas's preferred approach and the defense of Afrocentrism in this Article. The defense of Afrocentric academies draws strongly on social psychological research. Justice Thomas has expressed his disapproval of social science as a mechanism for elucidating questions of constitutional

Afrocentrism can be seen to echo Justice Thomas's challenge to educators to look within the boundaries of the black community for the solutions to the problem of educational deficiency.³³ Afrocentrists

principle. See *Jenkins*, 515 U.S. at 121 (Thomas, J., concurring) ("Psychological injury or benefit is irrelevant to the question whether state actors have engaged in intentional discrimination—the critical inquiry for ascertaining violations of the Equal Protection Clause. The judiciary is fully competent to make independent determinations concerning the existence of state action without the unnecessary and misleading assistance of the social sciences."); see also Clarence Thomas, *Toward a "Plain Reading" of the Constitution—The Declaration of Independence in Constitutional Interpretation*, 30 *How. L.J.* 691, 703 (1987) (arguing that *Brown* Court and many judges today too often depart from "a principled jurisprudence" rooted in "first principles of equality and liberty"). The primary purpose of this Article is not to provide a constitutional defense of Afrocentric education but instead to use social psychological research to elucidate the conditions that have made Afrocentric education necessary.

³³ Consider, for example, a report of the National Alliance of Black School Educators, an organization which has endorsed Afrocentric charter schools:

Given the low levels of performance for the masses of our children, the loss of African American educators, the absence of sufficient support for schools, and serious questions about the content of education . . . , our voices must be raised Since there is a limit to what we can expect from public education, there will remain some things that we must do for ourselves.

Task Force on Black Academic & Cultural Excellence, National Alliance of Black School Educators, Inc., *Saving the African American Child* 21 (1984).

Walter Gill, an Afrocentric educational theorist, stresses a similar theme of emphasizing values that already exist within the community in his discussion of the curriculum of Ujamaa, an Afrocentric school in New York City. Analogizing Ujamaa to a Jewish day school which promulgates values from within the Jewish community, Gill writes:

[T]he key components of curricular alternatives for educating African American children can be found in subject-content enhancements and instructional strategies which speak to the African American and African experience—its culture, history, and survival

. . . Similar to the Jewish yeshivot, one of the goals of Afrocentric curricula in schools like Ujamaa is to provide African American children with a "duality of socialization" . . . such that they can effectively come to grips with the dual social and personal consciousness of self alluded to by DuBois African American schoolchildren, though not united by a common religion, would benefit from the institutional concern for character and self-concept development . . . such as that to which yeshiva students are exposed.

Walter Gill, *Jewish Day Schools and Afrocentric Programs as Models for Educating African American Youth*, 60 *J. Negro Educ.* 566, 573 (1991) (citations omitted).

Notably, even educational theorists who are not self-identified Afrocentrists have urged a return to community resources. See Russell W. Irvine & Jacqueline Jordan Irvine, *The Impact of the Desegregation Process on the Education of Black Students: Key Variables*, 52 *J. Negro Educ.* 410, 416 (1983) (attributing success of historical black schools, in part, to fact that "these schools represented and took on uniquely stylized characteristics reflective of their members—patterns of communication, cultural preferences, and normatively diffused modes of behavior They were not only educational institutions in the narrow sense of that term, but they addressed the deeper psychological and sociological needs of their clients"). Echoing similar themes, Velma LaPoint, former dean of Howard University School of Education, challenges African American educators to "recognize that [they] can influence the kind of impact, especially negative impact, that many of these socializing contexts and their agents have on these youth and their families." Velma

perceive themselves as being involved in a project to improve schools and the prospects of black urban youth more generally,³⁴ by inculcating cultural norms that the black community has historically held dear. More broadly, Afrocentrism represents an innovative educational response to pervasively negative views of blacks in mainstream society,³⁵ and aims to stem the tide of what is popularly called the "black urban crisis."³⁶ Afrocentrists emphasize the oppositional nature of street culture, which has largely overtaken public schools in black communities.³⁷ In street parlance, this is also referred to as "gangsta" culture.³⁸ A primary feature of this gangsta framework is the willingness of its adherents to demonize and ostracize black students who

LaPoint, *Accepting Community Responsibility for African American Youth Education and Socialization*, 61 J. Negro Educ. 451, 451 (1992).

³⁴ See Gill, *supra* note 33, at 566 (arguing that Afrocentric academies "deserve careful investigation of their merit in helping African American youth make a meaningful transition to adulthood"); Kofi Lomotey, *Independent Black Institutions: African-Centered Education Models*, 61 J. Negro Educ. 455, 459-60 (1992):

The focus of the . . . curriculum . . . is African American culture, the African American experience, and how world events affect African American people. Educators . . . argue that this focus is particularly important for younger children because they are still forming their habits, personalities, self-concepts, and understandings of the world. Thus, if their early learning is put into a culturally relevant context, they are more likely to be motivated . . . and, ultimately, to be successful academically, socially, and culturally.

³⁵ See Gill, *supra* note 33, at 567, 569 (analogizing Afrocentric academies to Jewish day schools as effective response to proliferation of norms that are inimical to character development, and arguing that Jewish day schools "ameliorate[] the negative social manifestations that adversely affect character development among Jewish pupils" by "transmitting Judaic heritage to Jewish youth . . . [a]gainst a backdrop of acculturation and deculturation").

³⁶ See *infra* notes 46-56 and accompanying text.

³⁷ Signithia Fordham & John U. Ogbu, *Black Students' School Success: Coping with the "Burden of Acting 'White'"*, 18 Urb. Rev., 176, 181 (1986):

Along with the formation of an oppositional social identity, subordinate minorities also develop an oppositional cultural frame of reference which includes devices for protecting their identity and for maintaining boundaries between them and white Americans. . . . [T]hey emphasize other forms of behavior and other events, symbols, and meanings as more appropriate for them because these are *not* a part of white Americans' way of life.

See generally Jawanza Kunjufu, *To Be Popular or Smart: The Black Peer Group 1-6* (1988) (showing how peer pressure contributes to equation of academic achievement with whiteness).

³⁸ The utilization of the term "gangsta" is an appropriation from "gangsta rap," the musical medium in which gangsta norms, such as the "glamorization of violence and the romanticization of the culture of guns," have been popularly canonized. See Michael Eric Dyson, *Between God and Gangsta Rap* 178-79 (1996) [hereinafter *Dyson, Gangsta Rap*] (suggesting that gangsta rap both reflects cultural attitudes and shapes them); Michael Eric Dyson, *Making Malcolm* 84 (1995) (noting rise in popularity of gangsta rap and consequent increase in "visibility and demonization of black youth culture"); Michael Eric Dyson, *Reflecting Black* 9-10 (1993) (identifying rap "as a source of racial identity" and noting possible "foreboding consequences" of then new rap artists, N.W.A., who "celebrate[] a lethal

prioritize academic goals and to denigrate educational institutions.³⁹ Indeed, since academic achievement is associated with whiteness among black urban youth, it is rejected by gangsta culture.⁴⁰

This phenomenon may result in large part from the fact that adults in the black community do not positively validate black adolescents as black individuals. Professional, middle class, and working class blacks historically played important roles in urban centers by acting as the core organizers of community groups, which provided a source of moral guidance and positive validation for black youth.⁴¹ As these individuals and the organizations that they supported have disappeared from urban centers, many black urban adolescents no longer have access to traditional sources of validation.⁴² In the absence of this validation, they have articulated alternative means of validating themselves by embracing, rather than castigating, the negatives with which blackness is associated in the larger society.⁴³ Thus, antisocial behaviors, which are stigmatized in most other contexts and which were historically stigmatized by blacks, have now become symbols of "blackness." It is this recognition of the proliferation of antisocial behaviors and the association of these behaviors with blackness that provides an especially compelling justification for Afrocentric academies. Sadly, given the understandable controversy that has attended Afrocentric academies, the strongest theoretical justification for the Afrocentric educational project has been overlooked—namely, that Afrocentric academies are a necessary mechanism to displace the oppositional norms that have overtaken certain inner-city communities. In order to displace the oppositional process of validation, an alternative series of authentically "black" norms must be articulated. These norms should focus on the cultural ideals that the black community has historically valued.

Given the controversy surrounding Afrocentric education, it is important to clarify my precise position. I view Afrocentric education as an instrumental means to displace "gangsta" norms, rather than as

mix of civil terrorism and personal cynicism"). I use the terms "gangsta culture" and "street culture" interchangeably.

³⁹ Interestingly, Justice Thomas has had significant contact with African American students from troubled, urban schools. In 1995, he mentored Cedric Jennings, a black honor student at one of Washington, D.C.'s worst public high schools. Cedric was confronted with derision and violence from his peers because of his academic achievements. See Ron Suskind, *A Hope in the Unseen* 162 (1998) (recounting Cedric's final years in high school, including meeting with Thomas, and transition to Brown University); Suskind, *supra* note 32, at 72 (describing meeting between Cedric and Thomas).

⁴⁰ See *infra* notes 112-18 and accompanying text.

⁴¹ See *infra* notes 82-83 and accompanying text.

⁴² See *infra* notes 85-89 and accompanying text.

⁴³ See *infra* notes 93, 99-100 and accompanying text.

an effort to utilize state funds to perpetuate a particular cultural heritage for its own sake. Thus I advocate for the Afrocentric academy, not as an end in itself, but as a means to an end—namely, the reformulation of cultural norms among urban black youth. In this light, Afrocentric education offers the black community a way to “turn inward” to address pervasive social and cultural problems, just as Justice Thomas urges.

II

GANGSTA NORMS AND THE CRISIS IN BLACK URBAN COMMUNITIES

In these bloody days and frightful nights when an urban warrior can find no face more despicable than his own, no ammunition more deadly than self-hate and no target more deserving of his true aim than his brother, we must wonder how we came so late and lonely to this place.⁴⁴

Look at these young brothers dying in the street—the drive-by shootings, the violence. . . . [T]hese are young black men bleeding in the gutter, and no one seems to give a damn.⁴⁵

Afrocentric academies have gained popularity in recent years as a means to stem the “crisis”⁴⁶ characterizing distressed black, urban neighborhoods.⁴⁷ The term “crisis”⁴⁸ first gained popular usage in

⁴⁴ Maya Angelou, *I Dare to Hope*, N.Y. Times, Aug. 25, 1991, at E15.

⁴⁵ Rosen, *supra* note 19, at 67 (quotation marks omitted) (statement attributed to Justice Thomas by Glen Loury of Boston University).

⁴⁶ The following is a selective compilation of writings which urge ethnocentric educational responses to the black urban crisis. See, e.g., Kunjufu, *supra* note 37, at 90-92 (supporting educational programs for African American children that incorporate culturally relevant curricula); Joyce E. King, *The Purpose of Schooling for African American Children: Including Cultural Knowledge*, in *Teaching Diverse Populations: Formulating a Knowledge Base* 25, 26 (Etta R. Hollins et al. eds., 1994) (arguing that culturally relevant education is essential for educational and cultural survival of African American children); cf. Curtis W. Branch, *Ethnic Identity as a Variable in the Learning Equation*, in *Teaching Diverse Populations*, *supra*, at 207, 222-23 (suggesting that “in order to be more facilitative of global and intense growth and development on the part of the African American child, teachers, parents, and children themselves will have to redefine the definition of learning and give greater value to the life skills and awareness of the world around them”).

⁴⁷ See Paul A. Jargowsky & Mary Jo Bane, *Ghetto Poverty in the United States 1970-1980*, in *The Urban Underclass* 235, 235-38 (Christopher Jencks & Paul E. Peterson eds., 1991) (discussing these neighborhoods).

⁴⁸ There are commentators who have urged caution in using the term “crisis.” These commentators have argued that although a crisis exists, it affects only a minority of the black community. See, e.g., Orlando Patterson, *The Ordeal of Integration* 4 (1997) (noting that:

[A] problem in current talk and scholarship about Afro-Americans [is] the tendency to homogenize them as a single group beset by crises and intractable dilemmas

1986, when *The Crisis*, the Journal of the National Association for the Advancement of Colored People,⁴⁹ issued a report that contained the following summary of what it termed a "frightening" situation:

A statistical glance at black men in America reveals that to be black and male and to survive means to overcome incredible odds. We have a startling homicide rate of 125.2 deaths per 100,000 within the 24-44 age range. This figure sharply contrasts with the homicide rate for white males in the same age group: 14.2 per 100,000. Unemployment among working-age men hovers near the 40% mark. By the time we hit our 20th birthdays, nearly 22% of us have become dropouts And while we comprise approximately 6% of the total U.S. population, we disproportionately comprise over 40% of the nation's prison population.⁵⁰

There remain serious impediments to social, educational, and economic progress among black men, particularly those who reside in

. . . American social science is either uninterested in, or befuddled by, the fact that the vast majority of Afro-Americans, including the majority of those born and brought up poor, overcome their circumstances and lead healthy, happy, productive lives.);

see also Christopher Jencks, *Is the American Underclass Growing?*, in *The Urban Underclass*, supra note 47, at 28, 29 (arguing that commentators too easily assume that because individuals are disadvantaged in one arena, like poor education or joblessness, they necessarily share aggregate of antisocial behaviors); David Remnick, *Dr. Wilson's Neighborhood*, *The New Yorker*, Apr. 29 & May 6, 1996, at 96, 102 (noting that sociologist William Julius Wilson disputes utilization of term "culture of poverty," precisely because of tendency of commentators to assume that all individuals who live in poor areas necessarily subscribe to this culture).

Moreover, a significant proportion of the *white* population is characterized by precisely these behaviors that are often cited as evidence of a black crisis. See Patterson, supra, at 4-5 (noting "growing number of poor Euro-Americans, who now greatly outnumber their Afro-American counterparts and are as crime committing, violent, wife battering, child abusive, and drug addicted . . . with economic and health consequences for the nation that are absolutely and proportionately greater than those caused by any other group").

Patterson asserts that "[t]he paradox is this: for the great majority of Afro-Americans, these are genuinely the best of times, but for a minority they would seem to be, relatively, among the worst, at least since the ending of formal Jim Crow laws." *Id.* at 17. He defines the underclass as

that small but dangerous segment of the . . . lower class made up of persons who are either unable or unwilling to live by the norms of working- or middle-class life in their own communities. Instead, they opt out of the labor force, surviving either through chronic welfare dependence or in the marginal and illegal economic sector. They are people with multiple social problems.

Id. at 38. The most frequently cited works on the underclass are William Julius Wilson, *The Truly Disadvantaged* (1987), and the responses to it, compiled in *The Urban Underclass*, supra note 47.

⁴⁹ The National Association of Colored People (NAACP) is the nation's oldest and most distinguished civil rights organization. Its journal, *The Crisis*, is one of the best-known commentaries on black life in the United States.

⁵⁰ Kenneth M. Jones, *A Crisis Report on the Status of the Black American Male: The Black Male in Jeopardy*, *The Crisis*, Mar. 1986, at 16, 18.

distressed black urban neighborhoods. Increasingly, the criminal justice system disproportionately impacts men, minorities, and the poor.⁵¹ Although black men comprise only a small minority of the American population, young black men ages twenty to twenty-nine now comprise close to half of the nation's prison population.⁵² Nationwide, a third of young black men are under the purview of the criminal justice system,⁵³ and in some cities, such as Washington D.C. and Baltimore, over half of the black male population has had some involvement with the criminal justice system. Although popular commentators have tended to focus on the crisis among black men, the indicators for black women are also disturbing.⁵⁴ Critics of the disproportionate focus on black males have emphasized that black females are also experiencing a crisis although it is less likely to express itself in involvement with the criminal justice system, and more likely to express itself in a variety of other destructive, opportunity-constraining behaviors, such as an increased likelihood of adolescent pregnancy. Even as absolute birth rates have declined for several decades, a black teenager is still significantly more likely to become

⁵¹ See Marc Mauer, *The Sentencing Project, Young Black Men and the Criminal Justice System: A Growing National Problem* 1 (1990) ("[T]he criminal justice system as a whole still remains overwhelmingly male . . . [a]nd, as has been true historically, but even more so now, the criminal justice system disproportionately engages minorities and the poor."); see also Marc Mauer & Tracy Huling, *The Sentencing Project, Young Black Americans and the Criminal Justice System: Five Years Later* 1-2 (1995) (discussing disproportionate impact of criminal justice system on African Americans and Hispanics). For a discussion of juvenile delinquency among blacks, see generally Richard Dembo, *Delinquency Among Black Male Youth*, in *Young, Black, and Male in America: An Endangered Species* 129 (Jewelle Taylor Gibbs et al. eds., 1988). For a discussion of drug crimes and substance abuse, see generally Ann F. Brunswick, *Young Black Males and Substance Abuse*, in *Young, Black, and Male in America*, *supra*, at 166. Significantly, blacks historically have been underprotected when they are victims of crime. See Randall Kennedy, *Race, Crime, and the Law* 29-75 (1997).

⁵² See Mauer & Huling, *supra* note 51, at 5 tbl.3 (indicating number of black men ages 20-29 under criminal justice control in 1994, as compared to whites and Hispanics); see also *supra* note 50 and accompanying text (documenting, in 1980s, that while black men make up only 6% of total population, they comprise over 40% of prison population).

⁵³ See Mauer & Huling, *supra* note 51, at 1.

⁵⁴ Indeed, one commentator argues that the disproportionate focus on the black male crisis potentially may obscure the crisis among black women. See Dyson, *Gangsta Rap*, *supra* note 38, at 4 ("I hesitate to refer to black males as an 'endangered species,' as if black women are out of the woods of racial and gender agony and into the clearing, free to create and explore their complex identities."); see also Marc Mauer, *Race to Incarcerate* 125 (1999):

For black women, the absolute numbers were not quite as overwhelming, but the trends were at least as disturbing. From 1985 to 1995, there was a 204 percent growth in the number of black women in federal and state prisons, considerably greater even than the 143 percent increase for black males or the 126 percent increase in the overall inmate population.

pregnant than her white counterpart.⁵⁵ Teenage pregnancy has profoundly negative consequences for the future child's life prospects; in particular, a child of a teenage mother is more likely to experience poor educational achievement levels.⁵⁶

This description of black urban neighborhoods is characteristic of an oppositional culture.⁵⁷ The primary feature of an oppositional culture is its emphasis on valorizing those values that the larger society denigrates, and on denigrating values that the larger society has traditionally prized. Elijah Anderson, in his ethnographic study of urban youth, describes one of the fundamental features of an oppositional culture, namely "nerve":

True nerve exposes a lack of fear of dying. . . . [A]mong the hard-core street-oriented, the clear risk of violent death may be preferable to being "dissed" by another. . . . Not to be afraid to die is the quid pro quo of being able to take somebody else's life—for the right reasons⁵⁸

Surely, when "the clear risk of violent death" is "preferable to being 'dissed,'" ⁵⁹ the values of a culture have deviated dramatically from those of the mainstream.

Moreover, the purveyors of inner-city oppositional norms have made two further moves. They not only invert the traditional value base, but they also view the inversion of this value base as their only available form of rebellion.⁶⁰ Thus, these inverted norms themselves become associated with being black.

While the prevalence of oppositional behaviors appears in a variety of contexts including attitudes to work, sexual activity, parenting, and educational achievement, attitudes towards law abidance among

⁵⁵ See David T. Ellwood & Jonathan Crane, *Family Change Among Black Americans: What Do We Know?*, J. Econ. Persp., Fall 1990, at 65 (discussing disproportionately high rates of out-of-wedlock and teenage pregnancy among black Americans); see also Catherine S. Chilman, *Adolescent Sexuality in a Changing American Society* 131-43 (2d ed. 1983) (summarizing studies documenting decreased opportunities for teenage girls who become mothers).

⁵⁶ See Chilman, *supra* note 55, at 143.

⁵⁷ Although these behaviors disproportionately characterize distressed black urban neighborhoods, not all poor blacks who live in these neighborhoods have adopted the norms of this "oppositional culture." Elijah Anderson, *The Code of the Streets*, Atlantic Monthly, May 1994, at 81, 82. Coined by University of Pennsylvania sociologist Elijah Anderson, the term "oppositional culture" is based on urban ethnographic research conducted on the streets of North Philadelphia. See *id.* at 82.

⁵⁸ *Id.* at 92.

⁵⁹ *Id.*

⁶⁰ See *id.* at 82, 94.

"street" youth⁶¹ demonstrate most effectively the pervasiveness of "gangsta" culture in inner-city populations.

A. Historical Attitudes Towards Rebellion: Law Abidance

Law abidance traditionally has been an important value in the black community. In an effort to maintain what Randall Kennedy has termed "respectability" for the community, blacks have always placed a strong emphasis on repudiating lawbreakers.⁶² The paradigmatic object of emulation was the "good" black.⁶³ A good black walked the straight and narrow path; she or he worked hard and contributed actively to raising children who would themselves become good blacks.⁶⁴ Explaining the underlying philosophy behind efforts to be a respectable or good black, Professor Kennedy notes:

The principal tenet of the politics of respectability is that, freed of crippling, invidious racial discriminations, blacks are capable of meeting the established moral standards of white middle-class Americans. Proponents of the politics of respectability exhort blacks to accept and meet these standards, even while they are being discriminated against wrongly (in hypocritical violation of these standards). . . . Insistence that blacks are worthy of respect is the central belief animating the politics of respectability. One of its strategies is to distance as many blacks as possible from negative stereotypes used to justify racial discrimination against all Negroes.⁶⁵

Drawing on a range of historical sources, Kennedy argues that one of the most potent stereotypes that has been and continues to be applied to the black community is the association of crime with blackness. He argues that the "racial reputation" of blacks has been "uniquely be-

⁶¹ See *id.* at 82 (explaining how "a code of the streets" regulates "the use of violence and so allow[s] those who are inclined to aggression to precipitate violent encounters in an approved way").

⁶² See Kennedy, *supra* note 51, at 12-21; see also Regina Austin, "The Black Community," Its Lawbreakers, and a Politics of Identification, 65 S. Cal. L. Rev. 1769, 1772-73 (1992) (discussing attempts by members of black community to distinguish themselves from negative racial stereotypes by emulating white society); Randall Kennedy, A Response to Professor Cole's "Paradox of Race and Crime", 83 Geo. L.J. 2573, 2574-75 (1995) (describing support of some black members of Congress for harsh sentences to deter crack usage); Glenn C. Loury, Listen to the Black Community, Pub. Interest, Fall 1994, at 33, 35-36 (encouraging blacks to promote punishment of lawbreakers).

⁶³ See Kennedy, *supra* note 51, at 17 (discussing need in black culture to distinguish between "good" and "bad" blacks). But see *infra* note 69 and accompanying text (noting that some blacks display skepticism towards law enforcement).

⁶⁴ See, e.g., Austin, *supra* note 62, at 1772 (describing how black community evaluates behavior based on its ramifications for overall progress of community).

⁶⁵ Kennedy, *supra* note 51, at 17.

sieged” through this association.⁶⁶ In an attempt to preserve her reputation, a good black expressed her respect for conformity with the law. Accordingly, lawbreakers were thought to feed stereotypical notions of blacks as untrustworthy. In so doing, they were tarnishing not only their own reputations, but more importantly, the reputation of the whole community.⁶⁷ Kennedy continues:

Many blacks are aware of the burdens placed upon them because of the fears, resentments, and stereotypes generated in part by the misdeeds of black criminals. From this awareness stems a deeply rooted impulse in African-American culture to distinguish sharply between “good” and “bad” Negroes. Every community erects boundaries demarcating acceptable from unacceptable conduct. What makes this commonplace activity distinctive among blacks is the keenly felt sense that it implicates not only the security of law-abiding blacks vis-à-vis criminals but also the reputation of blacks as a *collectivity* in the eyes of whites.⁶⁸

This is not to deny that some blacks historically have displayed a skepticism towards law enforcers.⁶⁹ Even so, blacks have maintained an overwhelming respect for the law. In this way, they have fully embraced what Cass Sunstein has termed law’s *expressive* function.⁷⁰ Strikingly, this emphasis on law abidance as an important value has continued in the face of overwhelming evidence that blacks bear the brunt of the criminal justice system through disproportionate conviction and incarceration rates without accruing the benefit of concomitantly safer communities.⁷¹

⁶⁶ Id. at 12-13.

⁶⁷ See, e.g., Austin, *supra* note 62, at 1773; see also Kennedy, *supra* note 51, at 15-17.

⁶⁸ Kennedy, *supra* note 51, at 17 (emphasis added).

⁶⁹ See Elliott Currie, *Reckoning: Drugs, the Cities, and the American Future* 69-70, 154-55, 160-63 (1993) (describing how poor, inner-city drug users are unconcerned and unaffected by law enforcement).

⁷⁰ Cass Sunstein argues that laws are imbued with expressive messages that exist independently of their stated policy goals. See Cass R. Sunstein, *On the Expressive Function of Law*, 144 U. Pa. L. Rev. 2021, 2024-27 (1996). Sunstein explores “the function of law in ‘making statements’ as opposed to controlling behavior directly.” Id. at 2024. Sunstein argues that we value law as much to make statements as to produce results. Moreover, these expressive messages assume tremendous importance regardless of whether the stated policy goal of a particular law is being fulfilled. See id. at 2026.

⁷¹ See Mauer & Huling, *supra* note 51, at 1 (“Public policies ostensibly designed to control crime and drug abuse have in many respects contributed to the growing racial disparity in the criminal justice system while having little impact on the problems they were aimed to address.”).

B. Tracking the Development of an Oppositional Culture

Over the last five decades, there has been a cumulative shift in the attitudes of urban blacks towards law abidance.⁷² Where respect for law abidance was once held in high regard, profound cultural changes have taken root that have affected community norms.⁷³ It is important to understand the factors that allowed such a dramatic change in attitudes towards mainstream values generally, and law abidance in particular. The sociological⁷⁴ and urban ethnographic⁷⁵ literature provides a rich narrative of the causal factors that allowed this cultural transformation to take place.

The concentrated presence of poor black people, particularly in urban centers, is not a new phenomenon. Writing in the 1940s, sociologist Gunnar Myrdal bluntly characterized their economic situation as "pathological."⁷⁶ William Julius Wilson notes several interlocking causes of concentrated urban poverty, including economic restructuring, declining employment opportunities, out-migration of middle-

⁷² See, e.g., Elijah Anderson, *Streetwise: Race, Class, and Change in an Urban Community* 57-58 (1990) (describing attraction of crime to underprivileged blacks in New York City); Mike Davis, *City of Quartz: Excavating the Future in Los Angeles* 315-16 (1990) (describing attraction of gang subculture); Martin Sanchez Jankowski, *Islands in the Street: Gangs and American Urban Society* 40-47 (1991) (discussing various incentives that make gang involvement attractive); Mercer L. Sullivan, "Getting Paid": Youth Crime and Work in the Inner City (1989) (discussing attraction of crime to inner-city youth); Carl S. Taylor, *Dangerous Society* 103-05 (1989) (describing criminal subculture of Detroit gangs); Paul Butler, *Racially Based Jury Nullification: Black Power in the Criminal Justice System*, 105 *Yale L.J.* 677, 679, 689-90, 706-08 (1995) (citing evidence that 66% of blacks believe criminal justice system is racist and many feel jury nullification is appropriate in trials of black defendants); Robert A. Destro, *The Hostages in the Hood*, 36 *Ariz. L. Rev.* 785, 785, 820 (1994) (describing increase in gang activity and breakdown in respect for law in gang-ridden neighborhoods); Robert J. Sampson, *Crime in Cities: The Effects of Formal and Informal Social Control*, in *Communities and Crime* 271, 296-301 (Albert J. Reiss Jr. & Michael Tonry eds., 1986) (discussing factors that contribute to black criminality); Terence R. Boga, Note, *Turf Wars: Street Gangs, Local Governments, and the Battle for Public Space*, 29 *Harv. C.R.-C.L. L. Rev.* 477, 477, 486-89 (1994) (describing rise in gang violence and incentives pushing youths into gang membership).

⁷³ See generally Wilson, *supra* note 48 (discussing economic and corresponding social transformation in urban centers populated primarily by blacks between late 1960s and late 1980s); William Julius Wilson, *When Work Disappears* (1996) (discussing such economic and cultural changes and citing depletion of job base as primary causal factor); see also Austin, *supra* note 62, at 1775-77 (discussing presence of lawbreaker culture).

⁷⁴ See generally Mary Jo Bane & David Ellwood, *The Dynamics of Dependence and the Routes to Self-Sufficiency* (1983); Confronting Poverty (Sheldon Danziger et al. eds., 1994); Douglas S. Massey & Nancy Denton, *American Apartheid: Segregation and the Making of the Underclass* (1993); Jonathan Crane, *Effects of Neighborhoods on Dropping Out of School and Teenage Childbearing*, in *The Urban Underclass*, *supra* note 47, at 299.

⁷⁵ See generally Elijah Anderson, *A Place on the Corner* (1978) (offering detailed examination of life patterns of black men on South Side of Chicago); Anderson, *supra* note 72.

⁷⁶ Gunnar Myrdal, *An American Dilemma* 205 (1944).

and upper-class families, and lack of access to paid sick leave and medical care.⁷⁷ Yet even in the face of sustained economic alienation, Wilson emphasizes that poor urban blacks continued to display mainstream behaviors.⁷⁸ In accounting for the decline in such behaviors, Wilson emphasizes the disintegration in social organization that results from the decreasing ability of neighborhood residents to maintain effective social control.⁷⁹ Effective social organization is normally achieved through formal institutions such as churches, voluntary associations such as neighborhood block clubs or little league, and informal networks such as associations of coworkers. Traditionally, such institutions were repositories of mainstream social codes that contained adult "models of economic and social mobility."⁸⁰ Modern distressed urban neighborhoods are marked by a dramatic decline in the presence of such institutions and the adults who led them and a corresponding decline in the pervasiveness and penetration of mainstream values.⁸¹

Elijah Anderson makes a similar observation about the historical importance of "old head[s]"—individuals whose "acknowledged role was to teach, support, encourage, and in effect socialize young men to meet their responsibilities regarding work ethic, family, the law, and common decency."⁸² There were also female counterparts who instilled similar values in young women, as well as young men.⁸³ In the last few decades, as occupational and economic opportunities for blacks have increased in the society at large (particularly in the suburbs), middle-class blacks have pursued opportunities outside of urban areas. The depletion of the manufacturing base in urban areas, which had previously provided a reliable job base, also exacerbated middle-class flight.⁸⁴ Thus, unsurprisingly, there has been a dramatic

⁷⁷ See Wilson, *supra* note 48, at vii-ix.

⁷⁸ See *infra* note 84 (recounting Wilson's explanation that in 1940s, blacks of all social classes lived and worked in South Side Chicago).

⁷⁹ See Remnick, *supra* note 48, at 98-99.

⁸⁰ See *id.*

⁸¹ See *id.*

⁸² Anderson, *supra* note 72, at 3.

⁸³ See *id.* at 4 (discussing "[f]emale old heads").

⁸⁴ See Remnick, *supra* note 48, at 98 (summarizing Wilson's findings (quotation marks omitted)):

[I]n the forties . . . [t]here were jobs to be had. . . . A majority of the adults worked. There were poor folks . . . to be sure, but also working-class and middle-class, and even upper-middle-class, residents nearby—models of economic and social mobility. . . . For all the difficulties, there was also hope, some sense of possibility

But as the factories and steel mills and meat-packing plants started to shut down, in the sixties and seventies, the jobs dried up. City governments could offer businesses all the tax breaks in the world, but in the end they could not

decline in the presence of working class, middle class, and professional blacks in these neighborhoods.⁸⁵ Notably, these were precisely the individuals who were most likely to serve as the core organizers of community groups—the choir masters, baseball coaches, and so on—who provided exposure to mainstream behavior.⁸⁶ They were the quintessential “old heads.”

Building on Wilson’s work, Frank Harper has indicated that an environment lacking such “old heads” provides a fertile atmosphere for the proliferation of gangs:

[D]estructive gang activity can be understood as predictable underclass activity. Faced with the deterioration of traditionally stable institutions such as the family, church, or schools—institutions where adults . . . offer strong role models and exercise true authority—“underclass” youth may turn to gang membership in hopes of finding a substitute for those unavailable institutions. Against the backdrop of urban life, gangs may offer to teenagers a variety of services they simply cannot get elsewhere.⁸⁷

These gangs are essentially performing functions previously performed by churches and ball clubs; their leaders are the new “old heads.” Simultaneously, the socioeconomic changes taking place in the neighborhood—namely, the decline in manufacturing jobs, and the corresponding rise in the opportunities for drug trafficking and easy money—provide newfound reasons to reject traditional routes to success.⁸⁸ The old heads’ lessons about responsibility and work ethic largely became irrelevant.⁸⁹

compete with the lure of the suburbs. In a twenty-year period, . . . Chicago lost three hundred and twenty-six thousand manufacturing jobs, New York more than half a million. . . . In Chicago, the working and middle classes left the South Side and moved out to create suburbs of their own For those left behind, poverty rates rose higher and higher

⁸⁵ See *id.* at 99 (“Most middle- and working-class families are long gone.”); *id.* at 102 (discussing

how the triumph of so many African Americans—the great rise in the number of working- and middle-class blacks and their migration from the inner cities to the suburbs—changed the ecology of the urban neighborhoods they left behind. . . . Without working- and middle-class role models around, “mainstream” behavior begins to weaken.).

⁸⁶ See *id.* at 99.

⁸⁷ Frank E. Harper, *To Kill the Messenger: The Deflection of Responsibility Through Scapegoating (A Socio-Legal Analysis of Parental Responsibility Laws and the Urban Gang Family)*, 8 *Harv. BlackLetter J.* 41, 48 (1991).

⁸⁸ See Remnick, *supra* note 48, at 102.

⁸⁹ See Anderson, *supra* note 72, at 5-6 (describing experience and importance of street wisdom). One might argue that the mainstream culture has been completely supplanted by an oppositional culture. Wilson, unlike many other social scientists, insists that mainstream values have persisted alongside non-mainstream values among the ghetto poor. However, in the face of profound structural constraints, ghetto residents are more likely to pattern

The ethnographer Joan Moore chronicles the development of a value system developed alongside (and, perhaps, as a justification for) the realization of inner-city youth that, in the face of reduced job opportunities, they would have to find new approaches to earning income.⁹⁰ Promising students become heads of drug crews.⁹¹ The drug trade becomes the outlet for their talents.⁹²

Although Anderson and Moore do not do so, one might extrapolate this theory to other aspects of inner-city life. For example, to the extent that young men are perceived as unreliable earners, they literally and metaphorically become unmarriageable, and young women rationally decide to have children on their own.⁹³ Thus, the changed economic atmosphere affects not only attitudes toward work, but also attitudes toward sexual activity, family, and childbearing. The result is an oppositional culture that pervades family life.

The sociological literature allows us to view the formation of an oppositional culture at a macro level. Juxtaposing the work of sociologists with the work of social psychologists, we may view the formation of that culture at a micro level. Social psychologists Leon Chestang and Margaret Beale Spencer are particularly helpful in illuminating the question of why oppositional behaviors have become attractive to some urban adolescent youth. Significantly, Chestang acknowledges that character formation for urban black youth has traditionally occurred in a hostile environment.⁹⁴ Youth typically display

their behaviors on the non-mainstream values. See Remnick, *supra* note 48, at 102; see also Wilson, *supra* note 73, at 172:

Moynihan emphasized that the socioeconomic system in the United States was ultimately responsible for producing unstable poor black families, and that, in turn, this instability is "the principal source of most of the aberrant, inadequate, or antisocial behavior that did not establish, but now serves to perpetuate, the cycle of poverty and deprivation." (quoting Daniel Patrick Moynihan, U.S. Dep't of Labor, *The Negro Family: The Case for National Action* 30 (1965), reprinted in Lee Rainwater & William L. Yancey, *The Moynihan Report and the Politics of Controversy* 41, 76 (1967)).

⁹⁰ See generally Joan W. Moore, *Homeboys: Gangs, Drugs, and Prison in the Barrios of Los Angeles* (1978) (chronicling development of gangs among Chicanos in inner-city Los Angeles); cf. Remnick, *supra* note 48, at 102 ("With no jobs around, young men make 'rational' decisions to hustle on the street . . .").

⁹¹ See Suskind, *supra* note 39, at 19 (providing vivid description of formerly promising student who later becomes leader of drug gang).

⁹² See *id.*

⁹³ See Wilson, *supra* note 48, at 83-84, 95-106, 145-46 (theorizing that black male marriageable pool has decreased); see also Remnick, *supra* note 48, at 102 ("[W]ith so few 'marriageable' young men around, young women decide to have children on their own.").

⁹⁴ A "hostile" environment is a high risk environment in which individuals receive minimal supportive services. Spencer, summarizing Chestang, notes that hostile environments are characterized by "[r]esource weak neighborhoods that . . . are often infused with chronic unaddressed and unrestrained neighborhood-level and economic-linked violence."

resilient reactions to hostile urban centers—that is, behaviors that contribute to the achievement of positive social goals.⁹⁵ There is significant evidence that “[n]ormal developmental tasks persist even within unpredictable, high-risk contexts.”⁹⁶ Individuals display “health and mastery . . . in high risk environments” and “competence . . . to pursue productive goals against significant odds.”⁹⁷ Even as developmental reactions are always “bidirectional,” with some proportion of the population exhibiting “adverse” reactions, there are still significant numbers of resilient, or “competent,” individuals.⁹⁸

However, for urban black youth, adverse reactions are more common. Relying on empirical data from a study of African American youth, Spencer provides a rough quantification of the relationship between stresses posed by hostile environments and the likelihood of black youth to develop adverse coping strategies.⁹⁹ She observes that the study results indicate a strong statistical correlation between “neighborhood characteristics of danger and risk, representing unavoidable stress engagement . . . [and] an adverse coping style.”¹⁰⁰ One might think of an oppositional culture as the culmination of adverse behaviors. Individuals who have adopted oppositional norms consistently display adverse behaviors in a variety of realms, including attitudes to work, educational achievement, and parenthood. Thus, Spencer directs our attention to an oppositional culture in the making.

C. Contemporary Attitudes to Law Abidance: Criminality as the Authentic Form of Rebellion

A primary feature of an oppositional culture is the rejection of traditional attitudes to law abidance¹⁰¹ and the idolization of precisely

Margaret Beale Spencer, *Old Issues and New Theorizing About African-American Youth: A Phenomenological Variant of Ecological Systems Theory*, in *African-American Youth: Their Social and Economic Status in the United States* 37, 38 (Ronald L. Taylor ed., 1995); see also Remnick, *supra* note 48, at 96-107 (discussing persistence of difficult socioeconomic conditions over generations in South Side Chicago).

⁹⁵ The social psychology literature defines resilience as the ability to commit oneself to the achievement of positive social goals, such as education, work, or child rearing. See, e.g., Spencer, *supra* note 94, at 37-38.

⁹⁶ *Id.* at 37.

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ See *id.* at 57-62.

¹⁰⁰ *Id.* at 58. Although the study was weighted more heavily toward adverse behavior among black males, the research also addressed black females. See *id.* (discussing randomly selected participants in study, specifically, 394 adolescent males and 168 adolescent females).

¹⁰¹ See Sullivan, *supra* note 72, at 245 (identifying “profoundly ambivalent” relationship of inner-city residents to crime and drug trade).

those criminals who were traditionally condemned.¹⁰² Criminals who escape from jail are often treated with admiration, rather than opprobrium.¹⁰³ Celebration of black criminality has become pronounced more recently. A paradigmatic example is the reaction to the release from jail and subsequent death of Tupac Shakur, a rap artist who had previously been convicted for attempted felony murder and rape.¹⁰⁴ The death of rap artist Notorious B.I.G., who had previously been indicted for drug dealing and attempted murder, occasioned similar celebration.¹⁰⁵ Indeed, in the vernacular of urban neighborhoods, Tupac and B.I.G. are paradigmatic "bad people."

The meaning of the word "bad" has become inverted in this context.¹⁰⁶ In the conventional usage of the term, "bad" has a negative connotation. In street vernacular, a "bad" person is more likely to be viewed as worthy of respect. Sociologist Mercer Sullivan provides an interesting commentary on the inversion of traditionally negative concepts into positive ones; he believes that such linguistic inversion mirrors a more fundamental inversion in the attitudes and values of black youth.¹⁰⁷ He urges us to consider the term "getting paid," which black youth use to describe their success in crime: "[This term] convey[s] a sense of triumph and of irony. . . . When they talk of 'getting paid,' they are not equating crime and work with utter seriousness, as if they do not know the difference. Rather, they are inverting mainstream values with conscious, *albeit savage, irony*."¹⁰⁸ Novelist John Edgar Wideman's account of his brother's criminal past vividly conveys the ambivalent attitude of some urban blacks towards street crime:

[W]e can't help but feel some satisfaction seeing a brother, a black man, get over on these people, on their system without playing by their rules. No matter how much we have incorporated these rules

¹⁰² See Davis, *supra* note 72, at 315 (noting gang subculture's "terrible, almost irresistible allure").

¹⁰³ See Austin, *supra* note 62, at 1776-77 (describing "subtle admiration of criminals" including "modern outlaw heroes" who eluded capture or escaped from jail).

¹⁰⁴ See Maki Becker & Jeff Leeds, *Tupac Fans Rush to Buy Slain Rapper's Works*, L.A. Times, Sept. 15, 1996, at B3. Of course, the intensity of the reaction also may have been a response to effective marketing rather than a spontaneous display of adulation.

¹⁰⁵ See John J. Goldman, *Crowds Mourn Rapper in N.Y.*, L.A. Times, Mar. 19, 1997, at B1; see also Clarence Page, *B.I.G. Problems at the Root of Rap Violence*, Chi. Trib., Mar. 12, 1997, at 23 ("In this world, as The Notorious B.I.G. put it, 'you're nobody until somebody kills you.' . . . While some shunned the label 'underclass' as a mark of shame or derision, gangsta rappers wore it with bold audacity as a badge of merit.").

¹⁰⁶ See Austin, *supra* note 62, at 1775; see also Loury, *supra* note 62, at 35 (noting "a sense of sympathy for and empathy with the perpetrators" of crimes).

¹⁰⁷ See Sullivan, *supra* note 72, at 245.

¹⁰⁸ *Id.* (emphasis added).

as our own, we know that they were forced on us by people who did not have our best interests at heart.¹⁰⁹

Thus, there is little incentive to "shun [these brothers] because of the poison that they spread."¹¹⁰ Rather, "we, black people, still look at them with some sense of pride and admiration, our children openly, us adults somewhere deep inside. We know they represent rebellion—what little is left in us."¹¹¹

Importantly, in embracing oppositional norms, gangsta-identified black youth have not only inverted the traditional value base, but have also embraced the inversion of this value base as the authentic form of rebellion. To the extent that an opposition to conventional norms becomes intertwined with blackness, so fidelity to conventional norms becomes intertwined with whiteness. Thus, conventional behaviors are denigrated as acting "white." Educational psychologists have documented an alarming manifestation of this trend, where academic achievement is perceived as "acting white" while indifference to educational achievement is perceived as validating black identity.¹¹²

The devaluation of education by gang-identified black youth has a serious impact on those black students who value educational achievement. The case of Cedric Jennings, an honor student at one of the worst high schools in Washington, D.C., is illustrative. Cedric's travails in his effort to achieve academic excellence brought him to the attention of Justice Thomas, who became a mentor. At Cedric's school, being on the honor roll typically "was a one-way ticket to torture,"¹¹³ physically and psychologically.¹¹⁴ Cedric was repeatedly a

¹⁰⁹ John Edgar Wideman, *Brothers and Keepers* 57 (1984) (recounting his brother Robert Wideman's words).

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² See, e.g., Fordham & Ogbu, *supra* note 37, at 186 (discussing case study in which black students associated "acting white" with behaviors such as: (1) speaking standard English, (2) listening to white music and radio stations, (3) going to opera and ballet, (4) spending time in library studying, (5) working hard to get good grades in school, and (6) going to Smithsonian museum).

The pervasiveness of this perception is discussed in a number of reports on black male school performance. See, e.g., African American Male Task Force, *Educating African American Males: A Dream Deferred* 1 (1990); Committee to Study the Status of the Black Male in the New Orleans Public Schools, *Educating Black Male Youth: A Moral and Civic Imperative* 8-22 (1988) (summarizing survey information on perceived differences, by both students and teachers, between black and white students in academic achievement and suspension and dropout rate, and noting particularly low expectations of students and teachers for black students).

¹¹³ Amanda Krotki, *Urban Cowboy: A Wall Street Journal Reporter Chronicles a Student's Effort to Escape the Ghetto and Thrive in the Ivy League World*, *Baltimore Jewish Times*, Aug. 7, 1998, at 35, available in 1998 WL 11326166; see also Suskind, *supra* note 39, at 3 (describing how honor students at Ballou High Schools were taunted and called

target of violent attacks by the school's head gangsta, Delante Coleman, whose "crew" liked to harass "goodies" like Cedric.¹¹⁵

At Ballou High School, gangstas like Delante, and the views they espouse, receive admiration and respect,¹¹⁶ while students who perform well in academic settings are scorned and harassed:

There's a wall of honor at Frank W. Ballou Senior High, in Washington, D.C. Strange thing, though: nobody wants his name on it. The wall was intended to boost morale among the few students who were thriving in the violent, inner-city school. Unfortunately, anybody whose name shows up there runs a risk of getting beaten up. So Ballou's principal embarks on an even more ill-advised campaign. He offers rewards to students who get A's, holding assemblies and presenting \$100 checks with much pomp in front of a jeering student body . . . [T]he principal is announcing the name of another winner, Cedric Jennings. No one answers. Cedric's a smart, proud kid, and at the moment he's hiding in a chem lab.¹¹⁷

"Gangstas" such as Delante are the quintessential oppositional culturalists, purveyors of values that have had devastating repercussions for educational achievement.¹¹⁸

"Nerd," "Geek," and "Whitey" by their fellow classmates, and were hazed for months after their names were placed on wall of honor).

¹¹⁴ Indeed, Cedric has earned the opprobrium not only of his peers, but also of his elders. Cedric's father, an incarcerated drug dealer, taunts his own son for being "all nerdy and faggy, a straight-A momma's boy who gets no respect from any of the kids at school." Suskind, *supra* note 39, at 58. Phillip Atkins, another promising student, took steps to avoid Cedric's brand of problems: He traded being a smart "nerd" for being popular, "a completely sane response." See *id.* at 62, 66-67.

¹¹⁵ See *id.* at 19-20. Delante ultimately abandoned his own academic pursuits and became a gang leader who "helps manage a significant drug dealing and protection ring." *Id.* at 19.

¹¹⁶ See *id.* at 2, 19 (explaining how male gangs, or "crews," are at top of social hierarchy and Delante is head of largest gang, Trenton Park Crew).

¹¹⁷ Jeff Giles, *Inner City to the Ivy League*, *Newsweek*, June 15, 1998, at 67; see also Suskind, *supra* note 39, at 3-5.

¹¹⁸ It is worth emphasizing that the embrace of these oppositional norms is not limited to those who actually commit the crimes. See Austin, *supra* note 62, at 1779-80 ("Some blacks follow the exploits of deviants with interest and sympathy because their criminal behavior generates tangible and intangible benefits. Through the antisocial acts of others, the law-abiding experience a vicarious release of the hostility and anger they cannot express themselves without jeopardizing their own respectability."). However, there is considerable debate over the extent to which oppositional norms are pervasive in the urban black community. Unlike Austin, Randall Kennedy insists that a politics of "respectability" remains pervasive in inner-city communities. Whereas Kennedy emphasizes that many black urban residents are law abiding and that their interests are distinct from those of black criminals, Austin makes clear that there is "no unanimity" within the black community when it comes to appraisals of criminal behavior. Compare Randall Kennedy, *The State, Criminal Law, and Racial Discrimination: A Comment*, 107 *Harv. L. Rev.* 1255, 1259-60, 1273-74 (1994), with Austin, *supra* note 62, at 1770.

Many academics believe that the gangsta behaviors vividly portrayed in Cedric's story are the result of society's failure to meet the intersubjective needs of adolescents; thus, these behaviors have seriously damaged the process of identity formation. In the next section, I examine the social psychological basis of this claim. In a similar mode, Charles Taylor has highlighted the danger that misrecognition may pose to an individual's identity. I believe that these perspectives provide a lens through which one may view the claim that the embrace of oppositional norms is a manifestation of our failure to encourage and cultivate a positive view of black identity. Afrocentric education attempts to fill this void.

D. The Embrace of Oppositional Norms: Misrecognition and the Contextual Formation of Black Identity

Because identity is formed contextually, there is a significant danger of what Charles Taylor calls "misrecognition," where society mirrors back to the individual a detrimental picture of himself.¹¹⁹ Taylor, one of the preeminent philosophers of identity formation, stresses that recognition—or the lack thereof—plays an important role in shaping a person's conception of herself.¹²⁰ Taylor posits that the individual formulates a conception of self by understanding herself contextually.¹²¹ In Taylor's words, "[w]e become full human agents, capable of

Professor David Cole has criticized Kennedy's characterization of the interests of the law-abiding segments of the black community as distinct from—and thoroughly opposed to—those in the community who engage in criminal activity. See David Cole, *The Paradox of Race and Crime: A Comment on Randall Kennedy's "Politics of Distinction,"* 83 *Geo. L.J.* 2547, 2547-48 (1995). Cole refutes not only the normative elements of Kennedy's argument, but also its empirical basis. He asserts that Kennedy fails to incorporate sufficiently the implications of the disproportionately large number of black men who are incarcerated. See *id.* at 2559-61. The high rate of incarceration has helped feed distrust of the criminal justice system and a corresponding sympathy for those who are incarcerated. See *id.* at 2559-60. Cole posits that this sympathy results in large part from the fact that so many law abiding blacks share a close relationship with someone who is incarcerated—these black men may be criminals but they are also boyfriends, husbands, fathers, sons, brothers, and friends. It becomes more difficult to demonize criminal behavior when someone who has partaken of such behavior is a close relative. See *id.* at 2559-60.

¹¹⁹ See generally Charles Taylor, *The Politics of Recognition*, in *Multiculturalism: Examining the Politics of Recognition*, *supra* note 15, at 25. The misrecognition of black youth is especially damaging since the norms that are now associated with black identity are precisely those that are most likely to constrain educational and economic opportunities. See *supra* notes 112-18 and accompanying text. Essentially, Afrocentric education is an attempt to "recognize" properly blacks in a manner that is opportunity enhancing rather than opportunity constraining. See *infra* text accompanying notes 142-45.

¹²⁰ See Taylor, *supra* note 119, at 25-26.

¹²¹ See *id.* at 32-33.

understanding ourselves, and hence of defining our identity, through our acquisition of rich human languages of expression."¹²²

Recognition has a negative corollary, namely, misrecognition.¹²³ "[O]ur identity is partly shaped by . . . the *misrecognition* of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves."¹²⁴ Notably, for the purpose of this project, Taylor explores the implication of misrecognition for African Americans:

An analogous point has been made in relation to blacks: that white society has for generations projected a demeaning image of them, which some of them have been unable to resist adopting. Their own self-deprecation, on this view, becomes one of the most potent instruments of their own oppression. Their first task ought to be to purge themselves of this imposed and destructive identity.¹²⁵

Social psychologists assert that adolescence is the developmental stage in which the need for intersubjective reinforcement of identity is most acute.¹²⁶ Child psychologist Margaret Beale Spencer emphasizes

¹²² Id. at 32. Taylor utilizes the term "language" not in its conventional (i.e. dictionary) sense, but more broadly to include "other modes of expression whereby we define ourselves, including the 'languages' of art, of gesture, of love, and the like." Id. Importantly, people do not learn languages on their own; language acquisition is inevitably intersubjective. "[W]e are introduced to [languages] through interaction with others who matter to us— . . . significant others." Id. (internal quotation marks omitted). Taylor notes that "the contribution of significant others, even when it is provided at the beginning of our lives, continues indefinitely." Id. at 33. This contextual ideal has important repercussions for the understanding of identity formation. As Taylor points out, "discovering my own identity doesn't mean that I work it out in isolation, but that I negotiate it through dialogue, partly overt, partly internal, with others." Id. at 34. Indeed, acknowledging the dialogic nature of identity formation gives a new importance to recognition. See id.

¹²³ See id. at 25.

¹²⁴ Id. In exploring the real-life implications of misrecognition, Taylor notes:

[S]ome feminists have argued that women in patriarchal societies have been induced to adopt a deprecatory image of themselves. They have internalized a picture of their own inferiority, so that even when some of the objective obstacles to their advancement fall away, they may be incapable of taking advantage of the new opportunities. . . . Recently, a similar point has been made in relation to indigenous and colonized people in general. It is held that since 1492 Europeans have projected an image of such people as somehow inferior, "uncivilized," and through the force of conquest have often been able to impose this image on the conquered. The figure of Caliban has been held to epitomize this crushing portrait of contempt of New World aboriginals.

Id. at 25-26.

¹²⁵ Id. at 26.

¹²⁶ Child and adolescent psychologists have emphasized that adolescents may not simply forgo identity creation if they lack a positive conception of identity; a vacuum will not suffice for identity. See Erik H. Erikson, *Identity and Identity Diffusion*, in *The Self in Social Interaction* 197, 197 (Chad Gordon & Kenneth J. Gergen eds., 1968) ("[I]n the social jungle of human existence, there is no feeling of being alive without a sense of ego

that adolescence is the point in human development where the individual is most prone to be influenced by societal surroundings.¹²⁷ She emphasizes the "identity focus" of adolescence: For all adolescents, irrespective of race, gender, or socioeconomic background, "adolescence is a point of transition that involves strong psychosocial needs such as answering the well-known 'Who am I?' question."¹²⁸ Spencer contends that "[f]or minority . . . youth, the satisfaction of ego needs are especially contingent upon structural constraints."¹²⁹ Indeed, black urban adolescents are in need of a positive answer to the "Who am I?" question at precisely the moment when their environment is most likely to give them a negative answer.

Taylor's and Spencer's theories provide us with an insight into psychological processes that underpin the adoption of an oppositional culture.¹³⁰ We understand precisely how gangsta culturalists recruit adherents, who in turn become purveyors of these norms.¹³¹ The insights provided in their work also lay the theoretical groundwork for

identity."). Black adolescents essentially create identity out of their own "shared-in-common and mutually endorsed societal expectations." Spencer, *supra* note 94, at 49. Risk factors in poor urban neighborhoods may contribute to the perversion of normal intersubjective processes. See *id.* Thus, the intersubjective process may damage rather than reinforce the self. See *id.*

¹²⁷ See Spencer, *supra* note 94, at 50.

¹²⁸ *Id.*

¹²⁹ *Id.*; see also *supra* note 125 and accompanying text (explaining that implication of misrecognition is self-deprecation and self-oppression).

¹³⁰ Although there are clearly theoretical differences between their approaches, there are striking analogies between Taylor's philosophical recognition of the dialogic nature of identity and Spencer's psychological emphasis on intersubjective identity formation. Spencer's work might be viewed as a more specific application of Taylor's general argument that individuals negotiate their identities through interaction with their cultural contexts. Although Spencer does not refer to Taylor specifically, her work generally endorses Taylor's proposition that identity is worked out over a lifetime through dialogic processes. See Spencer, *supra* note 94, at 53 (noting that "self-system development is reciprocally determined from self/other appraisal processes"). She further insists that dialogism is most acute in the adolescent period. See *id.* at 50 ("[A]dolescence is a point of transition that involves strong psychosocial needs For minority and poor youth, the satisfaction of ego needs are especially contingent upon structural constraints.")

¹³¹ Yet, even as Afrocentrists recognize the importance of misrecognition, Taylor's portrayal of misrecognition among blacks could be criticized as being insufficiently nuanced to account for the way in which misrecognition manifests itself in urban blacks today. In previous generations, blacks internalized demeaning images of themselves, even as they continued to recognize that these images were demeaning and negative. The psychologist Kenneth B. Clark found in a 1950 study that when African American children were asked to choose dolls, three to seven year olds displayed a strong preference for dolls with light colored skin. Moreover, they attached normative judgments to these dolls, finding them preferable to the dolls with dark colored skin. See Kenneth B. Clark, *Prejudice and Your Child* 22-23 (1955). This understanding represents a classic case of misrecognition: Individuals racialize normative judgments, while recognizing that the normative states associated with their own racial identity are worse.

the adolescent focus of Afrocentric academies, as is discussed in the next Part.

III

AFROCENTRIC SCHOOLING: A MECHANISM TO UNDERMINE THE DANGERS OF MISRECOGNITION POSED BY OPPOSITIONAL NORMS

A serious impediment to academic support for public subsidization of Afrocentric culture has been a dogged resistance on the part of academics to what can be termed "African American cultural exceptionalism"¹³²—that is, the idea that it is possible to isolate a tangible and identifiable black culture that stands independently from mainstream American culture and is worthy of subsidization.¹³³ As sociologist Robert Blauner notes, such skepticism is now "a dogma of social science."¹³⁴ He continues, "The primary tenet is that Negroes—unlike other minority groups—have no ethnic culture because the elimination of African ancestral heritages brought about total acculturation."¹³⁵

In his attempt to explain such academic skepticism, the prominent sociologist Bennett Berger, writing in response to the controversial black culturalist trends of the 1960s, argues that black culture is fundamentally a black American version of a larger lower-class cul-

¹³² Henrik Hertzberg & Henry Louis Gates, Jr., *The African-American Century*, *The New Yorker*, Apr. 29 & May 6, 1996, at 6. Gates and Hertzberg use the term "African American exceptionalism." Since I am concerned primarily with cultural arguments, I use the term "African American cultural exceptionalism."

¹³³ Academic efforts to undermine the "black culture" idea (to the extent that these cultural practices are perceived to be opportunity constraining) are explored with candor by the prominent sociologist Bennet Berger. See, e.g., Bennet Berger, *Black Culture or Lower-Class Culture in Soul* 117 (Lee Rainwater ed., 1970); see also Nathan Glazer & Daniel Patrick Moynihan, *Beyond the Melting Pot* 52-53 (2d ed. 1970) (arguing that "black culture" arguments are as alienating to middle-class blacks as they are to whites); Ralph Ellison, *The World and the Jug*, in *The Collected Essays of Ralph Ellison* 155, 164 (John F. Callahan ed., 1995) (arguing that effort to limit black education to cultural achievements of other blacks represents "poverty of the imagination"); Stephan Thernstrom & Abigail Thernstrom, *America in Black and White* 371 (1997) (critiquing idea that black culture "is totally distinct from the culture of the United States," and arguing that black culturalists threaten to stunt educational opportunities because "[b]lack children do not need therapeutic strategies[;] [t]hey need cognitive skills"). But see Kenneth B. Clark, *Dark Ghetto* 129-33 (1965) (refuting idea that street culture represents cultural deprivation). There are other reasons motivating the skepticism surrounding "black culture" arguments. For example, the intellectual investment in refuting exceptionalist ideas is entirely understandable in the historical context of the organized liberation movement, which had integration as its central goal. See Robert Blauner, *Racial Oppression in America* 124 (1972). In elucidating this point, Robert Blauner notes that "[t]he black culture development upsets basic assumptions upon which social scientists and liberal intellectuals have constructed the nation's official 'enlightened' attitudes toward race relations and black people." *Id.* at 125.

¹³⁴ Blauner, *supra* note 133, at 125.

¹³⁵ *Id.*

ture.¹³⁶ Because American society has traditionally been resistant to the legitimation or institutionalization of lower-class traits, Berger posits that black culture has minimal appeal to social elites (and may even alienate them), and provides a weak basis for socioeconomic mobility.¹³⁷ Expressing a similar sentiment, another commentator notes that "there is no status in the ghetto," and that black cultural spokesmen may be unwittingly obstructing the road to black progress.¹³⁸

The view that black culture, if it is indeed represented by the culture of the ghetto or of the lower classes, is opportunity constraining, underlies much of the criticism of Afrocentrism.¹³⁹ Indeed, academics will be unlikely to support Afrocentric schooling if they open themselves up to charges that they are placing their stamp of approval on state subsidization of opportunity-constraining practices. However, it is possible to articulate a vision of black culture that is not "ghettoized," and that also meets the intersubjective needs of black youth. To this end, I propose an Afrocentric curriculum that advances a theory of black culture that is constituted primarily by a history of political struggle. By adopting the culture of political struggle as the core content of Afrocentric academies, education can provide an effective answer to the egocentric queries of black youth—a positive response to the "Who am I?" question.¹⁴⁰ In this way, I build on Blauner's under-

¹³⁶ See Berger, *supra* note 133, at 127.

¹³⁷ See *id.*

¹³⁸ See Harold W. Pfautz, *The Black Community, the Community School, and the Socialization Process: Some Caveats*, in *Community Control of Schools* 13, 39 (Henry M. Levin ed., 1970).

¹³⁹ See Dennis Kelly, *A Concept Rooted in Controversy*, *USA Today*, Jan. 28, 1992, at 1D ("I think it's a ghetto-izing ideology," says Erich Martel, a Washington, D.C., history teacher who reviewed Afrocentric curriculum materials for his school, Woodrow Wilson High School. "It puts too much of an inward focus onto those aspects of African-American culture rather than on general American culture."").

¹⁴⁰ The most well-known commentaries on the influence of black political culture on black aesthetic practices focus on the "New Negro" movement of the Harlem Renaissance, in which there was a sustained movement by black writers, poets, photographers, artists, and musicians to recraft the image of blacks as competent and creative contributors to popular political culture. See, e.g., Ann Douglas, *Terrible Honesty: Mongrel Manhattan in the 1920s*, at 323-24 (1995):

The most pressing reason for the New Negro's decision to work through culture, not politics, was that this was the closest Harlem could come to so-called real politics. When whites in the 1920s abandoned traditional politics for the realm of culture and artistic expression, they were turning their backs, as some of them discovered in the 1930s, on an arena wide open to them had they chosen to enter it. In contrast, blacks, barred from most meaningful direct political activity, were not abandoning politics so much as translating politics into cultural terms.

See also Arnold Rampersad, *Introduction to The New Negro* (Alain Locke ed., 1997) ("Uniting these men and women [of the Harlem Renaissance] was their growing sense of certainty that black America was on the verge of something like a second Emancipation—

standing of black culture.¹⁴¹ The point is to make the dialogic process reinforcing rather than damaging of the self, to replace misrecognition with recognition.¹⁴² Through the displacement of norms that associate constructive mainstream behaviors with whiteness, the Afrocentric curriculum builds opportunity-enhancing values derived from black political struggle and achievements. In so doing, it shifts blackness from being an inversion of whiteness to a positive status in and of itself.

this time not by government mandate but by the will and accomplishments of the people, especially the artists and intellectuals.”). For commentaries on the influences of the black political culture on the black musical tradition, particularly blues, bebop, and jazz, see, e.g., Frank Kofsky, *Black Nationalism and the Revolution in Music* 57 (1970) (“Bebop can . . . be viewed in its social aspect as a manifesto of rebellious black musicians unwilling to submit to further exploitation.”); Cornel West, *Charlie Parker Didn’t Give a Damn*, *New Persp. Q.*, Summer 1991, at 60, 62 (describing “emergence of bebop jazz artists” as outgrowth of non-WASP intellectual and artist subcultures that developed after 1960s).

¹⁴¹ See Blauner, *supra* note 133, at 141 (describing black ethnic culture as political history of “continuing struggle which began at least with Emancipation, and has stepped up to new levels each generation, after periods of decline, to the zenith of the present day”). Blauner articulates several primary sources of “black” culture: poverty, Africa, the South, the institution of slavery, Emancipation and post-bellum Northern life, and racism, relying largely on diverse anthropological, literary, and religious sources. See *id.* at 133.

Blauner believes that there is a pervasive view in the academy and the larger public political culture that black culture is largely an iterate of a broader American lower-class culture that will gradually dissipate as blacks achieve greater socioeconomic mobility. See *id.* at 138. See generally Glazer & Moynihan, *supra* note 133, at 52-53. In an attempt to defeat arguments that black culture is merely lower-class culture, Blauner attempts to demonstrate that blacks have placed a distinct and tangible “ethnic” stamp on lower-class practices, and that this ethnic version has become institutionalized. See Blauner, *supra* note 133, at 139. For example, Blauner highlights the extent to which soul, as a form of musical expression, contains many values, styles, and orientations that have historically been attributed to the poor and downtrodden. See *id.* at 138-39.

It is true that these characteristics might just as easily be viewed as descriptions of Irish or Polish immigrant ghettos. But Blauner insists:

Even the class-based characteristics gain an ethnic content and emphasis when people with unique problems live under similar conditions The best accounts of Afro-American life reveal how street society, the behavior of youth gangs, and family relations are richly endowed with a peculiarly black style. The cultivation of a black style is emphasized in speech, movement, dress, and of course music and dance.

Id. at 139 (footnote omitted).

Blauner’s account is a well-intentioned attempt to legitimize the existence of a black culture in the face of traditional academic claims to the contrary. See *id.* at 124-26. However, it is arguably flawed in its presentation. Ultimately, his construction feeds into the notion that black culture is mainly a reaction against disadvantaged conditions. Despite its flaws, what is useful in Blauner’s analysis is the idea that an essential element of black culture is shared political rebellion against oppressive conditions. See *id.* at 127-32.

¹⁴² See Taylor, *supra* note 119, at 25-26 (explaining view that misrecognition distorts self-identity).

By highlighting blacks' struggles to become equal citizens,¹⁴³ this curriculum is likely to encourage young blacks to become more invested in the political process. Accordingly, an Afrocentric education reinforces, rather than degrades, the values necessary for healthy, productive citizenship.

A. *Formulating a Positive Self-Concept Through Black Culture*

An oppositional culture is effective precisely because its purveyors have articulated an authentic (if disturbing) answer to the identity question.¹⁴⁴ Oppositional culturalists reify the inversion of norms as an authentic form of black rebellion.¹⁴⁵ Any mechanism that seeks to displace these norms is more likely to be effective if it can also articulate a conception of black culture which emphasizes a history of rebellion, of struggle, and of overcoming challenges.

Blauner identifies the political history of black Americans as constituting a significant element of black culture:

It is through . . . continuing struggle to surmount and change a racist social system—a struggle which began at least with Emancipation, and has stepped up to new levels each generation, after periods of decline . . . —that black Americans have created a *political history*. This political history is the core of the distinctive ethnic culture and the clue to the contemporary revitalization movement which celebrates blackness.¹⁴⁶

Blauner also notes that “[t]his political history is the solid core, the hard rock nonmystical aspect of Afro-American culture.”¹⁴⁷ It should begin to emerge how Blauner’s understanding of black culture might be utilized to construct a set of norms that could effectively displace oppositional norms. The utility of this curriculum in countering oppositional norms lies in its emphasis on protest and struggle as defining features of the black political experience. An Afrocentric curriculum’s foundation in black political history provides a notion of black culture that is sufficiently robust and compelling to allow black

¹⁴³ See *infra* notes 150-63 and accompanying text.

¹⁴⁴ See *supra* notes 101-12 and accompanying text.

¹⁴⁵ See *supra* notes 101-12 and accompanying text.

¹⁴⁶ Blauner, *supra* note 133, at 141; see also *supra* note 141 and accompanying text.

¹⁴⁷ Blauner, *supra* note 133, at 142. According to Blauner, blacks are not distinct in this manner. The Jews, for example, are an “example of a people that has institutionalized its political history into culture, ritual and sacred values. The Old Testament depicts the political vicissitudes of the Jewish nation, and the religious holidays memorialize this millennial struggle for liberation.” *Id.* at 132.

youth to craft a positive notion of blackness in the face of counter-vailing norms.¹⁴⁸

This understanding of black culture as political struggle also has the advantage of providing a theme around which to organize an effective curriculum. To the extent that there are representations of struggle in a variety of media, including narrative, historical texts, and drama, one might use these cultural forms to construct a curriculum which addresses political struggle in a diverse range of classes,¹⁴⁹ without sacrificing the fundamentals that are typically covered in a curriculum. Take, for example, written narratives of black political struggle, such as Frederick Douglass's *My Bondage and My Freedom*.¹⁵⁰ To the extent that one wishes to convey in a social studies class that slavery deprives the individual of fundamental rights, Frederick Douglass's text may convey the message as effectively as more conventionally used texts (and perhaps more effectively to an urban black student). This text may also be used in classes about literature, politics, history, and other subjects.¹⁵¹

¹⁴⁸ As Melissa Butler, an educational psychologist at the University of Pittsburgh, notes, "Afrocentric perspectives are not mutually exclusive with teaching 'the basics.' In fact, through piquing students' interests, Afrocentric curriculum has a greater likelihood of involving students in meaningful reading, writing and mathematical learning." Butler, *supra* note 3, at A7.

¹⁴⁹ See, e.g., Martin Carnoy & Henry M. Levin, *Schooling and Work in the Democratic State* 149 (1985) ("[A]n important part of the school curriculum is devoted to political socialization of the young. They are . . . provided a version of their history which stresses the fight against injustice (e.g. taxation without representation, slavery, prejudice, tyranny, and aggression).").

¹⁵⁰ Frederick Douglass, *My Bondage and My Freedom* (Arno Press & New York Times 1968) (1855).

¹⁵¹ One might teach each of the defining moments of American history through the lens of black political struggle. For example, the American Revolution may be viewed as the source of those ideals that blacks themselves would later fight for in their struggle for civil rights. One might view the Declaration of Independence and the Constitution through the lens of Sally Hemings, a slave with whom one framer had significant contact! Sally Hemings, the half-sister of Jefferson's deceased wife, was a house slave who worked at Monticello over many years, and accompanied Jefferson to Paris while he was ambassador to France. Recent genetic analyses of the male descendants of Hemings have revealed striking similarities to the male members of the Jefferson clan. This version of history is also supported by the oral history of the Hemings clan, whose descendants have long claimed that they were in fact descended from Jefferson. See Annette Gordon-Reed, *Thomas Jefferson and Sally Hemings: An American Controversy* 1, 210-18 (1997). Recently, the Thomas Jefferson Memorial Foundation conceded that Jefferson was the father of at least one child with Hemings, and acknowledged the strong possibility that Jefferson was the father of all six of Hemings's children. See *All Things Considered*, Thomas Jefferson Estate Acknowledges that Jefferson Was Likely the Father of One, if Not All Six, of the Children Born to Enslaved Woman Sally Hemings (NPR radio broadcast, Jan. 26, 2000), transcript available in Lexis, News Library, SCRIPT file.

In sum, the effectiveness of this curriculum derives from its emphasis on the *black* experience of *struggle*.¹⁵² The earlier survey of sociological and psychological literature in this article indicated the extent to which oppositional culturalists have tied their own norms to blackness. They view the inversion of a conventional value base as a legitimate form of struggle. The primary strength of a curriculum which focuses on black political history as struggle is that it is responsive to both these elements, namely, blackness and rebellion.

B. Challenges to the Implementation of an Afrocentric Curriculum

We're not anti-anything We're pro-anything that will enhance the legitimate aspirations of our children.¹⁵³

[P]ressed too hard, the cult of ethnicity has disturbing consequences, too. It tilts the balance too far . . . toward *pluribus* at the expense of *unum*. The ethnic gospel in its militant form rejects the unifying concept of a unique American identity. It rejects the vision of individuals from all nations melted into a new race. It rejects the ideals of assimilation and integration. It rejects the common culture. Its underlying philosophy is that . . . ethnicity is the defining experience for Americans, that ethnic ties are permanent and indelible.¹⁵⁴

I read Marx, Freud, T.S. Eliot, Pound, Gertrude Stein and Hemingway. Books which seldom, if ever, mentioned Negroes were to release me from whatever "segregated" idea I might have had of my human possibilities. I was freed not . . . by the example of [the black author Richard] Wright . . . but by composers, novelists, and poets who spoke to me of more interesting and freer ways of life It requires real poverty of the imagination to think that this can come to a Negro *only* through the example of *other Negroes*¹⁵⁵

There are four critiques that might predictably be raised by advocates of liberal education about an Afrocentric curriculum. The first stems from the view famously articulated by John Dewey that the public school should be an articulator of "public" values, around which a democratic citizenry may craft the common interest.¹⁵⁶

¹⁵² As Melissa Butler asserts, "through this integrated approach to learning, students are not avoiding the realities of living in the United States, they are building a strong communal base from which to read the world and not feel powerless in the face of its many injustices" Butler, *supra* note 3, at A7.

¹⁵³ Horsley, *supra* note 7, at B1 (quoting Keith Brown, father of child attending elementary school that adopted Afrocentric approach).

¹⁵⁴ Arthur Schlesinger, Jr., Multiculturalism and the Bill of Rights, 46 Me. L. Rev. 189, 200 (1994).

¹⁵⁵ Ellison, *supra* note 133, at 164.

¹⁵⁶ See generally John Dewey, *Democracy and Education: An Introduction to the Philosophy of Education* (MacMillan Co. 1966) (1916) [hereinafter Dewey, *Democracy and*

Under this view, critics may see Afrocentrism as a threat to those common values that are necessary to a healthy participation in the body politic.¹⁵⁷

In the Deweyian conception of public schooling, the public school was a peculiarly important institution because it was the primary transmitter of public values—those democratic values that we hold in common.¹⁵⁸ Dewey put forward a particular strain of the liberal democratic tradition that prioritized the preparation of a good democratic citizenry,¹⁵⁹ and viewed a good citizen as one who is likely to contribute to reasonable social cooperation. She is able to rise above her own self-interest and to conceptualize the general interest.¹⁶⁰

Dewey believed that these values are best reinforced in children through practice.¹⁶¹ In his view, role taking is a particularly powerful form of teaching. By encouraging students to walk in someone else's shoes, Dewey hoped to encourage empathy and critical thinking at the same time. His writings are filled with experiments to engage children in shared projects, in which they work towards a common public goal, while regularly exchanging roles.¹⁶² In light of the Deweyian objective to forge a democratic identity through exposure to different perspectives, Afrocentrism, which focuses on a particular cultural point of view, may be seen to violate Deweyian principles.

However, recalling Cedric's educational experience as indicative of the prevalence of oppositional norms both within and outside in-

Education] (advocating view that school's most important role was preparation of democratic citizenry); John Dewey, *The School and Society* (University of Chicago Press 1963) (1899) [hereinafter Dewey, *School and Society*] (same).

¹⁵⁷ Following is a selective compilation of works cautioning that using education to inculcate particularistic identities may undermine the utility of education for the body politic. They are discussed more fully below. See, e.g., Dewey, *Democracy and Education*, supra note 156; Dewey, *School and Society*, supra note 156; John Dewey, *The School as Social Centre* (1902), reprinted in 2 *The Middle Works, 1899-1924*, at 80 (Jo Ann Boydston ed., 1976) [hereinafter Dewey, *School as Social Centre*]; John Dewey, *Schools of To-Morrow* (1915), reprinted in 8 *The Middle Works, 1899-1924*, at 205 (Jo Ann Boydston ed., 1979) [hereinafter Dewey, *Schools of To-Morrow*]; Amy Gutmann, *Democratic Education* (1987) [hereinafter Gutmann, *Democratic Education*]; Amy Gutmann, *Children, Paternalism, and Education: A Liberal Argument*, 9 *Phil. & Pub. Aff.* 338 (1980).

¹⁵⁸ These ideas are found throughout Dewey's many works but particularly in the following: Dewey, *Democracy and Education*, supra note 156; Dewey, *School and Society*, supra note 156; Dewey, *School as Social Centre*, supra note 157.

¹⁵⁹ These ideas are most fully articulated in Dewey, *Democracy and Education*, supra note 156.

¹⁶⁰ This view has been articulated more recently by John Rawls. See John Rawls, *Political Liberalism* 217 (1993) (arguing that where there is conflict between private values and public values in addressing core public questions, citizen should reason from public values).

¹⁶¹ See generally Dewey, *Democracy and Education*, supra note 156; Dewey, *Schools of To-Morrow*, supra note 157.

¹⁶² See generally Dewey, *Democracy and Education*, supra note 156.

ner-city public schools, one might raise questions about the relevance of this model in urban black communities. Implicit in Dewey's theory of education is the presumption that acquiring a formal education is a worthy pursuit. Dewey simply did not envision the world that Cedric inhabits, one which derides formal education as a worthless pursuit and vilifies those who try to acquire education for their capitulation to "whiteness."

Despite these reservations about Dewey's relevance to the education of black youth, Afrocentrism might nevertheless incorporate aspects of his model into a curriculum by emphasizing the diversity of perspectives on political struggle that exist within the black community. There is no monolithic approach to black liberation.¹⁶³ Rather, black intellectuals, political leaders, and activists offer diverse perspectives on the appropriate political goals for blacks, and this diversity should be incorporated into the curriculum to encourage the role-playing skills that Dewey emphasizes. Moreover, by focusing on the contested nature of the history of black struggle, including black political struggle, the curriculum may engage students' interest in politics, making them more likely to be active participants in the democratic project.

The second concern would likely be raised by Professor Bruce Ackerman, who believes that the liberal curriculum should impart the skills required to chart autonomously one's own life narrative.¹⁶⁴ Ackerman has argued that the index of success for a liberal education should be the extent to which it provides the child with access to the

¹⁶³ Cornel West has written extensively on the diversity that characterizes the black political experience. Although it is true that black nationalism has served as a major repository of arguments for black cultural integrity, even within the school of thought that might properly be called "black nationalist," there is no one idea. Black nationalism might most accurately be described as a family of ideas which all share at their core the idea that in the crucible of oppression, blacks formed a tangible community that operates distinctly from the general American community, and that is worthy of recognition and even subsidization. For general histories of black nationalism, see Robert L. Allen, *A Guide to Black Power in America: An Historical Analysis* (1969); Rodney Carlisle, *The Roots of Black Nationalism* (1975); Harold Cruse, *The Crisis of the Negro Intellectual* (1967); Harold Cruse, *Rebellion or Revolution?* (1968); Theodore Draper, *The Rediscovery of Black Nationalism* (1970); Alphonso Pickney, *Red Black and Green: Black Nationalism in the United States* (1976).

¹⁶⁴ See Ackerman, *supra* note 16, at 139:

The authoritarian exploits the child's cultural dependence to limit his cultural freedom. Infancy is a time to plant the seed in good moral ground; childhood is a time for the weeding and pruning needed to transform good young saplings into extra-fine timber . . . Such horticultural imagery has no place in a liberal theory of education. We have no right to look upon future citizens as if we were master gardeners who can tell the difference between a pernicious weed and a beautiful flower.

cultural fragments that she needs to forge her understanding of herself.¹⁶⁵ In other words, in order to define herself, the student should be encouraged to develop critical thinking skills so that she can dissent from those cultural views that are not consonant with her own life narrative. The liberal educator has succeeded when the child can credibly defend her own life choices and say "I am at least as good as you are."¹⁶⁶

The third critique queries why the multicultural curriculum advocated by Amy Gutmann and Will Kymlicka cannot effectively counter gangsta norms. Gutmann and Kymlicka have embraced multiculturalism as a legitimate effort to remedy historical instances of cultural marginalization which lead to misrecognition.¹⁶⁷ In a multicultural curriculum, black culture is recognized alongside a parade of other cultures in an effort to expand the menu of cultural fragments accessible to students. While this accommodation is preferable to a curriculum that omits or marginalizes black culture, it cannot achieve the immersion in black culture for which Afrocentrism argues. The point is not to read Toni Morrison alongside Amy Tan alongside Isabel Allende. The point is to subsidize a much "thicker" version of an Afrocentric approach to the world.

One can respond to both Ackerman's and the multiculturalists' critique simultaneously. First, it is important to recognize the entrenched nature of an oppositional culture in poor urban communities.¹⁶⁸ What is needed is a powerful cultural antidote which is best achieved by immersing students in alternative moral and philosophical viewpoints, as articulated in an Afrocentric curriculum. Furthermore, because purveyors of oppositional norms have effectively melded gangsta culture with blackness,¹⁶⁹ this project must reconfigure the meaning of "blackness" itself. Seen in this light, Ackerman's concerns are misplaced, and a multicultural solution is inadequate. The success of the Afrocentric curriculum is connected with its "thickness"—

¹⁶⁵ See *id.* ("A system of liberal education provides children with a sense of the very different lives that could be theirs—so that, as they approach maturity, they have the cultural materials available to build lives equal to their evolving conceptions of the good.").

¹⁶⁶ In Ackerman's conception, a liberal education eventually equips the child to ask such questions herself. See *id.* at 150-60. Gutmann also offers this argument. She emphasizes the capacity for autonomous life choices alongside democratic participation. See generally Gutmann, *Democratic Education*, *supra* note 157.

¹⁶⁷ See, e.g., Will Kymlicka, *Liberalism, Community, and Culture* 199 (1989) (advancing liberal value of cultural membership as primary good worthy of protection in culturally plural society); Amy Gutmann, *The Challenge of Multiculturalism in Political Ethics*, 22 *Phil. & Pub. Aff.* 171, 206 (1993) (arguing for alternative multicultural polity).

¹⁶⁸ See Page, *supra* note 105, at 23 (describing gangsta rap as transmitter of street culture and discussing its popularity among youth).

¹⁶⁹ See *supra* text accompanying note 131.

namely, the extent to which the curriculum emphasizes blackness and struggle.

A fourth argument against Afrocentrism could be put forward by Martha Minow, who might critique Afrocentrism as an "essentializing" project.¹⁷⁰ To the extent that an Afrocentric curriculum implies that particular scripts and narratives are associated with blackness, it may be seen to have troubling essentializing tendencies.¹⁷¹ Commentators such as Anthony Appiah have examined the damaging impact of essentialism on autonomy.¹⁷² Exploring his identity as a black gay man, Appiah writes:

I am sympathetic to the stories of gay and black identity I see how the story goes. It may even be historically, strategically necessary for the story to go this way. But I think we need to go on to the next necessary step, which is to ask whether the identities constructed in this way are ones we—I speak here as someone who counts in America as a gay black man—can be happy with in the longer run. Demanding respect for people as blacks and as gays requires that there are some scripts that go with being an African-American or having same-sex desires. There will be proper ways of being black and gay, there will be expectations to be met, demands will be made. It is at this point that someone who takes autonomy seriously will ask whether we have not replaced one kind of tyranny with another. If I had to choose between the world of the closet and the world of gay liberation, or between the world of *Uncle Tom's Cabin* and Black Power, I would, of course, choose in each case the latter. But I would like not to have to choose. I would like other options.¹⁷³

¹⁷⁰ An "essentializing" project pigeonholes a multifaceted individual, reduces her to a single trait, and equates that trait with a stereotypical viewpoint. See Minow, *supra* note 15, at 653. Minow builds on the essentialist critiques of Angela Harris, Elizabeth Spelman, and Kathryn Abrams, who articulated the concern in the context of feminist scholarship. See Elizabeth V. Spelman, *Inessential Woman: Problems of Exclusion in Feminist Thought* (1988); Kathryn Abrams, *Title VII and the Complex Legal Subject*, 92 *Mich. L. Rev.* 2479 (1994); Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 *Stan. L. Rev.* 581 (1990).

¹⁷¹ See Minow, *supra* note 15, at 653-54 ("People who share a trait, like race or gender, may differ in many other ways The gap between the representative who shares the group trait and the interests and needs of people in the group may lead to debates over authenticity and over the relationship between identity and experience." (footnote omitted)). Minow also challenges the notion that identity groups "produce political solidarity and action." *Id.* at 654-55. She quotes the following passage: "So far as I can see, the usual race and class concepts of connection, or gender assumptions of unity, do not apply very well. I doubt that they ever did. Otherwise why would Black folks forever bemoan our lack of solidarity when the deal turns real." *Id.* (quoting June Jordan, *Report from the Bahamas* (1982), in *On Call: Political Essays* 39, 46 (1985)).

¹⁷² See Appiah, *supra* note 15.

¹⁷³ *Id.* at 162-63.

There are at least two responses to the essentialist concern. First, Afrocentric academies are fundamentally about survival. Black urban youth typically attend school in hostile learning environments, where they risk derision at best, and violence at worst.¹⁷⁴ If they succumb to drug use or gang membership, they dramatically increase their chances of violent death or incarceration.¹⁷⁵ They face peer pressure to engage in unsafe sexual behavior, which may lead to unplanned pregnancy.¹⁷⁶

This environment creates risk of survival, rather than autonomy. Thus, while the essentialist critique may be germane when addressed to black students at tertiary institutions who have escaped or eluded the grip of oppositional norms, it is less powerful when directed against the Afrocentric curricula of inner-city primary and secondary schools.

If anything, the oppositional culture is far more essentializing than the Afrocentric project. Gangsta culture reduces complex people to selected traits and then links those traits to stereotypes. As Delante, the gangsta leader, understands blackness, there are certain characteristics which inhere in the concept: gang membership, academic nonachievement, and acts of violence towards those who dare to differ.¹⁷⁷ It is precisely because Cedric does not conform to this essentialized notion of blackness that he is marginalized.

Moreover, within Afrocentrism, no less a range of life experiences is available to blacks than is available to members of other groups. For example, in the famous debate between Booker T. Washington and W.E.B. DuBois, the two men expressed radically divergent views of how blacks should be educated.¹⁷⁸ Indeed, Washington was famous for encouraging blacks *not* to protest the unjust political rules; instead, he wanted blacks to improve their socioeco-

¹⁷⁴ See Rodney J. Reed, *Education and Achievement of Young Black Males*, in Young, Black, and Male in America, *supra* note 51, at 37 (discussing difficulties that black youth face in most urban schools).

¹⁷⁵ See *id.* (generally discussing risks of drug use).

¹⁷⁶ See *supra* note 55 and accompanying text.

¹⁷⁷ See *supra* notes 112-18 and accompanying text.

¹⁷⁸ In Washington's famous Atlanta Compromise, he advocated that "[i]n all things purely social we can be as separate as the five fingers, and yet one as the hand in all things essential to mutual progress." W.E.B. DuBois, *The Souls of Black Folk* 39 (1903) (quoting Booker T. Washington). In refuting this view, DuBois wrote, "Mr. Washington represents in Negro thought the old attitude of adjustment and submission . . . [which] practically accepts the alleged inferiority of the Negro races." *Id.* at 44. For the most detailed description of this lifelong debate, see Louis Harlan, 1 Booker T. Washington, *The Making of a Black Leader 1856-1901* (1972); Louis Harlan, 2 Booker T. Washington, *The Wizard of Tuskegee 1901-1915* (1983); David Levering Lewis, *W.E.B. Du Bois: Biography of a Race 1868-1919* (1993); August Meier, *Negro Thought in America 1880-1915* (1963).

conomic and educational status within the confines of the political rules as they existed.¹⁷⁹ This view was anathema to DuBois.¹⁸⁰ Accordingly, an Afrocentric curriculum can draw on a variety of viewpoints about what constitutes the most morally just and politically practicable means of struggle. In so doing, the curriculum resists the establishment of an orthodox political history. Instead, students actively are encouraged to dissent from historical accounts with which they disagree, and are given the tools and skills to shape and justify their argument.¹⁸¹

¹⁷⁹ See DuBois, *supra* note 178, at 45 (describing Washington as asking black people to give up fight for "political power" and "civil rights" and "concentrate all their energies on industrial education, the accumulation of wealth, and the conciliation of the South").

¹⁸⁰ See *id.* (criticizing Washington's program as "overshadow[ing] the higher aims of life" and resulting in disenfranchisement and civil inferiority for blacks).

¹⁸¹ An additional concern that opponents of Afrocentric education may voice is that it contradicts the doctrine of color blind constitutionalism that presently characterizes the Court's jurisprudence. See, e.g., *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 218-24 (1995); *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, 478, 493, 500 (1989) (applying strict scrutiny standard to "remedial" public construction contract plan). Ted Shaw, deputy director of the NAACP Legal Defense and Education Fund, provides a stinging response to this critique:

We have, on the one hand, black folks who choose to try to empower themselves politically within a set of ugly realities: that neighborhoods and schools are largely and heavily segregated in this country according to race; that white people run from black people . . . ; that public school desegregation is something to which this country may be committed in principle but is not committed to in practice. So African-Americans say, "Because we find ourselves within this segregated reality, let us politically empower ourselves within this reality—let us try to at least be able to elect representatives of our choice." And so we are castigated as divisive, balkanizing—we are abandoning the dream of a color blind society.

. . . [T]here is a hypocrisy here. . . .

White Americans, the majority of them or many of them, are running from black folks in practice and are running from desegregation. You cannot have it both ways. You cannot criticize African-Americans for trying to politically empower themselves within segregated realities and, at the same time, call them separatists, or segregationists, or divisive, or balkanizers, because *they stopped chasing you* and instead tried to empower themselves. It does not work.

Shaw, *supra* note 26, at 903-04.

A full treatment of this issue is best left to another article, as I focus on curricula and the shaping of norms rather than on admissions policies and the administration of public schools. Nevertheless, it bears emphasizing that there is nothing in Afrocentrism that dictates racially exclusive admissions programs. Nonblack students, like blacks, may benefit from a curriculum that is characterized by pride in black cultural heritage, a commitment to dissent from racial oppression, and an approach to the world that reflects positively on the black experience. Whether their benefit will be equivalent to that of black students is a complicated question. According to the multiculturalist rationales advocated by so many liberals, every student can benefit from learning about other cultures to the extent that it increases their capacity for empathy, which is important for democratic citizens. To the extent that white students, no less than their black peers, operate in a larger cultural framework that has historically privileged Euro-American cultures, they are likely to lack knowl-

C. *Afrocentrism and Liberalism: A Compromise*

While the goals of Afrocentrists seem sufficiently compelling to counter the concerns of their critics, it is nevertheless important to shore up common liberal values, such as autonomy, healthy citizenship skills, and individual identities that are not founded on racial exclusion. In pursuing the seemingly contradictory pedagogical aims of Afrocentrism and liberalism, I offer a compromise proposal.

I propose that black youth be exposed to an Afrocentric secondary education to meet their identity needs and be exposed to a liberal primary education to inculcate commonly shared democratic values. In addition to meeting the goals of both groups of educationalists, this bifurcated curriculum likely will have wider appeal to liberal educational theorists, offering them greater reason to support Afrocentric education.

While the liberal educator may prefer to educate a child during her secondary years because her capacity for critical thinking is substantially developed at that time, to reverse the order of exposure defeats the goal of Afrocentrism, which is to meet the identity formation needs of black youth at the critical time of their adolescent development.¹⁸² On the other hand, Afrocentric educators may well be

edge of other cultures, including African American culture. Thus, Afrocentrism promises to advance the knowledge set of nonblack students and increase their capacity for empathetic thinking.

On the other hand, some educational theorists maintain that given the objectives of Afrocentric academies, which are to improve the prospects of black children in "crisis" by countering oppositional norms, these goals are best achieved in a racially homogenous setting. They argue that black youth receive less exposure to successful black individuals in mainstream society than other groups. A purpose of Afrocentric education is to compensate for this absence by introducing them to the works and ideas of high-achieving blacks. To the extent that gangsta culturalists have woven a tight nexus between nonachievement and blackness, it makes sense to displace this nexus by demonstrating a similarly tight connection between *achievement* and blackness. Accordingly, every effort should be made to prioritize exposing black students to other achieving blacks so as to enhance the educator's ability to draw this connection.

Supporters of an Afrocentric curriculum, as has been proposed in this Article, should not allow themselves to become entangled in a debate that is, candidly stated, largely irrelevant to the goals of their project. It bears emphasizing that the operative principle is the content of the curriculum, rather than the racial composition of the students to whom it is being taught. The burden is on Afrocentrists to make the syllabus sufficiently compelling to break down the nexus between nonachievement and blackness.

¹⁸² Given this foreshortened exposure to a liberal curriculum, educators may need to reshape the content of primary school curricula to ensure that these years are effectively utilized to further liberal goals. For example, it is particularly important that young children are surrounded by teachers with diverse perspectives, who can raise questions of liberal legitimacy, since the children are likely to lack the cultural skills to raise these questions themselves. Similarly, those who subscribe to a Deweyian conception of liberal education may seek to emphasize the empathetic role-taking skills that are crucial to the process of social cooperation in the primary school curriculum, as Dewey himself recom-

concerned that a child who has been socialized in liberal ways during primary schooling might be resistant to Afrocentric immersion thereafter. However, both Afrocentrists and liberals are asked to make a concession under my proposal in order to tackle an education crisis of alarming proportions that impacts disproportionately upon black urban youth. The compromise speaks to the importance of an Afrocentric project that respects other important public values.

There are multiple—and potentially conflicting—goals at work here: the effort to articulate a curriculum that is sufficiently “black” to displace oppositional norms and thus increase black educational opportunity, versus the effort to preserve the capacity for healthy participation in the larger body politic and to support the individual’s autonomy. This project attempts to negotiate these opposing goals while keeping its eyes on the prize: increasing the opportunity sets for poor black urban children.

CONCLUSION

I began this Article with Justice Thomas’s defense of black schools as historic centers of achievement in conditions of social and economic deprivation. Black educators have historically taken resource-deprived institutions, which have often been dismissed as hopeless, and turned them into thriving centers of academic excellence. Sadly, these kinds of black schools have been literally and metaphorically consigned to history. The present-day reality is that many black urban youngsters are contemptuous of schools, education, and academic achievement. This reality is one symptom of a more pervasive gangsta culture which has overtaken more conventional black community norms that stress personal achievement, law abidance, and pride in a black heritage founded upon political struggle. Afrocentric academies can be viewed as a viable means to activate Justice Thomas’s challenge to resuscitate the historical black school. It remains to be seen whether they will be successful, but given the exigent conditions in inner-city school districts, they should certainly be allowed to proceed. The solutions to our problems may well lie within the bounds of *our* own community.

mended. For a discussion of Dewey’s own projects, in which children regularly exchange roles while working towards a common goal, see *supra* text accompanying notes 161-62.