

The Lundian Summer 2002 Editorial

Affirmative Action in Sweden

For millions of people in the world, affirmative action policies and programmes have worked. They were widely applied to reverse past discriminatory policies that locked millions of Americans into a class and cast system that remains largely intact today. But the recent reaction by conservatives in Sweden, claiming that a policy of “equal rights for all will lead to a colour and class-blind society” overlooks the real discrepancies between their ideals and the facts of life for many of first and second generation immigrants. Swedish politicians have largely ignored any serious debate on affirmative action for all categories of disadvantaged groups, but surprisingly, there are already strong voices against such policies -- who cite their view of the American experience. One such voice is Gunnar Strömmer, who gave a seminar to promote his new book on the failure of affirmative action in the USA in Lund recently. I attended the seminar. Here are my impressions.

LUND, SWEDEN, 28 MAY. Swedish lawyer Gunnar Strömmer gave a seminar at Juridicum (Lund University’s law school) in Lund on Monday, May 27th to promote his recently published book entitled “*Den nya rättighetsrevolutionen*” (roughly translated: The New Civil Rights Revolution). After a brief presentation of the publishing house, and an expression of thanks to the publisher, he held up his “book” for all to see. It was a really a pamphlet, which said himself.

With the help of Joakim Nergelius, a lecturer at the law faculty in Lund, Mauricio Rojas of the *Centre for Welfare After the Welfare State*, and an overhead projector, Mr. Strömmer offered the audience of about 60 people his version of the “Big Picture” of why affirmative action in the USA has failed and is collapsing. In a debate article in the Swedish daily newspaper *Sydsvenskdagbladet* on the same day, he postulated that since affirmative action policies have “failed in the USA”, that they are also the wrong policies for Sweden. True or not, his arguments at the seminar focused exclusively on the affirmative action policies designed to reverse racial discrimination. He completely ignored the US policies on women, the physically disabled and other disadvantaged groups.

Mr. Strömmer’s arguments are based on the one year he spent in the USA, some of it with Mr. Clint Bolick. What he didn’t tell us about Mr. Bolick is that he at one time had been an assistant at the Equal Employment Opportunity Commission when the now Supreme Court Justice Clarence Thomas was chairman, and that he is known in some circles as the right wing’s legal counsel. Mr. Bolick defends school vouchers, is teamed up with the Free Congress Foundation, and led the right-wing attack on Bill Clinton’s nominee to head the Justice Department’s Civil Rights Division, Lani Guinier. It was Bolick’s Wall Street Journal opinion piece entitled “*Clinton’s Quota Queens*” that helped overthrow that nomination. But he did mention that Bolick is the co-founder of the Center for Individual Rights (a right-wing anti-civil rights group) who succeeded in striking down a University of Texas affirmative action programme a few years ago. Bolick is also a member of the Center of the American Experiment, a new-Republican state think-tank based in Minnesota, and is part of a little-known group of outspoken critics of all and any policies on affirmative action. The CIR receives most of its funding from right-wing foundations, according to Hazel Trice Ednew of the National Newspaper Publishers Association in Washington, D.C. (see their website: www.nnpa.org)

Mr. Strömmer also held up a thick book on Martin Luther King, Jr. and showed us overhead photos of King at the 1963 rally in Washington, D.C. He used that photo to give us his interpretation of Dr. King's "*I have a Dream*" speech, and added that he had spent time (he never told us how long or with whom, exactly) with some "African Americans in Washington, D.C.", and "*700 African Americans in Wisconsin*" – all against affirmative action, he said. During the question and answer period I told him that his interpretation of Dr. King's speech was quite contrary to that of millions of others, to which he replied that there are many interpretations of King's speeches. Granted. But his (or was it Bolick's?) interpretation was the basis for his grand, sweeping analysis and statement on affirmative action in the USA: "It is Collapsing."

But Mr. Strömmer had not done his homework. I pointed out to him (and sadly, I was the only one in the audience to do so.) that he is WRONG to tell the audience that Affirmative Action is dead in the USA. He referred to a case in Michigan where a lower court had ruled that the University of Michigan's race factor in admissions was discriminatory (towards whites) and therefore illegal. But I pointed out to him that the lower court ruling had just been overturned by the Sixth Circuit Court of Appeals on the 14th of May this year, and that the ruling meant that using race as a factor in admissions is OK if it is to overcome past discriminatory practices. I also pointed out to him that affirmative action policies are being developed and are alive and well in a number of state and county government departments, all major corporations, the federal government, and many, many universities in the USA. And that the same policies were being adopted into law by nations such as The Netherlands, South Africa, India, and many others. His response was that he was not up-dated on the recent court hearing in Michigan.

As it turned out, Mr Strömmer was not up-dated on a number of issues he referred to. Here are some examples:

Mr. Strömmer: "*Bussing of school children in the USA was an attempt to bring about a race balance*".

Fact: I offered a correction. Bussing was an attempt to give poor kids the *equal opportunity* for a better education in schools that had better facilities and higher paid teachers.

Mr. Strömmer: "*Thurgood Marshall was the leader of a black movement in the USA*".

Fact: I offered another correction and pointed out that Mr. Marshall was the winning lawyer in *Brown vs. Board of Education* in 1954, and was the first African American Supreme Court Judge. (He was also the NAACP's Chief Legal Counsel.)

Mr. Strömmer: "*Jim Crow*" laws came about after a case involving a shoe-shine boy (man) in Washington, D.C. in 1905."

Fact: I offered no correction this time but the term "*Jim Crow*" laws was the name given to late 19-th century statutes passed by the legislatures of the Southern states that created a racial caste system in the American South. The name was based on a black-faced minstrel character that first appeared in the *Virginia Minstrels* in 1843.

Mr. Strömmer: “...*Plessy vs Ferguson* was an old case about black people. I don’t know the details.”

Fact: Not mentioned but: *Plessy vs. Ferguson* was the 1896 Supreme Court case that established the separate but equal principle for blacks in the U.S.A.

Mr. Strömmer: “1954 was a peak year for the civil rights movement.”

Fact: Not mentioned, but yes, the year 1954 was indeed a most important one. It was the year of the *Brown v. Board of Education* decision which struck down the separate but equal principle of *Plessy vs. Ferguson*.

Mr. Strömmer: “...*Asians in the US* didn’t need Affirmative Action because they were doing good in the US anyway...”

Fact: Asian-Americans are on record as having complained of the immense discrimination they’ve been subjected to throughout the country’s history. All the history books show this.

To my great surprise, Mr. Strömmer never referred to the 14th Amendment to the Constitution, which prohibited States from denying or abridging the fundamental rights of **every citizen** and required them to grant all persons equal protection and due process of law. It was the fourteenth amendment that was the basis for the *Brown v. Board of Education* decision, and it is at the heart of the civil rights movement of the 1960s and all equal rights legislation since. But this important issue in a seminar on affirmative action in the USA was never addressed.

When he finally did bring his ideas around to Sweden, his biggest contribution was:

“anti-discrimination laws in Sweden should be abolished because this would make everybody equal, and equal rights for all is always the right thing.”

Supporting him on these issues was Mr. Joakim Nergelius, who posed some staged “challenging” questions to him. The questions were designed to give credibility to Mr. Strömmer’s arguments. Mr. Nergelius first informed us how trends (the Big “T” word) in the USA usually find their way to Sweden, even though they sometimes take ten or twenty years to do so (I think that everybody in the room knew this fact, but...). But during this little Q & A session it became obvious that there was another “T-factor” that usually takes about the same time to get here: TRUTH. But this session failed to reveal anything new besides what Mr. Strömmer himself had just told us.

The third member of the trio was Mauricio Rojas of the *Center for Welfare After the Welfare State*, which is based in Stockholm. His questions were in fact, potentially provocative and challenging. One of them was how does he (Strömmer) see getting around the real problems of ethnic discrimination when it comes to the question of equal opportunity for all here in Sweden. Mr. Strömmer’s answer was that he feels that the discriminatory treatment of the discriminated is no solution, hence he is against affirmative action as a means of providing equal opportunity to all here in Sweden.

One member of the audience asked how affirmative action could actually get started here in Sweden, and what criteria would be used implement it. But unfortunately, he never got around to discussing any of the fine points raised in the question in detail. Mr. Strömmer furthermore made only the briefest reference to affirmative action for women in either country, and no mention at all of affirmative action programmes for the physically disabled and other discriminated persons. The seminar ended.

The question I never got to ask Mr. Strömmer was why he feels that the affirmative action policies and practices of the USA are so important to the debate here in Sweden? Why not the policies of the Netherlands, or some other European states? Sweden and the USA are so totally different in every respect, and I feel that this debate would benefit much more if the various debaters referred to Sweden's own social makeup and history. Bringing the ultra-conservative viewpoints of a small group of "angry white men" from the USA to Sweden may not be in Sweden's best interest, and I hope that Mr. Strömmer and the others realise this soon and expand the debate.

The conservative champions of a "same rights for all society" in the U.S.A. prefer to remain oblivious to the fact that affirmative action policies have rectified past discriminatory practices for millions of Americans who would remain disadvantaged without them. And that's the point that Swedish debaters need to pay attention to. What categories of people need affirmative action here in Sweden should be the main issue in the debate here. Sweden needs to develop its own model of anti-discrimination and/or affirmative action for its various categories of disadvantaged and discriminated persons. Soon.

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References:

Websites:

Sydsvenska Dagbladet: (internet: sydsvenska.se) (May 27th, page 2)
Search for the other items on your favourite internet search engine.

Books on this subject:

Åsard, Erik, Runblom, Harald (Eds.): *Positiv Särbehandling i Sverige och USA*, Carlsson, Stockholm 2000. This book has an English section towards the back and is the best comparison of affirmative action in the USA and Sweden in print today.

The Christian right in the USA is also very active in anti-affirmative action activities. One of their most highly promoted African American writers is Stephen Carter, who wrote "Reflections of an Affirmative Action Baby, in 1991 (see www.christianitytoday.com, or type his name into your search engine.). Carter was recently on the BBC's Hard Talk promoting his books. But he DID admit that "affirmative action is a good thing if it really reaches those it's intended to reach – such as newly arrived immigrants, women (all races), and other minority and marginalized groups." See BBC, Hard Talk of 6th June, 2002.

Also see our website: www.thelundian.com

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